



ANNO UNDECIMO

# GEORGII IV. REGIS.

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## Cap. 1.

An Act to consolidate and amend the Acts relating to the *Sankey Brook* Navigation in the County of *Lancaster*, and to make a navigable Canal from the said Navigation at *Fidler's Ferry* to communicate with the River *Mersey* at *Widness Wharf*, near *Westbank* in the Township of *Widness* in the said County. [29th May 1830.]

**W**HEREAS by an Act passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for making navigable the River or Brook* 28 G.2. c.8. called *Sankey Brook*, and *Three several Branches thereof*, from the River *Mersey* below *Sankey Bridges*, up to *Boardman's Stone Bridge* on the *South Branch*, to *Gerard's Bridge* on the *Middle Branch* thereof, and to *Penny Bridge* on the *North Branch* thereof, all in the County *Palatine* of *Lancaster*; and also for adjusting the Measure of *Coal* to be brought down the said *River or Brook*, and sold within the *Town* of *Liverpool* in the said *County*, certain Persons therein named, with such other Persons as should be nominated in manner therein mentioned, were appointed *Undertakers*, and were thereby authorized and empowered, at their own *Costs and Charges*, to make the said *River or Brook* navigable from the said *River Mersey* below *Sankey Bridges*, up the said *River or Brook* and the said *Three several Branches*, and to make and maintain such new *Cuts, Canals, or Passages for Water* in and through the *Lands or Grounds* adjoining

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joining or near the said River or Branches, as they should think proper, as well for the Navigation of Boats, Flats, and other Vessels, as for the more convenient, easy, and better carrying on or effecting the said Undertaking; and certain Rates, Tolls, or Duties were thereby given, granted, and made payable to the said Undertakers for Coals and other Goods, Wares, and Things carried or conveyed upon the said Navigation: And whereas by another Act passed in the Second Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend and render more effectual an Act made in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, for making navigable Sankey Brook in the County of Lancaster, and for extending and improving the said Navigation*, the surviving Undertakers appointed by the said recited Act, together with such Person or Persons as they or any Two of them should nominate under their Hands, were appointed Undertakers for extending, improving, and completing the said Navigation, and were thereby empowered, at their own Costs and Charges, to make and maintain a Cut or Canal, navigable and passable for Flats, Boats, Lighters, and other Vessels, to be begun within the Distance of Two hundred and fifty Yards from the lowest Lock called *Sankey Lock*, and from thence to be carried on so far as to join and communicate with the said River *Mersey* at or near *Fidler's Ferry* aforesaid; and an additional Rate or Duty was thereby given, granted, and made payable to the said Undertakers, to and for the Use and Benefit of the said Undertakers and other Proprietors of the said Navigation for the Time being: And whereas the Navigation, Cut, or Canal, and other of the Works authorized to be made by the said recited Acts, have been long since made and completed: And whereas the said Works, and the Rates or Duties authorized to be received by the said recited Acts, have been divided by the Proprietors of the said Navigation into One hundred and twenty Shares, and the said Shares are numbered from One to One hundred and twenty inclusive: And whereas the making a navigable Cut or Canal from or near the present Termination of the said Navigation at or near *Fidler's Ferry* aforesaid, to join or communicate with the said River *Mersey* at *Widness Wharf*, situate on the East Side of *Westbank* in the Township of *Widness* in the said County, would be a Means of improving and rendering more useful the said Navigation: And whereas it is expedient that the Proprietors of the said *Sankey Brook* Navigation should be incorporated, and that the Provisions of the said recited Acts should be consolidated and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said hereinbefore recited Act of the Twenty-eighth Year of the Reign of His said late Majesty King *George* the Second, and the said hereinbefore recited Act of the Second Year of the Reign of His said late Majesty King *George* the Third, and all and every the Powers, Authorities, Matters, and Things therein respectively contained, shall be and the same are hereby repealed: Provided nevertheless, that the Repeal of the said Acts or either of them

Recited Acts  
repealed.

them shall not annul, or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Agreement, Security, Act, Matter, Proceeding, or other Transaction or Thing whatsoever already made, done, executed, transacted, commenced, or instituted under or by virtue or in pursuance of the said Acts or either of them, or otherwise by or on behalf of the Proprietors of the said Navigation, but that all such Purchases, Sales, Conveyances, Grants, Leases, Agreements, Securities, Acts, Matters, Transactions, Proceedings, and other Things shall be and the same are hereby declared to be as good, valid, and effectual, to all Intents and Purposes whatsoever, and shall or may be completed and terminated in like Manner as if the said Acts respectively were not repealed by the Authority of this Act.

Repeal not to affect Matters transacted or commenced.

II. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the suing for or recovering of any Penalty incurred by any Offence against the Provisions of the said Acts hereby repealed, or either of them, previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or to be brought for any such Offence; but all Penalties which may have been incurred before the passing of this Act, under the Provisions of the said Acts hereby repealed, or either of them, may be sued for, and all Offences which may have been committed before the passing of this Act, against the Provisions of the said Acts hereby repealed, or either of them, may be prosecuted in the same Manner, to all Intents and Purposes, as if this Act had not been passed.

Repeal not to prevent the Recovery of Penalties and Punishment of Offenders under former Acts.

III. And be it further enacted, That from and after the passing of this Act, all Persons who now are Proprietors of Shares of and in the said Navigation and Canal, together with such Persons, Body or Bodies Politic, Corporate, or Collegiate, as shall at any Time or Times hereafter be or become Proprietors of One or more Share or Shares in the Capital hereinafter mentioned, shall be and they are hereby united into, and they, their several and respective Successors, Executors, Administrators, and Assigns, Proprietors for the Time being of any Share or Shares of and in the said Navigation and Canal, and the Capital or Joint Stock of the Company hereby established, shall for ever remain a Company for the better carrying on and maintaining the said Navigation and Canal, with the Works and Appurtenances thereto respectively belonging, and also for making and maintaining the Cut or Canal hereinafter authorized to be made, and the Works to be connected therewith, according to the Rules, Orders, and Directions hereinafter contained, and for that Purpose shall be one Body Corporate by the Name and Style of "The Company of Proprietors of the *Sankey Brook* Navigation," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and shall have full Power to purchase and hold Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Purposes of this Act, without incurring any of the Penalties of the Statutes of Mortmain, and shall have Power to sell and dispose of any Lands, Tenements, and Hereditaments hereby vested in them, or to be hereafter purchased or taken by them in the Manner directed by this Act.

The Company incorporated.

IV. And

Sankey  
Brook Navi-  
gation vested  
in the Com-  
pany esta-  
blished by  
this Act.

IV. And be it further enacted, That from and after the passing of this Act, the said *Sankey Brook* Navigation, and the several Branches thereof, from the River *Mersey* below *Sankey Bridges*, up to *Boardman's Stone Bridge* on the South Branch, to *Gerard's Bridge* on the Middle Branch thereof, and to *Penny Bridge* on the North Branch thereof, all in the County Palatine of *Lancaster*, already made under the Authority of the said recited Act of the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and also the said Canal connected therewith, and communicating with the said River *Mersey* at or near *Fidler's Ferry* aforesaid, already made under the Authority of the said recited Act of the Second Year of the Reign of His late Majesty King *George* the Third, and all and every other the Brooks, Canals, Branches, and Cuts constituting the present *Sankey Brook* Navigation and Canal, or supplying the same with Water, and all and singular the Tunnels, Culverts, Bridges, Embankments, Feeders, Locks, Basins, Reservoirs, Towing Paths, Wharfs, Quays, Toll Houses, Weighing Machines, Engines, Houses, Warehouses, Erections, Buildings, Lands, Grounds, Tenements, and Hereditaments, and all Real and Personal Property whatsoever, which have been from Time to Time purchased or taken, erected or constructed, by or on behalf of or for the Purposes of the Undertakers or Proprietors of the said *Sankey Brook* Navigation, and which before the passing of this Act remained vested in the said Undertakers or Proprietors, or any other Person or Persons in Trust for the said Undertakers or Proprietors, for the Purposes of the said Navigation, and the Wharfs and other Works connected therewith, shall be and the same are hereby absolutely vested in the said Company of Proprietors of the *Sankey Brook* Navigation hereby incorporated, to hold to them, their Successors and Assigns, for such and the same Estates, Terms, or other Interests as are now existing therein respectively, and for the Purposes of this Act, save and except as hereinafter is specified.

Exception as  
to certain  
Property.

V. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to vest in the said Company any Right of Property in the several Jetties or Stone Works which may have been constructed from Time to Time by the Proprietors of the said *Sankey Brook* Navigation in the Tideway of the said River *Mersey*, or to sanction or authorize the Continuance or to prevent the Removal of the same, on account of their being injurious to the Navigation of the said River, save and except the Piers, Locks, and Quays which now form the Two Entrances into the said Canal, at or near to *Fiddler's Ferry*, or either of them.

Company  
empowered  
to redeem  
Rents  
granted un-  
der former  
Acts.

VI. And whereas certain Lands, Tenements, or other Hereditaments have been taken, leased, or purchased in consideration of certain perpetual or other Rents or Annual Sums of Money to be paid by the Proprietors of the said Navigation, or certain Trustees on their Behalf: And whereas it may be convenient to the said Company to purchase such perpetual or other Rents or Annual Sums; be it therefore further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to purchase such Rents or Annual Sums, or any of them, from any Person

or Persons, Bodies Politic, Corporate, or Collegiate, Aggregate, or Sole, who may be entitled to and willing to sell the same; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, Trustees, and all other Persons whomsoever, to sell and release to the said Company and their Successors any perpetual or other Rents or Annual Sums, in the same Manner, and subject to such and the same Rules, Regulations, and Restrictions as are hereinafter directed and contained relative to the Purchase of Lands and Hereditaments to be taken or used for the Purpose of making the said Cut or Canal hereby authorized to be made.

VII. And be it further enacted, That until the perpetual or other Rents or Annual Sums now payable by the said Proprietors, or any Trustees on their Behalf, shall be purchased as aforesaid, the same shall be paid by the said Company, and in case of Nonpayment thereof within Thirty-one Days after the same shall respectively become due and be demanded, shall be recoverable by such Ways and Means as are hereinafter mentioned with regard to the Interest of Money which the said Company are hereinafter authorized to borrow.

Rents to continue payable till redeemed.

VIII. And be it further enacted, That from and after the passing of this Act all the Monies, Goods, Chattels, Effects, and Personal Estate of the said Undertakers and Proprietors of the said *Sankey Brook* Navigation shall be and the same are hereby vested in the said Company of Proprietors; and all Persons, and Bodies Politic and Corporate, who at the Time of the passing of this Act shall owe any Sum of Money to the said Undertakers or Proprietors, shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the said Company; and all Debts which at the Time of the passing of this Act shall be due and owing by the said Undertakers and Proprietors, or any Person or Persons on their Behalf, shall be paid, together with all Interest (if any) due and to accrue due for the same, by the said Company; and all Rates, Tolls, and Duties which at the Time of the passing of this Act shall be due and payable, or then accruing due and payable, under and by virtue of the said Acts hereby repealed or either of them, to the Undertakers or Proprietors of the said *Sankey Brook* Navigation, shall become and be due and payable to the said Company of Proprietors, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rates, Tolls, or Duties by this Act made payable to the said Company of Proprietors; and all Conveyances, Contracts, Agreements, Bonds, Covenants, and Securities made or entered into before the passing of this Act, to, with, in favour of or by or for the said Undertakers or Proprietors, shall be and remain as good, valid, and effectual, in favour of, against, or with reference to the said Company of Proprietors, and may be proceeded in and enforced in the same Manner, to all Intents and Purposes, as if the said Company of Proprietors had been Parties to and had executed the same, or had been named or referred to therein, instead of the said Undertakers or Proprietors; and

Personal Estate, Debts, Contracts, and Liabilities of the Undertakers and Proprietors vested in the Company hereby established.

the said Undertakers and Trustees, their and his Heirs, Executors, or Administrators, shall be indemnified by the said Company against all Rents, Covenants, Agreements, Bonds and Securities hereinbefore authorized to be enforced against the said Company; and all Sums of Money, Costs, Damages, and Expences which any such Undertakers, or Trustee or Trustees, their or his Heirs, Executors, or Administrators, shall or may incur or sustain in respect of the said Rents, Covenants, Agreements, Bonds and Securities, or any Action, Suit, Proceeding, Claim, or Demand for recovering or enforcing the same, or otherwise relating thereto, shall be recoverable by such Undertakers, Trustee or Trustees, their or his Heirs, Executors, or Administrators, from the said Company, by such Ways and Means as are hereinafter mentioned with regard to the Interest of Money which the said Company are hereinafter authorized to borrow.

Capital of  
the Company,  
and Number  
of Shares.

IX. And be it further enacted, That the Capital or Joint Stock of the said Company shall be considered as consisting of the Sum of Ninety-six thousand Pounds, and as divided into Four hundred and eighty Shares of Two hundred Pounds each, which shall be numbered in Arithmetical Progression; and the Person or Persons who is or are the Proprietor or Proprietors of One or more Share or Shares in the said Navigation and Works established by the said recited Acts hereby repealed, or either of them, shall be entitled to Four Shares in the Capital of the said Company in respect of each and every Share in the said Navigation and Works so held by him or them as aforesaid at the Time of the passing of this Act; and the Proprietor or Proprietors of the Share Number One in the said Navigation and Works shall be entitled to the Shares numbered respectively from One to Four, both inclusive, in the said Capital, and the present Proprietor or Proprietors of the Share Number Two in the said Navigation and Works to the Shares numbered from Five to Eight, both inclusive, in the said Capital, and so on in regular Progression until the whole Number of Shares in the Capital of the said Company shall be allotted in manner before directed; and the Person or Persons who is or are the Proprietor or Proprietors of a Part or Portion of any Share in the said Navigation and Works shall be entitled to a proportional Share or Shares, or Part or Portion of a Share or Shares, in the Capital of the said Company, at the Rate and in manner before directed; and the said Share or Shares, or Part or Portion of a Share or Shares, in the Capital of the said Company, so to be allotted as aforesaid, shall be and are hereby vested in the said Proprietor or Proprietors as aforesaid in the Manner and Form aforesaid, for the Benefit of the same Person or Persons, and upon the same Trusts, for the same Intents and Purposes, and with, under, and subject to the same Powers and Provisions respectively as the Shares so held by him or them respectively in the said Navigation and Works were held upon, for, and subject to at the Time of the passing of this Act; and all Bodies Politic, Corporate, and Collegiate, and all other Persons, who shall be in possession of or entitled to One or more Share or Shares or Part or Portion of any Share or Shares in the Capital of the said Company, and their respective Successors, Executors, Administrators, and Assigns, shall be entitled to, and shall, subject to such Reservation as is hereinafter mentioned, receive,

receive, at such Times as the Committee of the said Company shall direct or appoint, the entire and net Distribution of a proportionable Part of the net Profits and Advantages that shall or may arise or accrue by the Rates, Tolls, and Duties, and other Sum and Sums of Money to be raised, recovered, or received by the said Company by the Authority of this or any other Act, according to the Number of Shares so by them respectively possessed, and so in proportion for more or less than a Share.

X. And be it further enacted, That all Shares in the said Capital, and in the Works, Rates, and Property of the said Company, shall henceforth be and be deemed to be Personal Estate, and shall be transmissible accordingly.

Shares to be  
Personal  
Estate.

XI. And be it further enacted, That all Entries of the Names, Orders, and Proceedings of the Commissioners appointed by or under the Acts hereby repealed or either of them, and of the Names of the said Undertakers and Proprietors, made in the Books kept pursuant to the said Acts or either of them, and kept by the Clerk to the said Undertakers and Proprietors, shall be deemed Originals, and admitted as Evidence, without further Proof, in all Courts whatsoever; and all other Documents, Instruments, and Writings shall be admissible as Evidence in all Courts whatsoever, in the same Manner and to the same Extent as they would have been if the said Acts hereby repealed had remained in full Force.

Books kept  
under former  
Acts to be  
Evidence.

XII. And be it further enacted, That the several Persons who at the Time of the passing of this Act shall compose the General Committee of Management of the said *Sankey Brook* Navigation shall respectively continue in the like respective Offices, and be the Committee of Management of the said Company, until they shall be removed therefrom respectively, or until others shall have been elected, nominated, or appointed in their Place or Stead, in pursuance or under the Authority of this Act; and such General Committee respectively shall be invested with and shall and may have and exercise the same Powers and Authorities as if they had respectively been nominated or appointed by virtue of this Act.

Present  
Committees  
to continue  
till removed.

XIII. And be it further enacted, That each Clerk, Agent, Collector, and other Officer (except the Treasurer) appointed under and by virtue of or acting under the Authority of the said Acts hereby repealed or either of them, shall hold and enjoy the like Office and Employment under the said Company, together with his Salary or Emolument thereunto annexed, until he shall be removed therefrom by the said Company, or by the General Committee of Management of the said Company, or by any Sub-committee thereof; and each such Clerk, Agent, Collector, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerks, &c.  
to remain in  
Office till  
removed.

XIV. And

General Meetings, when and where to be held.

XIV. And be it further enacted, That the First General Meeting of the said Company shall be held at *Liverpool* within Thirty Days after the Time of the passing of this Act, between the Hours of Twelve and Two, of which Meeting the Committee of the said Company shall give Ten Days Notice at the least, by Public Advertisement in some Newspaper published within the County of *Lancaster*; and Yearly General Meetings of the said Company shall be held at *Liverpool* aforesaid, or at such other Place within Twelve Miles of some Part of the said Navigation or Canal already made, or the Cut or Canal to be made as aforesaid, as the General Committee of the said Company shall from Time to Time direct, on the Second *Wednesday* in the Month of *March* in every Year, at or before the Hour of Twelve of the Clock at Noon, and any other General Meetings may be held at such Times and Places as shall be appointed at any General Meeting, but at all General Meetings not held on one of the aforesaid Days (except Meetings by Adjournment) Seven Days Notice shall be given by Public Advertisement, as hereinbefore mentioned; and all the aforesaid Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient.

General Committee may alter the Time and Place of holding any General Meeting.

XV. Provided always, and be it further enacted, That it shall be lawful for the General Committee appointed or to be appointed under or by virtue of this Act, in case they shall deem it expedient so to do, to alter the Day and Place which may have been appointed at any General Meeting of the said Company for their next General Meeting, and to appoint such other Day and Place for holding such next General Meeting as the said Committee shall judge most proper and convenient, on causing Notice to be inserted in some Newspaper or Newspapers usually circulated in the County of *Lancaster* Fourteen Days at the least previously as well to the original Time appointed as also to the altered Time so appointed for the holding of such General Meeting, specifying in such Notice the Day and Place of holding the same.

General Meeting may be called by the Committee or by Three or more Proprietors, holding Ten Shares.

XVI. And be it further enacted, That the General Committee of the said Company may at any Time call a Special General Meeting of the Proprietors by Advertisement, to be inserted at least Fourteen Days before the Day appointed for holding such Meeting, in any Newspaper or Newspapers usually circulated in the County of *Lancaster*, specifying the Day and Place on and at which such Meeting is to be held, and the Objects for which it is called; and any Three or more Proprietors, holding in the Aggregate Ten Shares or upwards in the Capital of the said Company, may at any Time, by Writing under their Hands, left at the Office of the said Company, or given to any Member of the Committee of the said Company, or left at his last or usual Place of Abode, require the said Committee to call a Special General Meeting, so as such Requisition express the Objects for which such General Meeting is required to be called; and in case of Neglect or Refusal of the said Committee to call such Meeting for the Space of Twenty-one Days after such Notice given as aforesaid, the same may be called by such Proprietors by giving Ten Days Notice thereof in some Newspaper or Newspapers usually



usually circulated in the said County of *Lancaster*, specifying in such Notice the Day and Place of Meeting, and the Objects for which it is called; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time hereinbefore appointed for holding the same.

XVII. Provided always, and be it further enacted, That the Notices hereby directed to be given of any General Meeting of Proprietors shall, in Cases not otherwise provided for, be signed by the Clerk to the said Company, and shall be given by Advertisement to be inserted in some Newspaper usually printed or circulated in the County of *Lancaster*.

Notices of  
General  
Meetings.

XVIII. Provided always, and be it further enacted, That if at any General Meeting there shall not be Persons present or by Proxy who shall be possessed of or entitled to at least Sixty-one Shares in the Capital of the said Company, within Two Hours from the Time appointed for such Meeting, no Business shall be done or transacted at that Time, but in such Case there shall be another Meeting of the said Company at the same Place, at the Expiration of Fourteen Days; and if a sufficient Number of Proprietors shall not then attend, the General Meeting shall stand adjourned to that Day in the Month next following, and so from Time to Time as often as the same shall occur, until at any such Meeting there shall be a sufficient Number of Proprietors present as aforesaid, when the Meeting shall proceed to Business, and not before; and in case of Failure of assembling a sufficient Number of Proprietors at such First General Meeting as aforesaid, every Proprietor who shall not attend such Second Meeting shall forfeit to the said Company, for every Share which he, she, or they shall possess in the Capital of the said Company, the Sum of Ten Shillings, unless such Proprietor shall have a sufficient Excuse for his or her Non-attendance as aforesaid, to be judged of by the Chairman of such Meeting, such Sum of Ten Shillings to be deducted out of his or her next succeeding Payment of Dividends; and in case no Dividend shall be payable to such Person or Persons making Default as aforesaid within Six Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means hereinafter appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

Number of  
Proprietors  
to be present  
at General  
Meetings.

XIX. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no other Business shall be transacted at an adjourned Special General Meeting than the Business left unfinished at the Meeting from which such Adjournment took place.

Business at  
Special and  
adjourned  
General  
Meetings.

XX. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, and other Persons, who shall be for the Time being

Votes at  
General  
Meetings

[*Local.*]

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may be given  
in Person or  
by Proxy.

being in the actual Possession of One or more Share or Shares in the Capital of the said Company shall be deemed Proprietors of such Shares respectively; and every Proprietor of One or more Share or Shares shall have One Vote in respect to each such Share in the General Meetings of the Company to be held as aforesaid, but no Proprietor shall be entitled to more than Forty Votes, whatever may be the Number of his or her Shares; and Votes may be given at the said General Meetings by the Proprietors either in Person or by Proxy duly constituted by some Writing under the Hand or Hands of the Person or Persons appointing the same, or, if appointed by a Corporation, under their Common Seal; and every such Vote by Proxy shall be as good and valid, to all Intents and Purposes, as if the Proprietor constituting the same had voted in Person; and all Appointment of Proxies for the Purpose of voting at any General Meeting to be held under the said Acts hereby repealed, shall, until the same shall be respectively revoked, remain in full Force for the Purpose of enabling the Proxies to vote at the General Meetings to be held under this Act, as fully and effectually as if the Proprietors appointing the same respectively had appointed the same under the Powers of this Act; and every Election, Question, Matter, and Thing whatsoever, which shall or may be proposed, discussed, or considered in any stated or Special General Meeting of the said Company to be held by virtue of this Act, shall be finally determined by the Majority of Votes at such Meeting, either present or represented by Proxy, but no Proprietor shall be allowed to give, either in Person or by Proxy, more than Forty Votes for all his or their own Shares, whatever may be the Number of such Shares, but nothing herein contained shall hinder or prevent the reckoning the full Number of Shares of which any Proprietor who, or whose Proxy, may attend any General Meeting or Assembly, may be possessed, for the Purpose of ascertaining the Number of Shares of Proprietors present or represented, or which are required to constitute a General Meeting, according to the Directions and Provisions of this Act.

How joint  
Proprietors  
are to vote.

XXI. Provided always, and be it further enacted, That where any Share in the said Capital shall be held by Two or more Persons as joint Proprietors, the Proprietor whose Name shall stand first on the Books of the said Company, in respect of such joint Share, shall alone be entitled to vote, in Person or by Proxy, at any General Meeting.

Incapaci-  
tated Per-  
sons may  
vote by their  
Committees  
or Guar-  
dians.

XXII. Provided always, and be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be an Idiot, Lunatic, or a Person of unsound Mind, or a Minor, he or she may vote at any General Meeting by the Committee of his or her Estate, or any One of such Committees, if more than One, or his or her Guardian or Guardians, or any One of such Guardians, if more than One, as the Case may be; and that without Prejudice to the Right of any such Committee or Guardian to vote in respect of his or her own Share or Shares, if any, in the said Capital.

XXIII. And

XXIII. And be it further enacted, That the Appointment of every Proxy to vote under or by virtue of this Act shall and may be made in the following Form, or to the Effect following; that is to say, Form of Appointment of Proxy.

‘ I            Proprietor [*or Committee or Guardian of*            a Pro-  
 ‘    prietor] of            Shares in the *Sankey Brook* Navigation, do hereby  
 ‘ nominate, constitute, and appoint            to be my  
 ‘ Proxy [*or Proxy of the said*            ], in my [*or his or her*]  
 ‘ Name, and in my [*or his or her*] Absence to vote and give my [*or*  
 ‘ his or her] Assent or Dissent to any Business, Matter, or Thing  
 ‘ relating to the said Navigation which shall be mentioned or pro-  
 ‘ posed at any Meeting of the said Company of Proprietors, or any  
 ‘ Adjournment thereof, until I [*or the said*            ] shall re-  
 ‘ voke this Appointment, by Notice in Writing to the Clerk or Clerks  
 ‘ of the said Company. In witness whereof I have hereunto set my  
 ‘ Hand, this            Day of            .’

And every such Appointment shall be produced to the Clerk of the said Company of Proprietors, and entered in a Book to be kept by him or them for that Purpose before any Vote shall be given in respect of such Appointment, for which Entry the Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; which Book shall be sufficient Authority for any Proxy to give his Vote or Votes, without Production of his Appointment at the Time of voting, until the same is revoked.

XXIV. And be it further enacted, That the said Company at each of their General Meetings shall and may appoint some Proprietor present to be Chairman, and such Chairman shall, in addition to his Vote or Votes as a Proprietor or Proxy, have, in case of an Equality of Votes, the decisive or casting Vote. Chairman of General Meetings to be appointed.

XXV. And be it further enacted, That the said Company shall at their First General Meeting, and thereafter at their General Meetings when necessary or when they shall think proper, choose and elect Five Persons as a General Committee to manage the Affairs of the said Company, and may elect other Persons in the Place of them or any of them, as and when they shall think proper. General Committees to be appointed.

XXVI. And be it further enacted, That it shall and may be lawful for the said Company, at any General Meeting, or at any Adjournment thereof, to nominate and appoint a Treasurer or Treasurers, and also a Clerk to the said Company, and such other Officers as they shall think proper, with such Salary or Salaries or Remuneration as shall to the said Company seem proper; and the said Company shall take sufficient Security from every Treasurer, Receiver, Collector, or other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper; and the said Company are hereby authorized from Time to Time, at any General Meeting or any Adjournment thereof, to remove any such Treasurer or Treasurers, Clerk, Receiver, Collector, or other Officer, or any of them, and to elect others or another in their or his Stead or Room; and such Clerk shall attend the General Meetings General Meetings to appoint Officers.  
Security.

Meetings of the said Company and the Meetings of the said Committee.

General Meetings may audit Accounts.

XXVII. And be it further enacted, That every such General Meeting as aforesaid shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said Undertaking, by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them in and about the said Navigation and Canals, and the Works belonging or to belong thereto.

Power to borrow Money to make the Canal.

XXVIII. And be it further enacted, That in Case it shall appear expedient to the said Company, at any General Meeting or Meetings, to borrow and raise all or any Part of the Sum of Thirty thousand Pounds, it shall and may be lawful for the said Company from Time to Time to borrow and take up at Interest of any of the Members of the said Company who shall be willing to advance the same, or of or from any other Person or Persons, any such Sum or Sums of Money as to them shall seem fit and convenient, not exceeding in the whole the Sum of Thirty thousand Pounds; and the said Company are hereby authorized and empowered to assign and make over the said *Sankey Brook* Navigation, and the Works thereto belonging, and the said Canal already made, and the Canal and Works hereby authorized to be made, or any of them, and all the Tolls, Rates, and Duties arising or to arise on the said Navigation and Canals, or any of them or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed or Mortgage, under the Common Seal of the said Company, in the Form or to the Effect following; (that is to say,)

Form of Mortgage.

‘ BY virtue of an Act passed in the Eleventh Year of the Reign of  
 ‘ His Majesty King *George* the Fourth, intituled [*here set forth*  
 ‘ *the Title of this Act*], we the Company of Proprietors of the *Sankey*  
 ‘ *Brook* Navigation in the County of *Lancaster*, in consideration of  
 ‘ the Sum of \_\_\_\_\_ of lawful Money of *Great Britain*  
 ‘ lent and advanced to us by *A. B.* of \_\_\_\_\_, do grant  
 ‘ and assign unto the said *A. B.*, his [*or her*] Executors, Adminis-  
 ‘ trators, and Assigns, the said *Sankey Brook* Navigation and Canal,  
 ‘ and Works thereto belonging, and the Canal and Works authorized  
 ‘ to be made by the said Act, and all and singular the Tolls, Rates,  
 ‘ and Dues arising and payable upon the said Navigation and Canals  
 ‘ or any of them, and all our Estate, Right, Title, and Interest of,  
 ‘ in, to, or out of the same respectively; to have and to hold unto  
 ‘ the said *A. B.*, his [*or her*] Executors, Administrators, and Assigns,  
 ‘ until the said Sum of \_\_\_\_\_, together with Interest  
 ‘ for the same after the Rate of \_\_\_\_\_ *per Centum*  
 ‘ *per Annum*, shall be fully paid and satisfied. Given under our  
 ‘ Common Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year  
 ‘ of our Lord \_\_\_\_\_.

And all Persons to whom such Mortgages shall be made shall be equally entitled, one with the other, to their Proportion of the said

Rates and Premises, according to their respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards making, completing, and maintaining the said Canal and other Works hereby authorized to be made, and other the Purposes of this Act; and an Entry or Memorial of every such Mortgage, containing the Number and Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall be written and inserted in One or more Book or Books, to be kept for that Purpose by the Clerk to the said Company, for which he shall be paid Two Shillings and Sixpence, and no more; and all and every Person and Persons to whom any such Mortgage shall have been made, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit therein to any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall be made in the Form or to the Effect following; (that is to say,)

Application of Money borrowed.

Memorials of Mortgages to be made by the Clerk.

Mortgages may be transferred.

‘ I of , in consideration  
 ‘ of the Sum of paid by  
 ‘ of , do  
 ‘ hereby transfer the within Mortgage [or a certain Mortgage made  
 ‘ to me by the Company of Proprietors of the *Sankey Brook*  
 ‘ Navigation], bearing Date the Day of  
 ‘ and the Principal Sum of thereby secured,  
 ‘ and the Interest now due and hereafter to grow due for the same,  
 ‘ and all my Right and Property therein, to the said  
 ‘ , his Executors, Administrators, and Assigns. In  
 ‘ witness whereof I have hereunto set my Hand and Seal, this  
 ‘ Day of in the Year of our  
 ‘ Lord .’

Form of Transfer of Mortgage.

Or may use any other legal or valid Form of Transfer for the Purpose aforesaid; and every such Transfer shall within Thirty Days after the Date thereof be produced and notified to the Clerk to the said Company, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Dates and Names of the Parties, in the said Book or Books to be kept for entering the said original Mortgages, for which last-mentioned Entry such Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry made every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not be in the Power of any Person or Persons who shall have made such Assignment or Assignments at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof: Provided always, that no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be capable of acting or voting by virtue of such Assignment, either as Principal or by Proxy, at any General Assembly of

Memorials of Transfers of Mortgages to be made.

Mortgagees not to be entitled to vote.

[Local.]

14 H

the

the said Company, for or on account of his or her having lent or advanced any Money on the Credit of any such Mortgage or Assignment.

Interest of Money borrowed to be paid in preference to Dividends.

XXIX. And be it further enacted, That the Interest of the Money to be raised by virtue of this Act on Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto in preference to any Dividends payable by virtue of this Act to the several Proprietors of Shares in the Capital or Joint Stock of the said Company, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Dividends to the said Proprietors or any of them shall be paid, made, or provided; and in case the said Interest or any Part thereof shall be behind and unpaid by the Space of Twenty-one Days next after the same shall become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof shall have been made from the said Company, or left at the Office of the said Company, then it shall be lawful for any Two or more Justices of the Peace acting in and for the said County of *Lancaster*, and they are hereby required, on Request to them made by or on behalf of any Creditor whose Interest shall be so in arrear, by an Order under their Hands, to appoint some Person or Persons to receive the Whole or such Part or Parts of the said Rates as shall be requisite to pay the Interest so due and unpaid as aforesaid; and the Money to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers, for the Purpose aforesaid, shall cease and determine; and the Balance, if any, of the Monies received by him or them shall be paid to the said Company, or as they shall direct; or the Interest so due and unpaid as aforesaid shall and may be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

If any Mortgage is paid off, the Amount may be raised by a fresh Mortgage.

XXX. And be it further enacted, That in case the said Company shall receive the Whole or any Part of the said Sum hereby to be borrowed as aforesaid, and shall afterwards be required or be desirous to pay off and shall pay off all or any Part of the Principal Sum or Sums secured by such Mortgages or any of them, then and in every such Case it shall and may be lawful for the said Company, and they are hereby authorized and empowered, again to raise, in lieu of the Principal Money or Principal Monies so paid or to be paid off by them, so much and such Sum or Sums of Money as they shall from Time to Time have paid off, or be required or be desirous to pay off, to the Holders of the said Mortgages or any of them, or any Part or Parts thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event have due upon Mortgage more than the said Sum of Thirty thousand Pounds at any one Time.

XXXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby empowered and required, at or previous to each and every General Meeting to be held pursuant to the Provisions of this Act, for the Purpose of considering of or making or declaring a Dividend or Dividends out of the clear Profits of the said Navigation, Cuts or Canals, already made or authorized to be made, to deduct and set apart not less than One Tenth Part of the said clear Profits, and the same shall be applied for and towards the Repayment of the Principal and Interest of the several Sums borrowed for carrying into execution the new Cut or Canal by this Act authorized to be made.

Sinking  
Fund for  
Repayment  
of Money  
to be bor-  
rowed.

XXXII. And be it further enacted, That the said General Meetings shall have full Power to superintend, regulate, and controul all the Affairs and Concerns of the said Company, and to make such Rules, Bye Laws, and Orders as to them shall seem right and proper for the good Government of the said Company, their Agents and Servants; and for making, maintaining, using, and managing the said Navigation and Canal already made, and the said Cut and Canal to be made as aforesaid, and all Works belonging or to belong thereto, in all respects whatever, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the major Part of such General Meetings shall seem meet, not exceeding the Sum of Five Pounds for any such Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as hereinafter mentioned; which said Bye Laws, being reduced into Writing under the Common Seal of the said Company, and printed, and painted and published on Boards, shall be hung up and affixed and continued on the Front of the several Toll Houses erected and to be erected on the Line of the said Navigation and Canals, and shall from Time to Time be removed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Orders, and Bye Laws shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in manner hereinafter mentioned.

General  
Meetings  
may make  
Bye Laws,  
&c.

XXXIII. And be it further enacted, That the said General Committee shall meet at such Times and in such Places, and from Time to Time adjourn themselves to such other Time and Place, as they shall think fit; and at all Meetings of the said Committee One of the Members present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings shall be finally determined by the Majority of Votes then present, the whole Number present not being in any Case less than Three; and such Committee shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing

Powers of  
Committee,  
and Regu-  
lations for  
their Con-  
duct.

Lands,

Lands, Messuages, Tenements, or other Hereditaments, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, (except the Treasurer or Treasurers and Clerk hereinbefore directed to be appointed by a General Meeting of the said Company,) and in making all Contracts and Bargains touching the said Undertaking; and no Member of the said Committee (although he may be a Proprietor of many Shares in the said Capital) shall have more than One Vote in any Committee, except the Chairman of such Meeting, who in case of an equal Division shall always have a second or casting Vote, although he may have given One Vote before; and the said Committee shall, by themselves or their Clerk or Clerks, Agent or Agents, keep a full and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of the said Company from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever, employed by or on behalf of or having any Concerns, Dealings, or Transactions with the said Company, and shall regularly, by themselves or their Clerk or Clerks, Agent or Agents, write, insert, and enter, in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, as the Case shall require, of every such Contract, Bargain, Receipt, and Disbursement, and also an Account of the Capital of the said Company, and the Names and Places of Abode of the several Proprietors for the Time being, and their respective Shares in the said Capital; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee: Provided always, that the said Committee shall at all Times, upon the Requisition in that Behalf of any Five or more of the Proprietors holding in their own Right in the Aggregate not less than Twenty Shares in the Capital or Joint Stock of the said Company, direct any of such Proprietors making such Requisition to have free Access to such Book or Books at reasonable and convenient Hours, for his or their Inspection, without paying any thing for the same.

Members of the Committee not to be interested in any Contracts.

XXXIV. And be it further enacted, That every Person who shall hold any Place of Profit under or any Contract with the said Company, or be in any Manner interested or concerned, directly or indirectly, in any such Contract (otherwise than as a Proprietor of a Share or Shares in the Capital of the said Company), or in supplying any Articles or Materials for the Use of the said Company, unless gratuitously, shall cease to be a Member of the said Committee of Management during the Time that he shall hold the same, or be so interested or concerned; and in case any Person holding any Place of Profit under or any Contract with the said Company, or being in any Manner interested or concerned as aforesaid, shall vote or attempt to vote at any such Meeting of the said Committee of Management, then and in every such Case every Person so offending shall forfeit and pay for every such Offence the Sum of Fifty Pounds, together with full Costs of Suit, to any Person  
who



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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and One Moiety of such Penalty, when recovered, shall be paid to the Person or Persons who shall sue for the same, and the other Moiety shall be paid to the said Company, to be applied for the Purposes of this Act.

XXXV. And be it further enacted, That such Committee shall keep a regular Minute or Entry of their Proceedings, and from Time to Time make Reports to and be subject to the Controul of the General Meetings of the said Proprietors, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Committees to be under Controul of the General Meetings.

XXXVI. And be it further enacted, That each Member of the General Committee shall remain in Office till Death or Resignation, or until he shall be removed by a General Meeting, or another Person shall be appointed in his Place.

Duration of Committee in Office.

XXXVII. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint, out of their own Body, a Sub-Committee or Sub-Committees (every such Sub-Committee to consist of Three or more Members of the General Committee), who shall have full Power and Authority to enter into and make any such Contracts or Agreements as aforesaid on behalf of the said Company, and to hire and employ any Agents, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Committee are themselves hereinbefore authorized to do, or such of them as the said Committee shall think proper to intrust to the Care and Management of any such Sub-Committee; and it shall be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-Committee, or to remove and displace any Member thereof, and to appoint some other in his Place and Stead, when and so often as such Committee shall think proper and expedient; and such Sub-Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes for which they shall have been so appointed; and all Powers and Authorities hereby vested or which shall by the said Committee be vested in any such Sub-Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present being not less than Three; and at all Meetings of such Committees respectively One of the Members, present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote, in case of an equal Division, although he may have given One Vote before.

General Committee may appoint Sub-Committees.

[*Local.*]

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XXXVIII. And

Committee  
or General  
Meeting may  
appoint tem-  
porary Trea-  
surer or  
Clerk.

XXXVIII. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at any General Meeting, or for the Committee of the said Company, to appoint any other fit and proper Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die or be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Committee, the same shall only continue until the next General Meeting of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the Proprietors at such General Meeting shall think proper.

Minutes of  
Orders and  
Proceedings  
to be kept,  
and to be  
Evidence.

XXXIX. And be it further enacted, That the Order and Proceedings of every General Meeting of the said Company, and of every Meeting of the General Committee, shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

The same  
Person not  
to be Clerk  
and Trea-  
surer.

XL. Provided always, and be it further enacted, That it shall not be lawful for any General Meeting or Committee of the said Company to appoint the Person appointed or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of such Clerk, to be the Treasurer or One of the Treasurers for the Purposes of this Act, or to appoint the Person appointed or who may be appointed Treasurer, or One of the Treasurers, or the Partner of any such Treasurer, or any Clerk of or other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer, or One of the Treasurers, for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or One of the Treasurers, or as Deputy of any such Treasurer, or in any Manner officiate for any such Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, or One of the Treasurers, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, 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.

XLI. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall, from Time to Time when thereunto required by the General Committee of the said Company or any Person on their Behalf, make out and deliver to the said Committee, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her collected, had, or received for or on behalf of the said Company, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with his or her Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Committee shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Committee, or such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Committee, or such other Person or Persons as last mentioned, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company or any Person on their Behalf to any Justice of the Peace for the County within which such Officer or Person shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Committee might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and is hereby empowered, on Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before Justice at the Time and Place appointed for that Purpose, or if such such Officer or Person appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and is hereby authorized and required, by  
Warrant

Officers to  
account.

Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction for such County, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating to such Accounts, and shall have paid all the Money which shall be in the Hands of or owing from him or her, and the reasonable Charge of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Company for such Money and Charges, and paid the Composition Money to the said Company (and which Composition the Committee of the said Company are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Officers, &c.  
to give Possession of  
Houses, &c.  
when removed.

XLII. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant of the said Company, occupying any House, Offices, or Buildings belonging to the said Company, without paying Rent for the same, shall be discharged from his Office by or by the Order of the said Company, or the Committee of the said Company, and shall not deliver up the Possession of such House, Offices, Buildings, and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the said Company, in his Custody, Power, or Possession, within Twenty-one Days after Notice of such Discharge shall have been given him, or left at such House, Offices, or Buildings, or if the Wife or Family of any such Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant who shall happen to die while in the Service of the said Company shall refuse to deliver up the Possession of such House, Office, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said Company, in his, her, or their Custody, Power, or Possession, within Twenty-one Days after another Person shall have been appointed in the Place and Stead of the Person so dying, then and in either of the said Cases, it shall be lawful for any Justice of the Peace for the County or Place where such House, Offices, and Buildings shall be, and he is hereby required, by Warrant under his Hand and Seal to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings, in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, Offices, and Buildings, and to take Possession of all the Books, Papers, Matters, and Things belonging to the said Company which shall be found therein, and to deliver Possession of such House, Offices, and Buildings, together with the Books, Papers, Matters, and Things found therein, belonging to the said Company, to the new appointed Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant, or to such other Person or Persons as the said Company or their Committee shall appoint to receive the same.

XLIII. And

XLIII. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of any Share or Shares in the Capital of the said Company to sell and dispose of the same respectively, subject to the Rules and Conditions herein mentioned and provided; and every such Transfer shall be in the following Form, or in some Form to the like Effect:

Shares may be sold.

‘ I of in consideration of  
 ‘ I paid to me by do hereby bargain, sell, assign, and  
 ‘ transfer to the said Share [or Shares] in the *Sankey*  
 ‘ *Brook* Navigation; to hold the same unto the said his  
 ‘ [or her] Executors, Administrators, and Assigns. As witness my  
 ‘ Hand and Seal, the Day of in the Year of  
 ‘ our Lord

Form of Transfer of Shares.

And on every such Transfer the Deed by which the same shall be effected shall, after the Execution thereof by the Party making the Transfer, be produced to the Clerk to the said Company, who shall enter in a proper Book or Books to be kept for that Purpose a Memorial of such Transfer, and indorse a Memorandum of such Entry on the Deed of Transfer, for which Memorial and Indorsement there shall be paid to the Clerk the Sum of Two Shillings and Sixpence for each Share transferred, and no more, and the said Clerk is hereby required to make such Entry and Indorsement accordingly; and until such Memorial shall have been made and entered as above directed, the Party to whom the Transfer shall be made shall not be entitled to receive any Dividend in respect of the Share or Shares so transferred, or to vote in respect thereof at any General Meeting.

Memorials of Transfers of Shares to be made.

XLIV. And whereas by the Marriage or Death of Proprietors of Shares in the Capital of the said Company it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Company in Right of Marriage shall be entitled to receive the same, or to vote in respect of any Share or Shares, an Affidavit, or, in case of a Person being of the Society called Quakers, a solemn Affirmation, in Writing, containing a Copy of the Register of such Marriage, and other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person, before a Master or a Master Extraordinary in Chancery, or some Justice of the Peace, and shall be transmitted to the Clerk of the said Company, 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 or Sales of Shares; and before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will or of any Administration shall be entitled to receive the same, or to vote in respect of any Share or Shares, the Probate of the said Will or the Letters of Administration 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 Testator, or a Copy of such Letters of Administration in case of Intestacy shall be made and sworn or solemnly affirmed to by the Executor or Executors, or Administrator, or Administrators, before

Regulations as to Acquisition of Shares on Deaths or Marriages of Proprietors.

a Master or a Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk, and in case of a Will the said Affidavit or Affirmation shall state in what Court, when and by whom the same was proved; and the said Clerk shall file all such Affidavits or Affirmations and enter the same as hereinbefore mentioned; and in all Cases other than hereinbefore mentioned, when the Right and Property of any Share or Shares in the Capital of the said Company shall pass from the Proprietor or Proprietors thereof to any Person or Persons by any other legal Means than by a Transfer thereof, as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn or solemnly affirmed to by some credible Person or Persons before a Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Undertaking.

Trustees of  
Shares to  
have Power  
of giving  
Receipts, &c.

XLV. And be it further enacted, That in all Cases where any Share or Shares in the Capital of the said Company shall be held by any Person or Persons in Trust for any other Person or Persons, or for himself, herself, or themselves, jointly with any other Person or Persons, the Receipt of such Trustee or Trustees, his, her, or their Executors, Administrators, or Assigns, shall, notwithstanding any equitable Claim or Demand whatsoever of any Person or Persons beneficially entitled to such Share or Shares, or to any Interest therein, be a good and sufficient Discharge for the Money which may become payable under the Provisions of this Act for or in respect of such Share or Shares, and shall discharge the Company from all Obligation of seeing to its Application, or being answerable for its Misapplication; and the Trustee or Trustees, his, her, or their Heirs, Executors, and Administrators, shall be liable to all Claims and Demands whatsoever in respect of such Share or Shares; and such Trustee or Trustees shall, for the Purpose of attending and voting at the General Meetings, and for all other the Purposes of this Act, be considered as the Proprietor or Proprietors of such Share or Shares for his or their own absolute Benefit.

Receipts of  
Guardians to  
be sufficient  
Discharges.

XLVI. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, the Receipt of the Father, or of the Guardians or any one of the Guardians for the Time being, of such Minor, shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Company  
authorized  
to keep na-  
vigable  
Sankey  
Brook Navi-  
gation.

XLVII. And be it further enacted, That the said Company of Proprietors shall be and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, by themselves, their respective Deputies, Agents, Officers, Workmen, and Servants, to make and keep navigable and passable at all Times, for Boats, Flats, and other Vessels, all such Part or Parts of the said River or

Brook called *Sankey Brook*, and all other the Brooks, Canals, and Cuts constituting the present *Sankey Brook* Navigation and Canal, and the several Branches thereof, and for that Purpose, as Occasion shall require, to conduct, cleanse, scour, open, deepen, enlarge, or straiten the same, or the Streams, Brooks, or Watercourses which communicate with the same, and to dig or cut the Banks of the same, and of the several Branches thereof, or of the Streams, Brooks, or Watercourses aforesaid, and to make such new Cuts, Trenches, or Passages for Water in, upon, or through the Lands or Grounds adjoining the same or the several Branches aforesaid, or the Streams, Brooks, or Watercourses as aforesaid, as they shall think proper and requisite for the Purpose of bringing Water into the said Navigation and Canal and the Branches thereof, be it the Soil or Ground of the King's most Excellent Majesty, His Heirs or Successors, or of any other Person or Persons, Bodies Politic or Corporate whatsoever, their Heirs or Successors; and also, if necessary, to cut, remove, and take away all Trees, Roots of Trees, Beds of Gravel or Sand, or any other Obstructions or Impediments whatsoever which may anyways hinder or prevent the said Navigation, either in sailing, haling, towing, or drawing of Boats, Flats, or other Vessels, with Men or Horses or otherwise, upon the same Navigation and Canal and the said several Branches; and to build, erect, set up, and make, over or in the said Navigation and Canal or the said several Branches, or upon the Lands adjoining the same or any of them, such and so many Bridges, Sluices, Locks, Weirs, Pens for Water, Tanks, Dams, Wharfs, Warehouses, Quays, Landing Places, Weighbeams, Cranes, and other Works, Ways, and Privileges, as the said Company of Proprietors shall think requisite and convenient, and from Time to Time to alter, repair, and amend the same; and also to alter, repair, and amend all Sluices, Weirs, Pens for Water, Tanks, and Dams made or constructed in, upon, or over the said Streams, Cuts, Trenches, and Watercourses aforesaid; and to make, widen, or enlarge any Ways, Passages, or other Conveniences for the carrying and conveying of Goods, Commodities, and other Things to and from the same Navigation and Canal and Branches thereof, and for the carrying and conveying of all manner of Materials for erecting or making the said Works, and for finishing, altering, repairing, or amending the same, and to place, lay, work, and manufacture the said Materials on the Grounds near to the Place or Places where the said Works or any of them shall or are intended to be made, erected, or done; and also to amend, heighten, or alter any Bridges, subject nevertheless to the Provisions and Directions herein contained, and to turn or alter any Highways, in, through, upon, or near the same Navigation and Canal and Branches, as may anyways hinder the Navigation or Passage thereon; and also to dig, take, and carry away Soil, Clay, Gravel, or Stone, proper, requisite, and convenient for carrying on and continuing the said Works and Navigation, in or from any Grounds of any Person or Persons adjoining or lying contiguous to the said Navigation (not being a House, Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House); and also to make, set out, and appoint such Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing of Boats, Flats, and other Vessels passing in, through, and upon the same Navigation and  
Branches

Branches thereof, Streams, Cuts, Canals, and Watercourses, as the said Company of Proprietors shall think convenient; and to do all other Matters and Things which the said Company of Proprietors shall think necessary for the making and maintaining the same Navigation and Canal and Branches navigable and passable as aforesaid, or for the Improvement or Preservation thereof; subject nevertheless, as to the Powers and Authorities hereby given, and as to all the said Matters and Things, to the several Provisions and Regulations in this Act contained; they the said Company of Proprietors hereby established doing as little Damage as may be to and upon the Premises, and making Recompence, in manner hereinafter mentioned, to the Owners and Occupiers of and Persons interested in any Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments respectively, for any Damage that may happen or be occasioned thereto for or by reason or means of making or using the said Navigation, or exercising any of the Powers and Authorities of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Servants, Agents, Workmen, and all other Persons whatsoever, for what they or any of them shall do by virtue of the Powers hereby granted.

Company authorized to maintain the Canal already made.

XLVIII. And be it further enacted, That the said Company of Proprietors shall be and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, by themselves, their respective Deputies, Agents, Officers, Workmen, and Servants, to maintain and support the said Cut or Canal so made as aforesaid under or by the Authority of the said Acts hereby repealed or either of them, together with the several Buildings, Erections, Locks, Quays, Wharfs, Reservoirs, Tunnels, Culverts, Weirs, Basins, Bridges, Cuts, Feeders, Drains, Soughs, Buildings, Engines, and other Works belonging thereto, and to make, construct, erect, sink, and drive all such and so many other Buildings, Erections, Locks, Quays, Wharfs, Tunnels, Culverts, Weirs, Bridges, Cuts, Feeders, Drains, Soughs, and other Works as the said Company shall think expedient for repairing, maintaining, and supporting the said Canal, with the Reservoirs and Appurtenances belonging thereto, and for the full Use and Enjoyment thereof, and for supplying the same with Water; and it shall be lawful for the said Company to supply the said Canal so made as aforesaid, and also the Cut or Canal hereinafter authorized to be made, with Water from the said *Sankey Brook* Navigation, or any Brooks, Streams, and Watercourses connected therewith or flowing therein, save and except as hereinafter mentioned, and subject to the Provisions herein contained.

Power to make a new Cut, and to supply the same with Water.

XLIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby fully authorized and empowered, 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 the said *Sankey Brook* Navigation and Canal at or near to a Place called *Fidler's Ferry*, into and through the several Townships of *Penketh*, *Cuerdley*, and *Widness* in the Parish of *Prescot*



*Prescot* in the County of *Lancaster*, to join and communicate with the said River *Mersey* at *Widness Wharf* on the East Side of *West Bank* in the said Township of *Widness*; and also to make, construct, erect, sink, and drive such and so many Feeders, Tunnels, Perforations, Weirs, Shafts, Wheels, Engines, and other Machinery for the Purpose of filling and supplying the said Cut or Canal hereby authorized to be made, or any Part or Parts thereof, with Water, and for conveying Water to and from the same for the Purposes of Navigation, and for the Purpose of the better making and maintaining of such last-mentioned Cut or Canal, as the said Company shall from Time to Time think necessary or expedient, subject to the Rules and Directions of this Act; and also to supply the same Cut or Canal whilst making, and after the same shall be made, with Water, from the said hereinbefore mentioned Navigation and Canal already made, and from all such Brooks, Springs, Streams, Watercourses, Mines, Hollows, Caverns, and other Sources or Repositories of Water as shall be found in making the same Cut or Canal; and to enlarge, widen, deepen, divert, alter, or vary such Roads or Ways, and the Course of such Brooks, Streams, or Watercourses, as may cross the Line of the same Cut or Canal, or which may prevent or otherwise impede or obstruct the making of the same, but so as not thereby to impede or obstruct the *Saint Helens* and *Runcorn Gap* Railway Company in constructing their intended Railway or Dock.

L. And be it further enacted, That for the Purposes of this Act the said Company of Proprietors hereby established, their Deputies, Agents, Servants, Surveyors, and Workmen, shall be and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, subject to the Directions and Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate such Part or Parts thereof as they shall think necessary or expedient for making, maintaining, and completing the said new Cut or Canal, and the other Works connected therewith, hereby authorized to be made; and to bore, dig, cut, trench, drain, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in the making, carrying on, maintaining, or repairing of the said Cut or Canal, or other Works respectively, or out of any Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or lying near thereto, and which may be proper, requisite, necessary, or convenient for the same, or which may hinder, prevent, or obstruct the same; and also to make, build, erect, bank, excavate, or set up, amend and alter, in, under, or upon the said Cut or Canal and other Works, or upon the Lands adjoining the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Culverts, Locks, Weirs, Dams, Pens for Water, Tanks, Basins, Reservoirs, Drains, Soughs, Wharfs, Quays, Landing Places, Houses, Warehouses, Toll Houses, Weighing Beams, Cranes, Fire Engines, or other Machines, Fences, Ways, Roads, and Conveniences, as,

Power to enter on Lands for the Purposes of this Act.

[Local.]

14 L

where,

where, and in such Manner as the said Company of Proprietors shall think requisite or convenient for the Purposes aforesaid (subject to the Restrictions and Directions herein mentioned), and also from Time to Time to alter, repair, amend, improve, or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Cut or Canal and other Works on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be carrying on and executed; and also to make, set out, and appoint such Roads, Towing Paths, Banks, and Ways, convenient for towing, hauling, or drawing of Boats, Barges, or other Vessels passing in, through, or upon the said Cut or Canal, with Men or Horses or otherwise, and such Places for Boats, Barges, or other Vessels to lie or turn in, as the said Company of Proprietors shall think proper or convenient; and to construct, erect, and keep in repair any Bridges, Piers, Arches, or other Works, in, upon, and across any Rivers or Brooks, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing the said Cut or Canal and other Works; and also dig, take, and carry away any Soil, Gravel, Sand, Sandstone, or other Materials, for the Purposes of this Act, in or from the Grounds or Premises of any Person or Persons adjoining to the said Cut or Canal or any Part thereof (such last-mentioned Grounds and Premises not being on the Site of any House, nor a Garden, Yard, Park, Paddock, Walk, or Avenue to a House, or Lawn inclosed or adjoining to a Mansion House); and also to construct, erect, make, and do all other Works, Matters, and Things which they shall think necessary and convenient for the making, completing, altering, repairing, preserving, improving, carrying on and using the said Cut or Canal and other Works to be made or constructed according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in manner hereinafter mentioned to the Owners and Proprietors of and all Persons interested in any Lands, Tenements, or Hereditaments, Mills, Forges, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or either of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are hereinafter mentioned and contained.

Not to take Land interfering with the Liverpool and Manchester Railway without Consent.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the said Company of Proprietors of the *Sankey Brook* Navigation hereby incorporated to take or enter upon any of the Lands or Grounds belonging to the *Liverpool and Manchester Railway Company*, nor in the Execution of any of the several Powers and Authorities hereby given and granted to the said Company, to

authorize or enable them to alter, vary, interfere with, damage, or injure the Bridge built by the said *Liverpool* and *Manchester* Railway Company over the said *Sankey Brook* Navigation for the Purpose of carrying the said Railway over the same, nor any of the Embankments or any other of the Works of the said *Liverpool* and *Manchester* Railway Company, without the Consent in Writing of the said *Liverpool* and *Manchester* Railway Company in every Instance for that Purpose first had and obtained.

LII. And be it further enacted, That in case the said Company of Proprietors hereby incorporated shall, in the Execution of any of the Works by this Act authorized to be made, injure or damage the said Bridge, or the said *Liverpool* and *Manchester* Railway, or the Embankments of any of the Works belonging to the same, they the said Company hereby incorporated shall and they are hereby required, at their own Expence, immediately to repair and make good such Injury or Damage, and also to pay to the said *Liverpool* and *Manchester* Railway Company the full Amount of all Loss or Damage which they may thereby sustain or be put unto; and in case by any of the Causes aforesaid the said *Liverpool* and *Manchester* Railway shall be so interrupted or obstructed that Waggons or other Carriages shall not be able to pass along the same and every Part thereof, then the said Company of Proprietors hereby incorporated shall pay unto the said *Liverpool* and *Manchester* Railway Company the Sum of One hundred Pounds *per* Day, as ascertained Damage, for such Interruption, for each and every working Day that the said Railway shall be so interrupted as aforesaid, and so long as the same shall continue; and in case the said Company of Proprietors hereby incorporated shall not, on receiving Twenty-four Hours Notice in Writing from the said *Liverpool* and *Manchester* Railway Company, repair and make good, or begin and proceed with due Dispatch to repair and make good, such Damage and Injury, or to remove and take away such Obstruction or Interruption, it shall be lawful for the said *Liverpool* and *Manchester* Railway Company, and they are hereby authorized and empowered, at the Expiration of such Notice, by themselves, their Engineers, Agents, Servants, and Workmen, to repair and make good such Injury or Damage, and to remove and take away such Obstruction or Interruption, doing as little Damage to the Works of the said Company hereby incorporated as may be; and all the Expences thereof, and also all the Damage, Loss, or Injury occasioned thereby, shall be repaid by the said Company hereby incorporated to the said *Liverpool* and *Manchester* Railway Company; and in Default of Payment thereof, on Demand, the said *Liverpool* and *Manchester* Railway Company shall and may sue for and recover the same against the said Company of Proprietors hereby incorporated, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas for the County Palatine of *Lancaster*.

Company to repair Damage and make Compensation for any Injury done to *Liverpool* and *Manchester* Railway.

LIII. And be it further enacted, That every Steam Engine which shall be erected by virtue of the Powers of this Act shall be constructed on the Principle of consuming its own Smoke.

Steam Engines to consume their own Smoke.

LIV. And

Map and  
Book of Re-  
ference ac-  
cording to  
which Works  
shall be  
made.

LIV. And whereas a Map or Plan describing the Line of the said Cut or Canal, and the Lands through or over which the same were intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the County Palatine of *Lancaster*: And whereas since the depositing the said Map or Plan and Book of Reference aforesaid an Alteration of the Line laid down upon such Map or Plan hath been agreed to and determined upon, at the Request and with the Concurrence of divers of the Owners and Occupiers of the Lands through or over which such Alteration is intended to be made; be it therefore further enacted, That nothing in this Act contained shall be construed to authorize the said Company to deviate from the Course of the said Cut or Canal between the present Termination of the said *Sankey Brook* Navigation at or near *Fidler's Ferry* and the East Side of a certain Pool or Run of Water known by the Name of *Widness Brook* or *Bower's Pool*, adjoining the said Place called *West Bank*, more to the Southward than is laid down and delineated in a Map or Plan authenticated by the Right Honourable the Speaker of the House of Commons, of which Map or Plan so authenticated there shall be Three Copies, one of which shall be deposited within Two Calendar Months next after the passing of this Act with the Clerk of the Peace for the said County of *Lancaster*, another Copy thereof within the like Period shall be deposited with the Clerk of the said Company hereby established, and the third shall within the like Period be deposited with the Town Clerk of the Borough of *Liverpool* aforesaid, to be kept with the Records of the Corporation of *Liverpool*, to the end that all Persons may at all seasonable Times have Liberty to inspect the said Maps or Plans so deposited, and to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and Five Shillings for the Copy thereof, and at the Rate of Sixpence for every One hundred Words of such Book of Reference; and the said Maps or Plans, or any Copy thereof, or of so much or such Part or Parts thereof respectively as shall relate to any Matter or Thing in question, certified by the said Clerk of the Peace or his Deputy, or by the said Clerk to the said Company, to be a true Copy, shall be and is hereby declared to be good Evidence in all Courts of Law and Equity; nor shall any thing in this Act contained be construed to authorize the said Company to extend the said Cut or Canal at its proposed Termination on the East Side of *Widness Brook* or *Bower's Pool* aforesaid, or the Piers, Walls, Embankments, or Works authorized to be made there, to a greater Extent westwardly towards *West Bank*, or southwardly into the Tideway of the said River *Mersey*, than is laid down and delineated in the said Map or Plan so authenticated, nor to deviate to a greater Extent eastwardly at the Termination of the said Canal than the Space comprised within a certain straight Line marked Red on the said Plan, and intended to form the Boundary between the Termination of the said Canal and Works hereby authorized to be made, and the proposed Railway and Dock intended to be made by the *Saint Helen's* and *Runcorn Gap* Railway Company at *Widness Wharf* aforesaid; nor shall any thing in this Act contained be construed to authorize the said Company, or any other

other Person or Persons, to dig or excavate any of the Rocks or rocky Beach on the East or South Sides of *West Bank* aforesaid, further than the same may be necessary for affording Ingress and Egress to and from the said Canal hereby authorized to be made.

LV. And be it further enacted, That the said Company shall and may make and complete the said Cut and Canal, and the other Works by this Act authorized, into, through, and over the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, if it shall appear to the Satisfaction of any Two or more Justices of the Peace for the County within which such Lands or Grounds may lie or be situate, and be by them certified in Writing under their Hands, that the Name or Names Title or Titles, Designation or Designations of such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall have been by Mistake omitted or inaccurately described in the said Maps or Plans and Books of Reference, or any of them, or across any Roads, Brooks, or Rivulets which shall so appear and be certified to have been omitted by Mistake, or inaccurately described, in manner aforesaid, or that instead thereof the Name or Names, Title or Titles, Designation or Designations, of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Lands or Grounds do not belong, shall have been by Mistake inserted therein; any thing herein contained to the contrary thereof in any wise notwithstanding.

Lands, &c. may be taken notwithstanding accidental Omissions in Maps, &c.

LVI. Provided always, and be it further enacted, That the said Company of Proprietors shall not, in making the said new Cut or Canal and other Works, deviate more than One hundred Yards to the Northward from the Course laid down in the said Map or Plan, nor more than Ten Yards wherever the said Canal shall cross over the Lands of *William Taylor* Esquire.

Limiting the Deviation from the Plan.

LVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, or their Servants, Agents, or Workmen, or any of them, or any other Person or Persons whomsoever, to divert or take, for the Use or Supply of the said Cut or Canal hereby authorized to be made (except as herein mentioned), any Water from or out of any other Brooks, Streams, or Watercourses than such as are laid down in the said Maps or Plans and Books of Reference relating to the said Cut or Canal, or to raise Water for the Supply of the said Cut or Canal out of the said River *Mersey*.

No Water to be taken from Brooks not in the Plan.

LVIII. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to authorize the said Company to construct any Weir or other Works for the Discharge of the waste Water of the said Navigation, Cut, or Canal into the said River below or to the Westward of the Brook known by the Name of *Rail Pool*, which separates *Cuerdley Marsh* from *Widness Wharf*, or to authorize the said Company to run any Water out of the said Navigation, Cut, or Canal into the said River below or to the Westward of the said Brook, at or about the Time of Low Water, for the Purpose of altering

Company not to erect any Waste Weir below the Brook between Cuerdley Marsh and Widness Wharf.

the Channel or Deep of the said River, otherwise than as may be necessary to keep open the Entrance to the said Navigation and Canal.

Not to divert  
Eccleston  
Dam Brook.

LIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Company of Proprietors to alter or divert the present Course of the Brook flowing from *Eccleston Dam*, or any of the Streams above the Level of and flowing into such Brook, or to draw off any of the Water from such Brook, until it arrives at the Channel or Watercourse at present made for turning or diverting such Water into the said *Sankey Brook* Navigation or Canal; nor shall the said Company take up or injure, or in any way interrupt or interfere with the full and free Use and Enjoyment of, any Pipes or Waterworks now laid and established for conveying Water from the said Brook to the Town of *Saint Helen's*.

Houses not  
to be taken  
without Con-  
sent.

LX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House or other Building, or any Ground, which on or before the First Day of *January* now last past formed the Site of a House or other Building, or any Land or Ground which at that Period was set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, Planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof.

Width of  
Canal and  
Towing  
Paths.

LXI. And be it further enacted, That the Lands or Grounds and Hereditaments to be taken or used for the said Canal, and the Towing Paths and Banks thereof, and the Ditches and Fences for separating such Towing Paths and Banks from the adjoining Land, shall not exceed Two hundred Feet in Breadth measured horizontally, except in such Places where any Sluice or Weir or other Work necessarily requiring more Space shall be made, or where the said Canal shall be raised higher or shall be cut more than Six Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other, or where any Warehouse, Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the landing or Delivery of any Goods, Wares, or Merchandize which shall be carried or conveyed on the said Canal, nor in any such excepted Places more than Three hundred Yards in Breadth, except where the said Canal shall pass through or over any Common of Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the said Canal shall pass shall consent to the same being made wider, in or through his, her, or their Lands of Grounds or Hereditaments respectively: Provided always, that the said Canal hereby authorized to be made shall be at least of the same Depth and Breadth as the said Canal from *Sankey Bridges* to *Fidler's Ferry*.

Towing Path  
to be on the  
South Side.

LXII. Provided always, and be it further enacted, That any Towing Path to be made or formed under the Authority and for the Purposes of

of this Act, in any of the Lands belonging to Sir *Richard Brooke*, or to *William Taylor* Esquire, shall be made or formed on the South Side of the said Canal, and no Towing Path on the Lands aforesaid shall be made on the North Bank thereof; but on the North Side of the said Canal or Back Drain, so far as the same shall extend through the Lands of the said Sir *Richard Brooke*, the said Company of Proprietors shall, at their own Expence, plant and keep a Whitethorn Fence, in order to separate the same from the adjoining Land, which Fence shall at all Times be kept in good Order and Repair by the said Company.

LXIII Provided also, and be it enacted, That if the said Company hereby established shall not within the Space of Four Years, to be computed from the passing of this Act, agree for and cause to be valued and paid for, as in this Act is mentioned, the Premises which they are by this Act empowered to purchase for the Purpose of making the said Cut or Canal hereby authorized to be made, then and from thenceforth the Powers for that Purpose which are hereby granted to them shall cease and determine and be void, save and except so far as the same shall have been then carried into execution.

Power of purchasing limited to Four Years.

LXIV. And be it further enacted, That after any Lands, Grounds, or Hereditaments to be taken or used for the Purposes of this Act shall be set out and ascertained, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Persons having any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and also such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding, and be a complete Bar to all Estates Tail, with the Remainders or Reversions expectant thereon, and all other Estates, Rights, Titles, Trusts, and Interests whatever; and all Bodies Politic, Corporate, or Collegiate, and all other Persons, so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Freehold

Bodies Politic, &c. empowered to sell and convey Lands for the Purposes of this Act.

Freehold Lands or other Hereditaments, to the said Company of Proprietors, may be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*.

Form of  
Conveyance.

‘ I of , in consideration of the  
 ‘ Sum of of lawful Money of Great  
 ‘ Britain to me paid by the Company of Proprietors of the *Sankey*  
 ‘ *Brook* Navigation, do hereby, by virtue of the Powers contained in  
 ‘ an Act passed in the Eleventh Year of the Reign of His Majesty  
 ‘ King George the Fourth, intituled [*here set forth the Title of this*  
 ‘ *Act*], grant and release to the said Company of Proprietors all  
 ‘ [*describing the Premises to be conveyed*], and all my Estate, Right,  
 ‘ Title, and Interest in and to the same and every Part thereof, to  
 ‘ hold unto and to the Use of the said Company of Proprietors and  
 ‘ their Successors for ever, by virtue of and according to the true  
 ‘ Intent and Meaning of the said Act. In witness whereof I have  
 ‘ hereunto set my Hand and Seal, the Day of  
 ‘ in the Year of our Lord .’

And if the Premises are Leasehold for Years, they may be assigned by a Form answerable to the above, substituting only the Words applicable to the Assignment of a Chattel; and all such Conveyances and Assignments respectively shall be kept by the Clerk or Clerks of the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive for such Copies the Sum of Sixpence for every One hundred Words, exclusive of the Expence of the Stamps.

For settling  
Contracts  
respecting  
Copyhold or  
Customary  
Lands.

LXV. And be it further enacted, That if any Contract, Agreement, Bargain or Sale, shall be made or entered into of or concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof which Lands, Tenements, or Hereditaments shall be Copyhold or Customary, or of the Nature of Copyhold or Customary, the same shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being shall be willing and desirous to enfranchise the same, in which Case such Lord or Lords, Lady or Ladies, notwithstanding her or their Coverture, and whether sole or married, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor or Manors for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company of Proprietors as a Body Corporate would prevent such Lord or Lords, Lady or Ladies, from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they would have done in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural



natural Capacities, the said Lord or Lords, Lady or Ladies of the said Manor, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold or Customary Land held of or Parcel of the said Manor, which shall be so purchased by or vested in the said Company of Proprietors for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that would arise to him, her, or them in respect of such Fines, Heriots, and other Services the Receipt or Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate; which Recompence and Satisfaction, and also the Appointment or Apportionment of certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements of which a Part only shall be taken for any of the Purposes of this Act, shall, if not settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, as is hereinafter directed.

LXVI. And be it further enacted, That in all Cases where the Lord or Lords, Lady or Ladies of any Manor whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purposes of this Act are holden or Parcel, shall be willing or desirous to enfranchise the same Copyhold or Customary Lands or Tenements, and such Lord or Lords, Lady or Ladies, shall be seised of or entitled to such Manor or Manors respectively for a less Interest than an Estate in Tail General or Special, or where he, she, or they cannot, either alone or with the Concurrence of any other Person or Persons who shall consent to the Enfranchisement by levying a Fine or Fines, or suffering a Common Recovery or Common Recoveries, or otherwise, enfranchise the same Lands or Tenements, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid, applied, and disposed of by the Direction and under the Approbation of the Court of Exchequer, or without such Direction or Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes thereof, which shall belong to any Person under any Disability or Incapacity; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands and Tenements, of which a Part only shall have been taken for any of the Purposes of this Act, shall be settled by Agreement between the Parties, such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lord or Lords, Lady or Ladies of the Manor or respective Manors whereof the same Copyhold or Customary Lands and Tenements are holden or Parcel, and if not so settled it shall then be settled or assessed by the Verdict of a Jury, if required, in such Manner as in and by this Act is directed and provided; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Custom or Customs in other respects by or under which the said Copyhold or Customary Lands or Tenements shall or may be holden,

Certain  
Lords of  
Manors  
enabled to  
enfranchise  
and appor-  
tion Rents.

or the Remedy or Remedies for the Recovery of such Rents, after the Apportionment thereof; and in all Cases where the Lord or Lords, Lady or Ladies of any Manor whereof any Copyhold or Customary Lands or Tenements purchased or taken by the said Company of Proprietors for the Purposes of this Act, shall refuse or decline to enfranchise the same Lands or Tenements, and shall in consequence thereof have received from the said Company a Recompence and Satisfaction in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands or Tenements in a Body Corporate, then and in every such Case, if the same Lands or Tenements or any Part thereof shall not be ultimately required for the Purposes aforesaid or any of them, and shall be sold and disposed of by the said Company under the Authority to them given for that Purpose, the Copyhold or Customary Lands and Tenements which shall be sold and disposed of by the said Company shall remain in the Hands of the Purchaser or Purchasers thereof, and for ever thereafter continue freed and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

Small Parcels of Land separated by the Canal to be purchased, if required.

LXVII. Provided always, and be it further enacted, That if in making the said Cut or Canal hereby authorized to be made any Pieces or Parcels of Land shall be cut through and divided, or separated from the other Parts of the Lands belonging to any Person or Persons, so as the same cannot be conveniently occupied by him or them without a Bridge being erected for making a Communication therewith, and so that what shall be left on each or either Side of the said Canal shall be less in Quantity than Two Acres, or shall be throughout the whole Length thereof less than One hundred Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Land shall not have any other Land adjoining or contiguous to what shall be so left on each or either Side of the said Canal, then and in every such Case, and if the Owner or Owners, Person or Persons entitled to the Possession or to the Rents and Profits of the same, shall so require, but not otherwise, the said Company shall also take and purchase the Piece or Parcel or Pieces or Parcels of Ground so to be separated, or the Pieces or Parcels of Ground so to be left on each or either Side of the said Canal, being less than Two Acres in Quantity, or less than One hundred Yards in Breadth throughout the whole Length thereof, as aforesaid, the Value thereof to be ascertained, in case of Disagreement, in the same Manner as is directed concerning any Land or Ground to be cut, taken, and used for the Purposes of this Act.

Conveyance by Lords of Manors of Lands taken from Commons to be sufficient.

LXVIII. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use, for the Purposes of this Act, any Part or Parts of any Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject to any Right or Rights of Common or Commons, whether of Pasture, Turbary, Estover, Piscary, or Easement, whether appendant, appurtenant, or in gross, or whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, or shall be depas-

depastured in common by several Persons, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person or Persons, having such and the like Estate and Interest of and in the Manor wherein such Lands, Tenements, Commons, Common or Waste Ground shall be situate, or if the same shall not be the Waste of any Manor, then having such or the like Estate or Interest of and in the Soil of such Lands, Tenements, Wastes, Commons, and Hereditaments as the Body or Bodies Politic, Corporate, or Collegiate, or Persons, who are hereinbefore enabled to sell and convey other Lands, Tenements, and Hereditaments, shall be a sufficient Conveyance to the said Company of the Fee Simple and Inheritance of such Waste Ground or Common or other Lands, Tenements, or Hereditaments, as fully and effectually, as if every Person having such Right or Rights of Common or Commons upon such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Common or Waste Ground as aforesaid shall be paid by the said Company to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively as a Vestry of such respective Parishes, to be convened by such Churchwardens for that Purpose, shall direct; and that in Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in manner by this Act directed (as the Case may be): Provided that in Cases where any such Manor or Land is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance aforesaid, executed by Four or more of the Freeholders whose Estates have Common Right in such Common, Waste Ground or Land, or who have Right to depasture any Cattle thereon, and whose said Estates amount in Yearly Value, as assessed to the Poor Rates, to Three Fifth Parts at least of the whole of the Estates which have such Common or other Right, to the said Company, shall also be a good and sufficient Conveyance for vesting in the said Company the Fee Simple and Inheritance of such Common or Waste Grounds or other Lands, discharged from such Right of Common; and the Receipt of the Churchwardens or such Freeholders as aforesaid shall be an effectual Discharge for such Compensation as aforesaid.

LXIX. And be it further enacted, That all and every Body and Bodies Politic, Corporate, and Collegiate, Trustees, and other Person Satisfaction to be made or for Lands

taken for the  
Purposes of  
this Act.

or Persons hereinbefore enabled to sell or convey Lands or other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands, Grounds, or other Hereditaments through, in, over, or upon which the said Cut, Canal, and other Works hereby authorized shall be made, may accept and receive in gross Sums such Satisfaction for the Value of such Lands, Grounds, and Hereditaments, and also such Compensation for the Damages to be sustained by making or completing the said Works hereinbefore directed, and also for or by reason of the severing or dividing the same Lands and Hereditaments from the other Lands and Hereditaments belonging to such Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons interested therein, and for or on account of the Detriment, Injury, Loss, Damage, or Prejudice which shall or may be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons interested therein, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company of Proprietors; and in case the said Company of Proprietors, and the said Parties interested in such Lands, Grounds, or other Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction and Compensation, the same shall be ascertained and settled by the Verdict of a Jury as is hereinafter directed.

In case the  
Parties re-  
fuse or are  
incapable to  
treat, the  
Value to be  
settled by a  
Jury.

LXX. And for settling all Differences which may arise between the said Company of Proprietors and the several Owners of and Persons interested in the Lands and Grounds, Messuages, Mills, Buildings, Tenements, Hereditaments, Streams, Brooks, Waters, or Watercourses, which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made to them respectively; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons so interested, for and on his, her, or their Part or Parts, or for or on the Part or Parts of his, her, or their Cestuique Trusts, or if any other incapacitated Person or Persons as aforesaid shall refuse to accept, upon due Tender thereof made, such Purchase Money, Recompence, or other Compensation as shall be offered them by the said Company, and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party and Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons seised or possessed of or interested in any such Lands, Messuages, Mills, or other Hereditaments as aforesaid, shall refuse to treat or shall not agree with the said Company hereby established for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found, or shall not be known or discovered, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they claim therein; then and in every such Case the said Company of Proprietors shall and they are hereby empowered and required from Time to

Time to issue a Warrant under their Common Seal to the Sheriff of the County in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in question or dispute shall arise, or in case such Sheriff or his Under Sheriff shall happen to be One of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the same County, not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the County in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner or other Person shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the County in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in question or dispute shall arise, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and may order and authorize the said Jury or any Six or more of them to view the Place or Places or Matters in controversy; and such Jury upon their Oaths, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person and Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Mills, Buildings, Tenements, and Hereditaments, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said Company, and which cannot or will not be further obviated, repaired, or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence

Witnesses  
to be sum-  
moned.

Jury may  
view.

Justices  
to give  
Judgment.

[*Local.*]

14 O

pence

Notice of  
the Time  
and Place  
of meeting  
to be given.

pence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Ten Days Notice in Writing of the Time and Place of meeting of the said Justices and Jury shall be given by the Clerk to the said Company to the Party or Parties with whom any Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, Trustee or Trustees, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

Value of  
Lands and  
Damages  
to be as-  
certained  
separately.

LXXI. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands, Tenements, Mills, and Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Compensa-  
tion Money  
to be appor-  
tioned.

LXXII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed for, determined, and adjusted, or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Penalties on  
Sheriffs,  
Jurors, or  
Witnesses,  
for Default.

LXXIII. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person hereinbefore authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for each and every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear without sufficient Excuse, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear without sufficient Excuse, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in such Case every such Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him, her, or them the Overplus of the Money thereby produced, after such Penalties and the Charges and Expences of such Distress and Sale shall be deducted.

LXXIV. And

LXXIV. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act, upon their Oath, (or, being of the Society of Persons called Quakers, upon their solemn Affirmation,) shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Juries to be subject to the usual Regulations

Persons giving false Evidence subject to the Penalties of Perjury.

LXXV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen to arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury and the Expence of Witnesses shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the County wherein such Premises shall lie, not interested in the Matter in question, who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do, under a Warrant to be issued for that Purpose by any Justice of the Peace for such County, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, then and in every such Case one Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Company shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; and the said first-mentioned Moiety of such Costs and Expences (all such Costs and Expences having been first ascertained and settled by some Justice of the Peace of such County) may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to or for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed or taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in

Expences of Juries how to be defrayed.

in satisfaction of the whole thereof: Provided always, that in case where by reason of Absence in Foreign Parts, or from any other Cause or Disability not hereinbefore provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company: Provided also, that in case no Compensation shall be given by such Verdict as aforesaid, where the Dispute is for Compensation only, the whole of the aforesaid Costs and Expences shall be paid by the Party claiming Compensation; and the same, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred under this Act.

Persons requesting Juries to enter into a Bond to prosecute their Complaint, and pay Expences.

LXXVI. And be it further enacted, That all and every Person and Persons with whom the said Company shall have any such Controversy or Dispute as aforesaid shall, before the said Company shall be obliged to issue out the Warrant or Warrants for the summoning of such Jury, first enter into a Bond to the Treasurer of the said Company of Proprietors for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Expences of summoning such Jury and taking such Inquest, and of the summoning and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

No Complaint to be taken notice of unless previous Notice has been given to the Company.

LXXVII. And be it further enacted, That the said Company of Proprietors shall not be obliged, by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto by or on behalf of such Person or Persons, to the said Company or to their Clerk, or left at the Office or other usual Place of Abode of such Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Verdicts of Juries to be recorded.

LXXVIII. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace for the said County of *Lancaster* amongst the Records of the Quarter Sessions of the said County, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to take or make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Power to enter Lands upon Pay-

LXXIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted  
or



or agreed for between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of such Sum or Sums of Money into the Bank of *England*, as hereinafter directed and required, within Thirty Days after such Sum or Sums of Money shall have been contracted or agreed for, or assessed as aforesaid, for the Use of such Person or Persons so entitled thereto, it shall be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, immediately to enter upon such Lands, Tenements, or other Hereditaments respectively, and then and thereupon the Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, or Demand of the Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates, in Reversion or Remainder or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment or legal Tender or Investment as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut such Lands or Grounds, Tenements or other Hereditaments, for the Purpose of making the said Cut or Canal and Works, without the Leave or Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act, before such Payment, Tender, or Investment as aforesaid, every Person so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

ment or  
Tender of  
Purchase  
Money.

LXXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, 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, Tenant for Life or in Tail, or Person or Persons under any Disability or Incapacity, as hereinbefore mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid

Application  
of Com-  
pensation  
amounting  
to or ex-  
ceeding  
200*l.*

[*Local.*]

14 P

into

1 G. 4. c. 35. into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Company of Proprietors of the *Sankey* Brook Navigation, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court 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 Incumbrances, or Parts 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, and Purposes; or where such Money shall not 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 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 and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court 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 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, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

When Compensation less than 200*l.* and amounting to 20*l.*

LXXXI. 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may be), to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and to be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Three or more Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, may be by such Trustees applied in like Manner as hereinbefore directed with respect to the Money so to be paid into the Bank of *England*, without obtaining or being required to obtain any Order of the Court of Exchequer touching the Application thereof.

LXXXII. 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 the Sum of Twenty Pounds, then and in every such Case the same shall be paid to 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 any of the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy or Lunacy or other Incapacity, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

When less than 20<sup>l</sup>.

LXXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of this Act, 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 Company, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 to and for the said Company to order the said Sum or Sums of Money 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 Exchequer, 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, Controul, and Disposition of the said Court, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered,

In case of not making out a good Title, &c.

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, and 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 thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or 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 therein 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; and upon Payment of such Sum or Sums of Money into the Bank, as lastly hereinbefore is mentioned, the Lands, Tenements, or Hereditaments, or Estate or Interest therein for the Purchase or as the Value of which the same shall have been agreed or awarded to be paid, and the Fee Simple and Inheritance thereof, and all the Estate, Right, Title, and Interest of the Person or Persons to whose Credit such Monies shall be paid, in, to, and out of the said Hereditaments, shall vest in the said Company, and they shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Credit such Payment shall be made, of, in, or to the same Premises, but also shall extend to bar all Dower of the Wife or Wives of such Person or Persons, and all Estates Tail and Estates in Possession, Reversion, Remainder, or Expectancy, and every other Person whomsoever.

In case of  
disputed  
Titles, the  
Person in  
Possession  
to be deemed  
lawfully en-  
titled.

LXXXIV. And be it further enacted, That when 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 said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased or used in pursuance of this Act, or to any Bank Annuities or Government or Real Securities, to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, 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 Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be 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

entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LXXXV. Provided always, 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 taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or 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 said Court shall deem reasonable, together with the necessary Costs and Expences of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Exchequer may order Expences of Purchases to be paid by the Company.

LXXXVI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments, to be taken or used for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company of Proprietors, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company of Proprietors, their Heirs and Assigns, or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), that then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company, or such Person or Persons as shall be appointed, for the Uses and Purposes of this Act; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage or Mortgages shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Company of Proprietors shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid; provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of

Mortgagees to convey on Tender of Principal and Interest.

[*Local.*]

14 Q

giving

giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is hereinafter directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company for the Uses and Purposes of this Act; and the said Company shall be deemed to be in the actual Possession of Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever; provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said Company, for the Uses and Purposes of this Act; and in default of their doing so, and on Payment of such Money into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for them, in the said Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company for the Uses and Purposes of this Act, and the said Company shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

The Chancellor and Council of the Duchy of Lancaster empowered to sell and convey certain Lands to the Company.

LXXXVII. And whereas His Majesty is seised to Himself, His Heirs and Successors, in Right of His Duchy and County Palatine of *Lancaster*, of and in the Honour of *Halton*, extending into the Counties Palatine of *Lancaster* and *Chester*, and of the Manor of *Widness*, and of certain Lands and Hereditaments, Marsh Land, Strand, Shore, and Beach within the said Manor: And whereas it may be expedient and proper that the Chancellor and Council of His Majesty's Duchy of *Lancaster*, on His Majesty's Behalf, should be authorized to sell and convey to the said Company of Proprietors such Lands and Hereditaments, Marsh Land, Strand, Shore, and Beach, belonging to His Majesty in Right of His said Duchy, as may be necessary to be purchased, taken, or used for the Purpose of making such Canal or other Works as aforesaid; be it therefore further enacted, That it shall and may be lawful for the Chancellor and Council of His Majesty's Duchy of *Lancaster* for the Time being to contract and agree with the said Company for the Sale of any Lands and Hereditaments, Marsh Land, Strand, Shore, and Beach, belonging to His Majesty, His Heirs or Successors, in Right of His said Duchy, which by the said Company shall be thought necessary to be purchased,

taken,

taken, or used, with the Consent and Approbation of the said Chancellor and Council, for the Purposes of this Act, on the Line of the said intended Canal, at and for such Price or Prices, and upon such Terms and Conditions, as shall be settled and agreed upon by the said Chancellor and Council with the said Company; and that upon Payment of such Sum or Sums of Money as shall be so settled and determined upon as and for the Price and Consideration for such Lands and Hereditaments, Marsh Land, Strand, Shore, and Beach, it shall and may be lawful to and for the said Chancellor and Council of the said Duchy for the Time being, by any Deed or Deeds, Writing or Writings, under the Seal of the said Duchy, for and in the Name of His Majesty, His Heirs and Successors, to grant and convey the same Lands and Hereditaments, Marsh Land, Strand, Shore, and Beach, and the Fee Simple and Inheritance thereof, to the said Company, for the Uses and Purposes of this Act; which said Deed or Deeds, Writing or Writings, under the Seal of the said Duchy, being enrolled in the Court of the Duchy Chamber of *Lancaster* within Six Calendar Months from the Date thereof, shall be effectual and sufficient to vest in the said Company the Fee Simple and Inheritance thereof, for the Uses and Purposes of this Act, any thing contained in an Act passed in the First Year of the Reign of Queen Anne, intituled *An Act for the better Support of Her Majesty's Household, and of the Honour and Dignity of the Crown*, or in any other Act, to the contrary thereof in anywise notwithstanding; and all and every Sum and Sums of Money to be paid as and for the Purchase or Consideration Money for the Lands or Hereditaments, Marsh Land, Strand, Shore, and Beach, so to be sold and conveyed as last mentioned, under and by virtue of this Act, shall be paid by the said Company or their Treasurer into the Hands of the Receiver General of the said Duchy for the Time being, or his Deputy, and shall be by him paid, applied, and disposed of according to the Provisions and Regulations contained in an Act passed in the Forty-eighth Year of the Reign of His late Majesty, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, or any other Act or Acts now in force for that Purpose.

The Purchase Money to be paid to the Receiver General of the Duchy.

LXXXVIII. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons, in Possession of any Lands, Tenements, and Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company, or by the Person or Persons so authorized by them, to such Tenant or Lessee or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises

Tenants at Will, &c. to quit after Notice.

Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required to give up such Possession; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Proviso for  
the Interests  
of such  
Tenants.

LXXXIX. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him or her to the said Company of Proprietors, or to the Person or Persons authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company of Proprietors shall and they are hereby directed to make or tender, unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands and Premises in the Occupation of such Tenant or Lessee as hereinbefore mentioned, Satisfaction or Compensation for the Value of his or her unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or made use of by the said Company is in and by this Act directed to be made and assessed.

Company  
empowered  
to resell  
Lands not  
wanted.

XC. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by Indenture under the Common Seal of the said Company, to grant and convey, by way of absolute Sale for a Consideration in Money, any Part or Parts of the Lands, Tenements, or Hereditaments which shall be so purchased by and conveyed to them as aforesaid as shall not be wanted for the Purposes of this Act, and also any other Messuages, Buildings, Lands, Tenements, and Hereditaments already vested in the said Undertakers or Proprietors, or their Trustees; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Messuages, Buildings, Lands, Tenements, or Hereditaments, it shall and may be lawful for the Clerk for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Messuages, Buildings, Lands, Tenements, or Hereditaments shall be so sold, or for so much thereof as in such Re-  
ceipts

Clerk of the  
Company to  
give Re-  
ceipts.



ceipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

XCI. And be it further enacted, That before the said Company shall sell or dispose of any such Lands, Tenements, or Hereditaments as aforesaid, they shall first offer to sell the same to the Person or Persons whose Lands shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold; and such Offer shall be made by public Advertisement, inserted in Two successive Weeks in some Newspaper published within the County of *Lancaster*; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify his, her, or their Desire and Intention in that Behalf to the said Company, by some Writing under his, her, or their Hand or Hands, within Three Calendar Months next after the last of such Advertisements shall have been inserted; and in case no Person entitled to avail himself or herself of such Offer shall within the aforesaid Period of Three Calendar Months signify in manner aforesaid his or her Desire and Intention to purchase such Lands, Tenements, or Hereditaments, then and in such Case the said Company shall be at liberty to sell and convey the said Lands, Tenements, or Hereditaments to any Person or Persons whomsoever, and for such Price as to the said Company shall seem proper; and an Affidavit, made and sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the said County, by some Person or Persons not interested in the same Lands, Tenements, or Hereditaments, stating that no Person availed himself in manner aforesaid of the Offer so made by the said Company within the Space of Three Calendar Months, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was not accepted and agreed to within the Time aforesaid by any Person entitled to avail himself thereof.

First Offer to be made to Owners of adjoining Lands.

XCII. And be it further enacted, That all Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given may be made according to the following Form; *videlicet*,

Form of Conveyance from the Company.

‘ WE the Company of Proprietors of the *Sankey* Canal Navigation,  
 ‘ in consideration of the Sum of  
 ‘ of lawful Money of *Great Britain* to us paid by \_\_\_\_\_ of  
 ‘ \_\_\_\_\_, do hereby, by virtue of the Powers contained in  
 ‘ an Act passed in the Eleventh Year of the Reign of His Majesty  
 ‘ King *George* the Fourth, intituled [*here set forth the Title of this*  
 ‘ *Act*], grant and release to the said \_\_\_\_\_ all [*describing the*  
 ‘ *Premises to be conveyed*], and all our Right, Title, and Interest  
 ‘ in and to the same and every Part thereof; to hold to the said  
 ‘ \_\_\_\_\_ his Heirs and Assigns for ever [*or to such Uses as the*  
 ‘ *Purchaser may desire*]. In witness whereof we the said Com-  
 ‘ pany of Proprietors of *Sankey* Canal Navigation have hereunto  
 ‘ caused our Common Seal to be set and affixed, this  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_’

[*Local.*]

14 R

XCIII. And

The Word  
"grant"  
in Convey-  
ances from  
the Company  
to amount to  
certain Co-  
venants.

XCIII. And be it enacted, That in all Conveyances to be made by the said Company of any Freehold Lands, Tenements, or Hereditaments, the Word "grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Grantees, or other Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, and Assigns, from the said Company of Proprietors, for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, and that the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, shall quietly enjoy the same against the said Company of Proprietors, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company of Proprietors and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and such Grantee or Grantees, Purchaser or Purchasers, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances; and if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting Words applicable to the Assignment of a Chattel, and the Word "grant" being held to be a Covenant only commensurate with the Estate of the said Company of Proprietors in the Premises assigned; and all Copyholds shall be surrendered according to the Custom of the Manor.

Deficiencies  
in Land Tax  
to be made  
good by the  
Company.

XCIV. And whereas by reason of the Exercise of the Powers granted by this Act there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes, Townships, Hamlets, or Places from, in, through, or into which the said Cut or Canal, and other the Works by this Act authorized, may pass or may be made to be situate; be it therefore enacted, That for preventing the same the said Company shall, from and after they shall have become seised and possessed by virtue of the Powers of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall have been completed and assessed to such Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of the said several Parishes, Townships, Hamlets, or Places respectively, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes, Townships, Hamlets, or Places respectively, by reason or means of taking down or using, or cutting through, over, or upon,  
for

for the Purposes of this Act, any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver of the said Company shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collectors of the said Assessments.

XCV. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to contract and agree with any Person or Persons for making the said Cut, Canal, and Works hereby authorized to be made, or any Part or Parts thereof, or for repairing, maintaining, and supporting the said Navigation and Canal already made, and the said Cut, Canal, and other Works hereby authorized to be made, or any Part or Parts thereof, or any Works hereby authorized to be maintained and supported by the said Company, in such Manner and upon such Terms as the general Committee of the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid, made by the said general Committee, or by their Authority, shall be binding upon the said Company, and all other the Parties thereto, and their respective Successors, Heirs, Executors, and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or either of the Parties failing in the Execution thereof.

Company  
may contract  
for making  
and main-  
taining  
Works.

XCVI. And be it further enacted, That the said Company shall, at their own proper Costs and Charges, within Three Calendar Months after the said Canal and Works to be made by virtue of this Act shall be dug, cut, and formed, divide and separate, and shall keep constantly divided and separated, the Towing Paths on the Side of the same Canal, or such Part or Parts thereof respectively as shall be declared necessary by any Two Justices of the Peace for the said County, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Walls, Ditches, Trenches, Banks, or other sufficient Fences, to be set out and made on the Lands or Grounds which shall be purchased by virtue of this Act; and the said Company shall at their own proper Costs and Charges from Time to Time maintain and support the said Towing Paths, and the Posts, Rails, Hedges, Ditches, Fences, Banks, and other Fences so set up and made as aforesaid, and shall also, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, within such Time and in such Manner as the Justices of the Peace of the said County shall, at their General Quarter Sessions, or any Adjournment thereof, from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills and Hereditaments adjoining such Canal and other Works, or any of them respectively.

For fencing  
off Canal,  
Towing  
Paths, &c.

XCVII. And be it further enacted, That in all Cases where it shall be found necessary, for the Purposes of this Act, to take or use any

New Roads  
to be made  
where any

present  
Roads are  
diverted or  
injured.

any Carriage Road or Horse Road, or Footway, either public or private, or any Part thereof, so as to render the same impassable, unsafe, or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Company of Proprietors shall at their own Expence make or complete and put into good Repair a new Road or Way, of a Width not less than the former; and when such new Road or Way shall be so made or completed, and put into good Repair, the same shall be for ever thereafter repaired and kept in repair by such Person or Persons, Hundred, Parish, Township, Hamlet, or Place, as ought by Law to repair the old Road or Way, in case such Alteration or Diversion had not been made; and the Part of the old Road or Way so to be altered or diverted, taken or used, shall thereupon be and become the Property of the said Company, and such Part thereof as shall not be wanted for the Purposes of this Act shall or may be sold or disposed of as any other Land purchased by virtue of this Act, and not wanted for the Purposes thereof, may under the Provisions of this Act be sold or disposed of, but the first Offer of the Purchase of such Piece of old Road or Way shall be made to the Owner of the Land which shall adjoin thereto; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Way, and shall not agree with the said Company for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled and ascertained, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury; and in case such Owner shall refuse to pay such Money, upon Demand made thereof by the Clerk of the said Company, and Tender of the Conveyance of such old Road or Way, the same shall and may be recovered by the said Company by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase any such old Road or Way, it shall and may be lawful for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Lancaster*, stating that such Offer has been made by or on the Behalf of the said Company, and that such Owner has not agreed or hath refused to purchase such old Road (as the Case may be); and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road or Way as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road or Way as is lying immediately adjoining to his, her, or their Land respectively, in manner aforesaid.

Bridges or  
Arches to be  
made where

XCVIII. And be it further enacted, That the said Company shall, at their own Costs and Charges, make, erect, or set up, and complete, and from

from Time to Time maintain and support, a good and sufficient Bridge or Bridges, Arch or Arches, or Passage or Passages, across the Canal and other Works hereby authorized or intended to be made, in all Places where the same shall cross any Carriage Road or Horse Road or Footway, either public or private, for the Use of the Public or of the Persons entitled to use such Roads or Ways respectively, and shall also at their like Costs and Charges make, erect, and set up, and from Time to Time maintain and support, such and so many other convenient Bridges, Arches, or Passages over or across the said Canal and other Works, in such Places and in such Manner as any Two Justices of the Peace of the said County shall from Time to Time judge necessary and appoint, for the Use of the Owners or Occupiers of the Lands and Grounds, Mills and Hereditaments, adjoining to such Canal and other Works or any of them respectively.

the Canal, &c. crosses Roads.

XCIX. Provided always, and be it further enacted, That in all Places where the Line of the Works hereby authorized shall be made across any public Carriage Road, the Ascent to any Bridge to be made over any Part of the said Canal for the Purpose of such Road shall not be greater than One Foot in Thirty Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulations as to Ascent to Bridges.

C. Provided always, and be it further enacted, That the said Company shall not make the said Canal or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any common Highway, public Bridleway or Footpath, until they shall have made and completed a new Carriage Road, Bridleway, or Footpath in lieu thereof, and a sufficient Bridge, Arch, or Passage as aforesaid, or until they shall at their own Costs and Charges have made and provided a good and sufficient temporary Road, Bridleway, Footpath, Bridge, Arch, or Passage over or across the said Highway, public Bridleway, or Footpath.

Roads, &c. to be made, or temporary Passages provided, before making Canal.

CI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to make the said Company liable to repair or amend any Part of the Roads over the Approaches to any of the Bridges to be made over the said Canal hereby authorized to be made, exceeding One hundred Yards from the said respective Bridges, after the Roads over such Approaches shall have been first made and put in good Repair by or at the Expence of the said Company.

Company not liable to the Repair of Approaches to Bridges.

CII. And be it further enacted, That from Time to Time as the said Company, their Agents and Servants, shall, by virtue of the Powers in this Act contained, dig, cut, or carry away any Soil, Sand, Clay, Gravel, or Stone, for making, carrying on, and completing, maintaining or keeping in repair, the said Canal and other Works hereby authorized to be made, in or from the Grounds of any Person or Persons whomsoever adjoining or contiguous thereto, the said Company shall make a reasonable Satisfaction for the same from

If the Company take any Soil, Sand, Clay, Gravel, or Stone, Satisfaction to be made.

[Local.]

Time

Time to Time within Thirty Days after such Materials shall be got or dug; and the Damages done to such Lands or Ground, in case of any Difference about the same, shall be ascertained, on Application being made by the respective Owners for that Purpose to the said Company, by a Jury, in such Manner as is by this Act directed in respect of any other Satisfaction to be made by the said Company.

Company to maintain Floodgates, &c. made for letting Water into the Lands for the Improvement thereof.

CIII. And be it further enacted, That the said Company shall at their own Costs and Charges from Time to Time maintain and keep in good and sufficient Repair, Order, and Condition the Floodgates, Clows, Trunks, Channels, or other convenient Passages for Water already made in, upon, and through the Banks or Works of the said Navigation, and the Branches thereof as aforesaid, for the watering, flooding, and overflowing the Lands and Grounds adjoining and contiguous, which have been usually so watered and flooded, in order for the bettering and improving the same.

Floodgates not to be opened between the 1st of May and 10th of October.

CIV. And be it further enacted, That such Floodgates, Clows, Trunks, Channels, or Passages shall not be opened at any Time between the First Day of *May* in any Year and the Tenth Day of *October* next ensuing, or at any other Time but when there are Land Floods or Freshes in the River, and a Quantity of Water to spare, over and above what is necessary to carry on the said Navigation.

The Company to make sufficient Drains, &c. to carry Water off from Lands.

CV. And be it further enacted, That the said Company hereby established shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, or other Passages over, under, by the Side of, or into the said intended new Canal hereby authorized to be made, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said last-mentioned Canal, without obstructing or impounding the same, and likewise to make or cause to be made such Back Drain or Drains as may be necessary and sufficient to carry away any Water which may ooze or pass through any of the Banks of the said last-mentioned Canal, to the Prejudice of any of the Lands or Grounds contiguous or near thereto; and also to make Watering Places for Cattle in all Cases where by means of the said last-mentioned Canal the Cattle of any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Place, and to supply the same at all Times with Water; and all such Arches, Tunnels, Culverts, Drains, Back Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Ten Days Notice in Writing shall, by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said last-mentioned Canal, be given to the said Company that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired,

according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any One or more of the Justices of the Peace for the said County of *Lancaster*, from Time to Time, as often as there shall be Occasion, (and the said Justices are hereby authorized and empowered, at their Discretion, to make and grant such Order as aforesaid,) enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly; and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Five Days after Demand thereof made upon the said Company, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered from the said Company: Provided nevertheless, that nothing herein contained shall extend to enforce or authorize the admitting of any Water arising from Floods into the said Canal which may injure the said Navigation.

CVI. And be it further enacted, That in case the said Company or their Agents shall neglect or refuse to divide and separate, and keep divided and separated, the said Towing Paths in manner hereinbefore directed, or to make, erect, and set up such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, or other Passages as herein directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments adjoining or near to the said Canal and other Works hereby directed to be made, or after the same shall be made and completed shall neglect or refuse to maintain and support such Fences, Gates, Stiles, Bridges, Arches, and Passages within the Time and in Manner aforesaid, or for the Space of Ten Days next after Notice shall have been given by or on behalf of the Owners or Occupiers of any such Lands, Mills, and other Hereditaments who shall find themselves aggrieved by any such Fences, Gates, Stiles, Bridges, Arches, or Passages not being kept in good Repair and Condition, to the Clerk of the said Company, then and in every such Case it shall and may be lawful for every or any of the Owners or Occupiers of the adjacent Lands, Grounds, Mills, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up or repair all such Fences, Gates, Stiles, Bridges, Arches, or Passages, and other Conveniences, as shall be necessary, and shall have been before directed and appointed by the said Justices to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support any such Works from Time to Time as Occasion shall require, so that in making and maintaining such Works the said Canal and the Banks thereof, or the Fences or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed

If Company do not fence off Towing Paths, make Bridges, &c. LandOwners may do it at the Company's Expence.

allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or other Hereditaments, who shall have so erected and made, repaired and maintained such Works as aforesaid, by the said Company; and the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid for the Space of Five Days after the Demand thereof made upon the said Company or upon their Clerk, such Costs and Charges shall or may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, by Warrant under the Hands and Seals of the said Justices, rendering to the said Company the Overplus, after Payment of such Costs and Charges, and the reasonable Expences of such Warrant, Distress, and Sale, and which Warrant such Justices are hereby empowered to grant.

Rates to be paid for Goods above Sankey Bridges.

CVII. And be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to ask, demand, recover, and take, to and for their own proper Use and Behoof, for all Goods, Wares, Merchandize, and Commodities whatsoever which shall be carried or conveyed up or down the said Navigation and the said Branches thereof, Cuts or Canals, or any Part thereof, above *Sankey Bridges* aforesaid, the Rates, Tolls, and Duties hereinafter mentioned; *videlicet*.

For every Ton Weight of Coal, Cannel Coal, Stone, Slate, Flags, Timber, or other Goods, Wares, and Merchandize, any Sum not exceeding the Sum of Ten-pence, and so proportionably for a greater or less Quantity than a Ton.

Additional Rates below Sankey Bridges.

CVIII. And be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to ask, demand, recover, and take, to and for their own Use and Benefit, for all Goods, Wares, Merchandize, and Commodities whatsoever which shall be carried or conveyed up or down the said Navigation, Cuts, or Canals, Basins or other Works, already made or to be made as aforesaid, or any Part thereof, below *Sankey Bridges*, (except such Goods, Wares, Merchandize, and Commodities as shall be carried upon the said Navigation, and be laden and unladen from and upon any Quay or Wharf, in the Rivers *Mersey* and *Irwell* above *Sankey Brook* Mouth, without entering into the said Canal already made or the said new intended Canal,) the Rates, Tolls, and Duties hereinafter mentioned; *videlicet*,

Exceptions.

For every Ton Weight of Coal, Cannel Coal, Stone, Slate, Flags, Timber, or other Goods, Wares, and Merchandize, any Sum not exceeding the Sum of Two-pence, over and above and exclusive of the Sum of Ten-pence a Ton, authorized to be taken as aforesaid, for all Goods, Wares, Merchandize, and Commodities whatsoever, which shall be carried or conveyed up or down the said Navigation and the said Branches thereof, Cuts or Canals, or any Part thereof, above *Sankey Bridges* as aforesaid.

CIX. Pro-



CIX. Provided always, That Limestones for all Purposes, Paving Stones, Gravel, Sand, and all other Materials for making and repairing of Roads, Quays, and Wharfs to and upon the said Navigation, and for the private Use of the Persons whose Lands shall be cut or made use of for the same, Soaper's Waste, Dung, and all sorts of Manure for Land respectively, shall not nor shall any of them be charged with or liable to pay any of the Rates, Tolls, or Duties afore mentioned, but shall be free and exempted from the Payment thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Limestones,  
Manure, &c.  
exempted.

CX. And be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to subject to the Payment of the Tolls, Rates, and Duties hereinbefore authorized to be taken, demanded, had, and received by the said Company of Proprietors for the Carriage of Goods, Wares, Merchandize, and Commodities carried upon the said Canal between *Fidler's Ferry* and the River *Mersey* at *West Bank*, any Goods, Wares, Stores, Merchandize, Commodities, Articles, Matters, or Things being the Property of or belonging to the said Sir *Richard Brooke*, his Heirs or Assigns, or his, her, or their Tenants or Occupiers of Lands and Hereditaments in *Cuerdley* aforesaid, and being *boná fide* the Produce of his and their Lands and Hereditaments in *Cuerdley* aforesaid, nor any Timber, Stone, Bricks, Slates, or other Materials intended to be used for any Building upon any Part of the said Lands or Hereditaments in *Cuerdley* aforesaid, nor any Tiles or Bricks to be used for the Purpose of draining the same.

Exempting  
from Toll  
the Property  
of Sir Rich-  
ard Brooke.

CXI. And for the better ascertaining the Tonnage of Coal, Cannel Coal, Charcoal, Coke, Cinders, and Timber and Wood to be charged with the Payment of such Rates, Tolls, and Duties as aforesaid; be it further enacted, That Sixty-three Cubical Feet of Coal, Cannel Coal, Charcoal, Coke, and Cinders shall be deemed, rated, and estimated a Ton; and that Fifty Cubical Feet of Fir, Poplar, Alder Wood, Withy or Willow, and Forty Cubical Feet of Oak, Ash, or any other Timber, shall be deemed, rated, and estimated a Ton.

Tonnage of  
Coal, Tim-  
ber, &c. how  
to be ascer-  
tained.

CXII. And be it further enacted, That in all Cases where there shall be any Fraction of a Ton, a Proportion of the Rates payable by virtue of this Act shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton.

Proviso for  
fractional  
Parts of  
Tons.

CXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, to lower and reduce all or any of the Rates, Tolls, and Duties by this Act authorized to be taken, and afterwards from Time to Time again to advance and raise all or any of the said Rates, Tolls, and Duties which shall have been so lowered or reduced: Provided always, that the Rates, Tolls, and Duties so to be advanced or raised as aforesaid

Power to  
alter the  
Rates.

said shall not in any Case exceed the respective Sums set forth and hereby authorized to be taken.

Table of Rates to be set up.

CXIV. Provided always, and be it further enacted, That Tables of the Rates, Tolls, and Duties which shall or may be from Time to Time payable or demandable by virtue of this Act, painted in large Characters on Boards, shall be affixed and continued at the Places where such Rates, Tolls, or Duties shall be payable, received, or taken, and shall be renewed as often as the said Rates, Tolls, or Duties shall be altered, or as the Boards shall be obliterated or destroyed: Provided also, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any such Rates, Tolls, or Duties but for and during such Times as the Boards so painted as aforesaid shall remain so affixed as aforesaid.

Penalty on defacing Tables.

CXV. And be it further enacted, That if any Person shall wilfully or maliciously pull down, destroy, obliterate, or deface, or, without the Consent of the said Company, or their Agent, first had and obtained, remove or alter any such Board so painted as aforesaid, or any Part thereof, or any Number, Letter, Figure, or Mark thereon, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

For Recovery of Rates and Tolls.

CXVI. And be it further enacted, That all and every the several and respective Rates of Tonnage hereinbefore directed to be taken shall be respectively paid to such Collector or Collectors, or Person or Persons, at such Place or Places near to the said Navigation and Canal already made, or the Canal to be made by the Authority of this Act, in such Manner and under such Regulations as the said Company of Proprietors shall from Time to Time appoint or direct; and in case of Refusal or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Collector or Collectors, or Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors, or the Collector or Collectors, Wharfinger or Wharfingers, or other Person or Persons to whom the same respectively ought to have been paid, shall and may seize and distrain and detain the Goods or other Things for or in respect whereof any such Rates for Tonnage ought to have been paid, and the Boat, Barge, or other Vessel laden therewith, or which was laden therewith, or returning from the Voyage, or any other Boat or Vessel of or belonging to the Person or Persons so neglecting or refusing to pay such Rates of Tonnage, and detain the same until Payment thereof shall be made, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in case of Distress for Rent.

Masters of Boats, &c. to give account of

CXVII. And be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel navigating upon the said *Sankey Brook* Navigation or Canal, or the said Canal hereby

hereby authorized to be made, shall from Time to Time give in a just and true Account in Writing, signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, and Commodities contained in every such Boat, Barge, or other Vessel, and of the Place from whence brought and where intended to be landed or carried; and also the Quantities, Qualities, and Weight of such Goods, Wares, Merchandize, or Commodities as shall have been discharged or taken out of such Boat, Barge, or other Vessel within the Limits of the said Navigation and Canals, or either of them, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandize, or Commodities shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of each Rate, and shall produce his Invoice or Bills of Lading to the Collector or Collectors, on Demand; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bills of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Company a Sum not exceeding Ten Pounds for every such Offence, over and above all the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities.

Lading, and  
produce In-  
voice if  
required.

CXVIII. And be it further enacted, That in case any Dispute or Disputes shall arise between the Collectors of the Tolls, Rates, or Duties, and the Masters of Boats or other Vessels liable to the Payment of any such Tolls, Rates, or Duties, respecting the Proportion of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall and may be heard and determined by some Justice of the Peace for the County or Place where the Cause of Dispute shall arise, who, upon Application made to him, 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 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.

Justices may  
settle Dis-  
putes con-  
cerning  
Rates.

CXIX. And be it further enacted, That in case any Person or Persons in navigating, or intrusted with the Care of any Boat, Barge, or other

Penalty on  
evading  
Tolls.

other Vessel upon the said Navigation, Cuts, or Canals already made or to be made, shall, with Intent fraudulently to avoid or evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load or unload or take into and upon any such Boat, Barge, or other Vessel, any Goods, Wares, Merchandize, or Commodities whatsoever liable to pay any of the Tolls, Rates, or Duties hereinbefore mentioned at any other Place or Places than at the public or private Wharfs, Staiths, or Quays upon or belonging to the said Navigation, Cuts, or Canals, without having previously obtained Permission for that Purpose from some one of the Agents to the said Company, or one of their Collectors of the said Rates; or in case any Person or Persons shall do any other Act with Intent fraudulently to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay to the said Company the Sum of Five Pounds.

In case of any Dispute respecting the Quantity of Goods, Collectors may gauge, &c.

CXX. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandize, Coal, Cannel Coal, Charcoal, Coke, Cinders, or other Commodities on board thereof, concerning the Quantity of any such Goods, Wares, Merchandize, Coal, Cannel Coal, Charcoal, Coke, Cinders, or other Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to measure and gauge, or cause to be measured and gauged, all such Goods, Wares, Merchandize, Coal, Cannel Coal, Charcoal, Coke, Cinders, and Commodities as shall be therein contained; and in case the same shall upon such measuring and gauging appear to be of greater Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel shall pay the Costs and Charges of such measuring and gauging; and such Costs and Charges, in case of Refusal of Payment thereof, upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandize, Coal, Cannel Coal, Charcoal, Coke, Cinders, and Commodities shall appear to be of the same Quantity, or of less Quantity than the said Master, Owner, or other Person declared the same to be, then the said Company shall pay the Costs and Charges of such measuring or gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, Coal, Cannel Coal, Charcoal, Coke, Cinders, and Commodities, such Damages as shall appear to One or more of His Majesty's Justices acting in and for the said County of *Lancaster*, on the Oath of any credible Witness or Witnesses, to have arisen from such Detention; but in case it shall be made to appear to such Justice or Justices, upon the Complaint of the said Company or any of their Officers, and upon the like Oath of any credible Witness or Witnesses, that such Stoppage and Detention, and measuring or gauging, was with-  
out

out reasonable Ground or Belief, or vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such measuring or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, Coal, Cannel Coal, Charcoal, Coke, Cinders, and Commodities, such Damages as shall appear to such Justice or Justices, on the Oath of any credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collectors, (as the Case may be,) the same shall be recovered from the said Company or the said Collector (as the Case may be) by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, or otherwise, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

CXXI. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters in the Front or in some other conspicuous Part of the Stop Gate or Toll House immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Three Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and if any Collector of the same Rates, Tolls, or Duties shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Rate, Toll, or Duty from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Rate, Toll, or Duty from any Person who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscription on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same on having paid the said Rates, Tolls, or Duties, or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate, Toll, or Duty being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent, any Boat, Barge, or Vessel from passing along the said Canal Cuts or Canals, or shall use any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer, or to any Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

For preventing Collectors misbehaving.

CXXII. And for the better regulating of the Masters or Owners of Boats and other Vessels, and the Bargemen and others employed by or under them respectively, and for the more easy detecting of any thing to be done by them contrary to the Directions of this Act, be it further enacted, That every Owner, Master, or Person having

Names of Owners of Boats, &c. to be painted on the Sterns.

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the Charge or Command of any Boat, Barge, or other Vessel navigating and passing upon the said Navigation or Canal already made, or the said Cut or Canal to be made as aforesaid, shall cause the Name of such Owner, Master, or other Person as aforesaid, and the Name or Number of such Boat, Barge, or other Vessel, to be painted on a Black Ground, in large White Capital Letters and Figures Four Inches high at least, and of a proportionable Breadth, on the Outside of the Stern of every such Boat, Barge, or other Vessel, so high that no Part of such Letters or Figures shall be under Water when any such Boat, Barge, or other Vessel shall be full laden; and that every Owner, Master, or Person having the Charge or Command of any such Boat, Barge, or other Vessel shall from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Company; and shall also, at his, her, and their own Costs and Charges, fix or cause to be fixed on each Side of every such Boat, Barge, or other Vessel, Two Indexes of Copper, Lead, or other Metal, of such graduated Figures, denoting the Weight or Tonnage, at such Distances and under such Regulations as the said Company shall from Time to Time direct and appoint, so that the true Weight of the Lading of every such Boat, Barge, or Vessel may at all Times clearly appear; and that every Owner, Master, or other Person having the Charge or Command of any Boat, Barge, or other Vessel who shall navigate the same upon the said Navigation or Canal already made, or the said Cut or Canal hereby authorized to be made, without having such Names, Marks, and Figures thereon as hereinbefore directed, or who shall refuse or neglect to put and renew the same as often as may be thought necessary and be ordered by the said Company, or shall alter, erase, deface, or destroy the same or any Part thereof, or shall put any false Names, Marks, or Figures on such Boat, Barge, or other Vessel, or who shall refuse to permit any such Boat, Barge, or other Vessel to be gauged and measured as aforesaid, and also every Owner, Master, or other Person who shall have the Charge or Command of any Boat, Barge, or other Vessel who shall navigate the same upon the said Navigation or Canals already made or hereby authorized to be made, or who shall cause or permit such Boat, Barge, or Vessel to be at any Time unloaded without Planks or a Stage being laid from the Side of such Boat, Barge, or Vessel to the Bank of the said Navigation or Canals already made or hereby authorized to be made, so as to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

Boats, &c. to be gauged when required.

Graduated Indexes to be affixed to Vessels.

Regulating the Entrance of Vessels into the Locks.

CXXIII. And be it further enacted, That the Lock Master of the Locks and Basins to be constructed at the Termination of the said Canal at *Widness Wharf* aforesaid, and his Assistants, shall have full Power and Authority to direct the Time or Times and Manner of any Vessel coming into or going out of the said Locks or Basin, and also the Time and Times of opening and shutting the Gates thereof; and every Master, Pilot, Servant, or other Person having the Command or Charge of any Vessel, who shall act contrary to the Directions or

who shall refuse or wilfully neglect to obey the Orders of such Lock Master, or of any of his Assistants, in relation to the Manner of coming into or going out of the said Locks or Basin, or shall obstruct or hinder him or them in the opening or shutting of the Gates thereof, or shall wilfully obstruct or impede the Entrance of any Vessel into or out of the said Locks or Basin, contrary to the Orders of the said Lock Master or of any of his Assistants, shall forfeit and pay a Sum not exceeding Ten Pounds for every such Offence.

CXXIV. And be it further enacted, That all and every Person or Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways belonging to the said Company (except the Towing Paths), for conveying any Goods, Wares, Merchandize, or other Things to and from the said Navigation, Cuts, or Canals, or any of them, and Wharfs, Quays, and Landing Places belonging thereto, and also with Boats, Barges, and other Vessels, to navigate, pass, repass, and use the said Navigation, Cuts, or Canals, or any of them, for the Purpose of conveying any Goods, Wares, Merchandize, or Commodities whatsoever thereon respectively, and also to use the said Wharfs, Staiths, Quays, and Landing Places belonging to the said Company, for the loading and unloading of any Goods or other Things, and the said Towing Paths for the hauling and drawing of such Boats, Barges, and other Vessels, upon Payment of such Rates, Tolls, and Duties for the same respectively as shall be demanded by the said Company, not exceeding the several Rates, Tolls, and Duties hereinbefore mentioned; and the Owners and Occupiers of Lands adjoining such Towing Paths shall and may use the same for the Occupation and Enjoyment of the Lands adjoining to or communicating with the said Navigation, Cuts, or Canals, or any of them, and subject always to the Rules, Orders, Bye Laws, and Regulations which shall from Time to Time be made by the said Company, under and by virtue of the Powers in this Act contained.

Canal, &c.  
to be free  
on Payment  
of Tolls.

CXXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Person or Persons to keep or use any Boat or other Vessel for the Conveyance of Passengers for Hire or Reward, or any Vessel worked or impelled by Force of Steam, without the Licence or Consent of the said Company, along the said Navigation, Cuts, or Canals, or any of them; and if any Person shall convey any Passenger upon the said Navigation, Cuts, or Canals, or any of them, for Hire or Reward, in any Boat or other Vessel, or use or work any Vessel by Force of Steam without such Licence, every Person so offending shall forfeit and pay, for every Passenger so conveyed, any Sum not exceeding Forty Shillings, and for every Time a Vessel shall be worked or impelled by Force of Steam without Licence, any Sum not exceeding the Sum of Ten Pounds.

No Person  
to keep a  
Passage  
Boat with-  
out the Li-  
cense of the  
Company.

CXXVI. Provided always, and be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Navigation, Cuts, and Canals already made or hereby authorized to be made, to use thereon any Pleasure Boats, or any Boats

Pleasure  
Boats, and  
Boats for the  
Purposes of  
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Boats for the Purpose of conveying the Produce of the Soil, or Cattle, or any other Effects, from any Farm or Part of a Farm or Lands to any other Farm or Lands of the same Owner or Occupier (not passing through any Lock) without any Interruption from the said Company, and without paying any Rate or Duty for the same, so as the same be not made use of for carrying any Goods, Wares, or Merchandize to Market or for Sale, or for any Person or Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said Navigation, Cuts, and Canals, or any of them, or the Towing Paths thereof.

No Vessel of less than Thirty-five Tons Burthen to use the Navigation, without the Consent of the Collector of the Tolls.

CXXVII. And whereas a greater Quantity of Water would be used and consumed in passing through the Locks of and belonging to the said Navigation and Canals by Boats and Vessels of a Tonnage or Burthen between Five Tons and Twenty-five Tons than by Boats or Vessels of Thirty-five or Forty Tons Burthen; be it therefore enacted, That if any Boat, Flat, Lighter, or other Vessel under the Burthen of Thirty-five Tons, (except Pleasure Boats used for the Pleasure and Diversion of the Owner or Owners thereof, or their Families respectively,) shall pass or be conveyed through any such Lock without the Consent in Writing under the Hand of the Receiver or Collector of the Tolls, Rates, and Duties imposed by this Act, there shall be paid to the said Company, in respect of every such Boat, Flat, Lighter, or other Vessel, a Tonnage Rate for Thirty-five Tons of Lading, whether there shall or shall not be any Lading therein.

Land Owners, &c. may erect Wharfs and Warehouses upon their own Lands.

CXXVIII. And be it further enacted, That it shall be lawful for the Lord or Lords, Owner or Owners, of any Manor, Lands, or Grounds through which the said Navigation, Cuts, and Canals made and to be made as aforesaid shall pass, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Navigation, Cuts, or Canals made or to be made as aforesaid, and to make and lay out proper Ways and Roads to the same across any Lands belonging to the said Company, and to land or lay any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Navigation, Cuts, or Canals, or any of them, and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the said Navigation, Cuts, or Canals made and to be made as aforesaid, or the Passage on the Towing Paths thereof; and all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses respectively as shall be erected by such Lord or Lords, Owner or Owners, for the Use of the Public, not exceeding the Rates hereinafter limited for Wharfage, shall be and the same are hereby accordingly vested in such Lord or Lords, Owner or Owners, who shall make and erect such Wharfs, Quays, Landing Places,



Places, Cranes, Weighbeams, and Warehouses as aforesaid, and his, her, or their respective Heirs and Assigns.

CXXIX. And be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not within the Space of Six Calendar Months next after Notice in Writing shall be given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, under the Hand of the Clerk of the said Company, on behalf of the said Company, stating that any Part or Parts of his, her, or their Wastes, Lands, or Grounds is or are necessary or proper for erecting and making any public Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, give Notice in Writing to the said Clerk of his, her, or their Intention to erect and make, and shall not forthwith proceed to erect and make, and within Twelve Calendar Months from the Date of such last-mentioned Notice make, erect, and lay out, and afterwards from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses, for the Use of the Public, on the respective Part or Parts of the Wastes, Lands, or Grounds to be described in such Notice, then and in such Case it shall be lawful for the said Company, and they are hereby authorized and empowered, to take and use such Part or Parts of such Wastes, Lands, or Grounds for erecting and building proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weighbeams, and Warehouses, agreeably to such Notice so given by the said Clerk as aforesaid, they the said Company first making Satisfaction for the same in such Manner as is hereinbefore directed with respect to any Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purposes of this Act.

If they refuse, Company may erect.

CXXX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, which shall be made, erected, and set up by the Lord or Lords, Owner or Owners, of any Manor, Lands, or Grounds adjoining or near to the said Canal, for his or their own private Use only, or for the Use of the Public, or to erect or set up any Cranes or Weighing Machines in or upon any such Private Wharfs, Quays, or Landing Places, without the Consent in Writing of such Lord or Lords, Owner or Owners.

Private Wharfs not to be used by Company, without Consent.

CXXXI. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own Costs and Expence, to erect and build, or cause to be erected and built, for the Use of the said Sir *Richard Brooke*, his Heirs and Assigns, and his and their Tenants and Occupiers of Lands in the said Township of *Cuerdly*, Three sufficient Wharfs or Landing Places on the North Side of the said Canal, One of such Wharfs or Landing Places to be made close to each of the Three Bridges herein directed to be made by the said Company, and also to make or cause to be made a small Basin adjoining or near to One of the said Wharfs, to be selected by the said Sir *Richard Brooke*, his Heirs or Assigns, or his, her, or their

Company to make Three Wharfs and a Basin for Sir Richard Brooke.

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Agents,

Agents, for a Boat not exceeding in Burthen Eighteen Tons (which may be kept by the said Sir *Richard Brooke*, his Heirs or Assigns, or his or their Tenants, on the said Canal,) to lie in so as not to obstruct the Navigation, the said Wharfs and Basin after the same shall have been built and constructed to be ever thereafter kept for the sole and exclusive Use of the said Sir *Richard Brooke*, his Heirs or Assigns, and his and their Tenants and Occupiers of Land in the said Township of *Cuerdly*.

Regulations  
respecting  
Rates of  
Wharfage.

CXXXII. And be it further enacted, That it shall and may be lawful for the said Company, or any Lord or Lords, Land Owner or Land Owners, or other Person or Persons who shall at any Time hereafter make, erect, build, or be possessed of any Wharfs, Quays, or Warehouses on any Part of the said Navigation, Cuts, or Canals already made or to be made for Public Use, from Time to Time and at all Times to ask, demand, take, and recover, to and for their own proper Use and Behoof, for every Ton of Coal, Stone, Lime, Sand, or Brick which shall be loaded from or landed upon any of the said Wharfs, Quays, or Warehouses, and which shall lie in or remain thereupon for any longer Time than Six Hours, the Sum of One Halfpenny, and for every Ton of Goods, Wares, or Merchandize which shall lie in or shall remain thereupon for a longer Space of Time than Six Days, the Sum of Three-pence; and that the said Company, and Owners of the said Wharfs and Quays for the Time being, shall erect and provide at all Times proper and sufficient Cranes or Weighing Beams at their respective Wharfs and Quays, for the more convenient loading, unloading, and weighing of Coal and other Goods.

Goods not to  
be removed  
till Wharfage  
is paid.

CXXXIII. Provided always, and be it further enacted, That in case any Person or Persons whomsoever shall remove or take away any Goods, Wares, or Merchandize for which any Money for Wharfage shall become due as aforesaid, from any Wharf, Quay, or Warehouse, without the Consent of the said Company, or the Owner or Owners of such Wharf, Quay, or Warehouse, or Person chiefly intrusted with the Care thereof, and without Payment of such Rate or Sum for Wharfage as shall be due for the same under the Provisions of this Act, that then and in every such Case the Person or Persons so offending, and being thereof convicted before One or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, by the Confession of the Party offending, or on the Oath of One or more credible Witness or Witnesses, shall forfeit and pay unto the Owner of the Wharf, Quay, or Warehouse from whence such Goods, Wares, or Merchandize shall be removed, any Sum not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons so convicted; and over and besides such Penalty, the Owner of such Wharf, Quay, or Warehouse shall have and be entitled to receive, of the Owner or Owners of the Goods so removed or taken away, or of the Person who landed or deposited the same therein, by Action of Debt or upon the Case, all and every Sum or Sums of Money due for such Wharfage, with full Costs of Suit.

CXXXIV. And

CXXXIV. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, when and as soon as the said intended Cut or Canal shall have been cut and made through the Lands of Sir *Richard Brooke* called *Cuerdly Marsh*, to make or cause to be made, at their own Expence, Three good and sufficient Swivel or Swing Bridges over the said Cut or Canal, in such Situations as the said Sir *Richard Brooke*, his Heirs or Assigns, or his or their Agents, shall select and appoint, of sufficient Length and Strength for the Passage of loaded Waggon over the same, with a Chain affixed to One End of each of the same Bridges, in order that the same may at all Times be turned from either Side of the said Cut or Canal; and the said Company of Proprietors shall for ever maintain and keep the said Bridges, together with the said Chains which are to be attached thereto, in good and substantial Repair, and in such Order and Condition that the same Bridges shall traverse or swing freely, and be at all Times fit for the Passage of the said Sir *Richard Brooke*, his Heirs or Assigns, and his and their Tenants, and the Owners or Occupiers of the Land adjoining the said Cut or Canal, and of their Cattle and Carriages of all Descriptions.

Three Swivel  
Bridges to  
be made over  
the Canal  
where it in-  
tersects  
Sir Richard  
Brooke's  
Estate

CXXXV. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own Costs and Expence, to make or cause to be made, at each End of each and every of the Three Bridges herein required to be made by them as aforesaid on the Lands of Sir *Richard Brooke*, a good and sufficient Carriage Road of the Width of Twenty Feet, and extending to the Length of Ten Yards from the same Bridges, together with a good and sufficient Footpath of the Width of Six Feet, and extending from the said Bridges to the Length of One hundred Yards, and also to erect and make, in the Fence or Hedge opposite to the End of every such Bridge, a Gate of a sufficient Width to admit of the passing of Carriages; and all such Gates and Carriage Roads and Footpaths to the Extent aforesaid shall at all Times and for ever thereafter be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors.

Roads to be  
made to each  
Bridge.

CXXXVI. And be it further enacted, That in case the said Company or their Agents shall neglect or refuse, for the Space of Twenty Days next after they shall have been required so to do by the said Sir *Richard Brooke*, his Heirs or Assigns, or by his or their Agent or Agents, to make such Swivel or Swing Bridges as herein directed, for the Use and Convenience of the said Sir *Richard Brooke*, his Heirs and Assigns, and his and their Tenants or other the Occupiers of the Land and Hereditaments adjoining or near to the said Cut or Canal hereby authorized to be made, or having made such Bridges, shall refuse or neglect to make the Carriage Roads and Footpaths, or the Gates hereinbefore directed to be made, or any of them, or after the same shall be made and completed shall neglect or refuse to maintain and support such Bridges, Roads, Footpaths, and Gates, or any or either of them, for the Space of Fifteen Days next after Notice shall have been given by or on behalf of the said Sir *Richard Brooke*, his Heirs or Assigns, or any of his or their Tenants, or the Owners

If Company  
do not make  
Bridges, Sir  
Richard  
Brooke may  
do it at the  
Company's  
Expence.

Owners or Occupiers of any such Lands and other Hereditaments, who shall find themselves aggrieved by any such Bridges, Roads, Footpaths, and Gates not being made and kept in good Repair and Condition to the Extent aforesaid, to the Clerk or Treasurer of the said Company, then and in every such Case it shall and may be lawful for the said Sir *Richard Brooke*, his Heirs or Assigns, or his or their Tenant or Tenants, or other the Owner or Owners of the said Lands called *Cuerdly Marsh*, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, and he, she, and they is and are hereby authorized and empowered, to make, erect, set up, or repair all such Bridges, Roads, Footpaths, and Gates as shall be necessary and have been before directed, or shall have been agreed to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, support, and amend the same respectively, from Time to Time, as Occasion shall require, so that in making, maintaining, or repairing any such Bridge or Bridges the said Navigation shall not be stopped for any longer Space of Time, nor the Banks of the said Cut or Canal injured in any other Manner, or to any greater Extent, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges for erecting, making, maintaining, and repairing any such Bridge or Bridges, Roads, Footpaths, and Gates, to the Extent aforesaid, to be settled and allowed by any Two or more Justices of the Peace for the County of *Lancaster*, shall be repaid to the said Sir *Richard Brooke*, his Heirs or Assigns, or to the Owner or Occupier, or Person or Persons who shall have so erected and made, repaired or maintained, such Bridge or Bridges, Roads, Footpaths, or Gates, by the said Company, within the Space of Fourteen Days next after the same shall have been so settled and allowed, and an Account or Demand thereof in Writing shall have been delivered and made thereof to and upon the said Company; and in case of Default in Payment by the said Company of the said Costs and Charges within the Time aforesaid, such Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, by Warrant under the Hands and Seals of the said Justices, which Warrant such Justices are hereby authorized to grant, rendering to the said Company the Overplus, if any, after Payment of such Costs and Charges, and the reasonable Expences of making such Distress and Sale, and the Costs of the said Warrant.

If Bridges made by the Company are insufficient, the Owners of *Cuerdley Marsh* may make others at their own Expence.

CXXXVII. Provided always, and be it further enacted, That if the said Sir *Richard Brooke*, his Heirs or Assigns, or any of his or their Tenants, or the Owners or Occupiers of any Part of the said Marsh Land called *Cuerdley Marsh*, through which the said intended Cut or Canal shall be made, shall at any Time or Times hereafter apprehend that the Bridges which are hereinbefore directed to be made by the said Company are insufficient, either in Number or Situation, for the commodious Use and Occupation of the said Marsh Land, then and in every such Case it shall and may be lawful to and for the said Sir *Richard Brooke*, his Heirs and Assigns, and his and their Tenants, and any such Owners or Occupiers, to erect and build, at his and their own Costs and Charges, such Number of Swivel or Swing Bridges, of

the same or the like Construction with those directed to be made and erected by the said Company, in such Place or Places as shall be considered requisite for the better or more convenient Occupation or Enjoyment of the said Marsh Land, and to repair and support the same at his own like Costs and Charges, as Occasion shall require, so as that the said Navigation of the said Cut or Canal be not obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Bridges had been made or erected by the said Company.

CXXXVIII. Provided always, and be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own Expence, to construct, and for ever after to maintain, a good and sufficient Swing or Swivel Bridge over the said new Cut, (together with convenient and proper Approaches to such Bridge,) at or as near as may be practicable to a certain Field within the Parish of *Prescot*, belonging to *William Taylor* of *Carter's House*, Esquire, called *Bonny's Pasture*, for the Use and Benefit of the said *William Taylor*, his Heirs and Assigns; and the said Company of Proprietors shall and they are hereby required, at their own Expence, to construct a good and sufficient Swing or Swivel Bridge over the said new Cut, (together with convenient and proper Approaches to such Bridge,) at or as near as may be practicable to the Road within the Parish of *Prescot* aforesaid now used by the Proprietors of *Widness Wharf*, and leading from toward *Carter's House* to *Widness Wharf* aforesaid, and also to erect and build a substantial and commodious landing and loading Wharf on the Northern Side of the said new Cut, and as near as may be practicable to the Bridge last hereinbefore mentioned, for the Use and Benefit of the said *William Taylor*, his Heirs and Assigns, and the other Proprietors for the Time being of *Widness Wharf*.

Bridge to be erected over the new Cut for the Occupation of Mr. Taylor's Property.

CXXXIX. Provided also, and be it further enacted, That nothing in this Act contained shall authorize the said Company of Proprietors to build or construct any Wharf, House, Bridge, or other Building or Erection whatever, upon any Part of the Lands of the said *William Taylor*, except the Bridge hereinbefore expressly authorized and required to be constructed on such Lands for the Use and Occupation of the said *William Taylor*, nor on any Part of *Widness Wharf*, on the Border of the said Cut or Canal within the Distance or Extent of Five hundred Yards to the Eastward or Westward from the Road within the Parish of *Prescot* now used by the Proprietors of *Widness Wharf*, and leading from towards *Carter's House* aforesaid to *Widness Wharf* aforesaid, except the Bridge and landing and loading Wharf hereinbefore expressly authorized and required to be constructed for the Use of the Proprietors of *Widness Wharf* aforesaid, without the Consent in Writing of the said *William Taylor*, his Heirs or Assigns, first had and obtained.

No Buildings, except Bridges, to be erected on the Lands of Mr. Taylor.

CXL. And be it further enacted, That if any Boat, Barge, or other Vessel shall be placed in any Part of the said Navigation; Cuts, or Canals, or any of them, or of the Trenches, Sluices, or Passages

Penalty on Boats obstructing the Navigation.

[Local.]

14 Y

belonging

belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat, Barge, or Vessel shall not immediately remove the same, or alter the Position thereof, upon Request made for that Purpose by any Collector, Agent, or Servant of the said Company, or other Person or Persons, he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, and shall moreover forfeit and pay a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue after such Request for Removal thereof shall be made as aforesaid; and it shall be lawful for any of the Collectors, Agents, or Servants of the said Company to cause any such Boat, Barge, or Vessel to be unladen, if necessary, and to be removed in such Manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Boat, Barge, or Vessel, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties, and the Charges of such unloading or Removal, shall be paid; and if any Boat, Barge, or Vessel shall be sunk in any Part of the said Navigation, Cuts, or Canals, or any of them, and the Owner or Owners, or Persons having the Care thereof, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company or any of them to cause such Boat, Barge, or Vessel to be weighed and drawn up, and detain and keep the same until Payment shall be made of all Expences thereby necessarily incurred or occasioned.

Boats, &c.  
sunk to be  
weighed up.

Penalty on  
Persons  
leaving open  
Draw-  
bridges,  
or unneces-  
sarily open-  
ing the  
same.

CXLI. And be it further enacted, That if any Swivel Bridge or Drawbridge, already made and erected, or which shall be made and erected for the Accommodation or at the Expence of any Owner or Occupier of any Lands parted by the said Navigation, Cuts, or Canals, or any of them, or any Trenches or Passages for Water, already made or to be made by virtue of this Act, shall at any Time be opened by any Person or Persons for the Passage of any Boat or other Vessel, all and every Person and Persons opening any such Swivel Bridge or Drawbridge, for the Passage of any Boat or other Vessel, shall from Time to Time, as soon as such Boat or other Vessel shall have passed such Bridge, shut and fasten the same, and every Person neglecting so to do shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings; and in case any such Bridge shall be left open longer than necessary for the Passage of any Boat or other Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Boat or Vessel, then the Master or Owner of such Boat or Vessel shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and if any Person or Persons shall wilfully open any such Swivel Bridge or Drawbridge, when no Vessel is to pass through the same, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; all which said Penalties or Forfeitures shall go and be applied to the Poor of the Parish, Township, or Place where the Offence shall be committed.

Regulations  
for Vessels  
passing  
Locks.

CXLII. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other  
Vessel

Vessel which shall pass through any Lock already made or to be made upon the said Navigation, Cuts, or Canals, or any of them, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel to pass through the same; and that every such Boatman or other Person as aforesaid, on going down the said Navigation, Cuts, or Canals, or any of them, from the higher to the lower Levels thereof, shall, previously to his bringing his Boat, Barge, or other Vessel into any Lock, shut the lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Sluices of the upper Gates thereof, and after he shall have brought his Boat, Barge, or other Vessel into the said Lock, he shall then shut the upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the lower Gates thereof; and in going up the said Navigation, Cuts, or Canals, or any of them, towards a higher Level thereof, such Boatman or other Person shall, so soon as his Boat, Barge, or other Vessel shall have entered the said Lock, shut the lower Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices belonging to the upper Gates thereof, and as soon as he shall have passed with his Boat, Barge, or other Vessel out of the said Lock, shut the upper Gates thereof, and the Sluices thereto belonging, and afterwards draw the Sluices of the Lower Gates thereof, unless there shall be then a Boat or Barge or other Vessel within Four hundred Yards above the said Lock, at which Distance a Post or Mark shall be set up for ascertaining the same, coming down the said Navigation, Cuts, or Canals, or any of them, in which Case the lower Gates of the said Lock and the Sluices thereof shall be left shut, and the upper Gates shall be left open; and at all Times the Vessels going down the said Navigation, Cuts, or Canals, or any of them, if there shall be any Vessel coming up, and at a Distance not exceeding Four hundred Yards below any Lock, at which Distance a Post or Mark shall be set up or made for ascertaining the same, the Vessel coming down shall wait until the Vessel coming up shall pass through such Lock, and then the Vessel above such Lock shall come down; and if there shall be more Vessels than One below and above any Lock at the same Time within the Distance aforesaid, such Vessels shall go up and come down through such Lock by Turns as aforesaid, until all the Vessels going up and coming down shall have passed the same, in order that One Lock full of Water may serve Two Vessels; and every Person who shall offend in any of these Particulars shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

CXLIII. And be it further enacted, That if any Person or Persons navigating or working or being on board any Boat, Barge, or other Vessel, upon the said Navigation, Cuts, or Canals, or any of them, shall carry with him or them, or have on board any Boat, Barge, or Vessel, any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game (not being qualified by Law so to do), such Person or Persons shall for every such Offence, being convicted thereof before any One Justice of the Peace, on the Confession of the Party offending or on the Oath of One or more credible Witness or Witnesses, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Rule or Command of any Boat, Barge,

Penalty on Bargemen, &c. carrying Nets or Guns for killing Fish or Game.

Barge, or Vessel shall knowingly suffer or permit any Person or Persons (not being duly qualified so to do) to have, carry on board, or make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying any Fish or Game, every such Master or Person shall for every such Offence, being in manner aforesaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons floating Timber on Canal, or in any Manner obstructing the Navigation;

or throwing Ballast, &c. into Canal;

or unnecessarily opening Locks;

or wasting the Water;

or hindering the Execution of the Act.

Punishment of Persons damaging Fences.

CXLIV. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Navigation, Cuts, or Canals, or any of them, or shall navigate thereon any Boat or Vessel laden with Timber which shall lie over the Sides of such Boat or Vessel in such Way as to obstruct the Passage of any other Boat or Vessel, and shall not, immediately upon Notice given by any Collector, Agent, or Servant of the said Company of such Obstruction, haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same so as to make a free Passage for other Boats or Vessels; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Navigation, Cuts, or Canals, or any of them, or into any Trenches, Sluices, or Passages for Water to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Paddle, Valve, or Sluice belonging to the said Navigation, Cuts, or Canals, or any of them, or shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation, Cuts, or Canals, or any of them, or shall leave any of the Gates or Sluices of any Lock open after any Boat or Vessel shall have passed through the same (except in such Cases as hereby otherwise ordered), or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act; every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

CXLV. And be it further enacted, That in case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence already put or placed, or to be put or placed under the Authority of this Act, for the fencing of the Towing Paths of the said Navigation, Cuts, and Canals already made or hereby authorized to be made, or any of them, such Offence or Offences not amounting to Felony, every Person so offending, and being thereof convicted before any Justice of the Peace (not interested in the Premises) of the said County of *Lancaster*, on the Confession of the Offender or Offenders, or on the Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and no Person or Persons shall be deemed incompetent to give Evidence upon the hearing and Examination of such Offence, by reason of his or her being a Member of the said Company, or the Owner of such Gate, Stile, Post, Rail, or other Fence; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties,



Penalties, or find Sureties to the Satisfaction of such Justice for the Payment thereof at such future Day as he shall think proper to appoint, it shall be lawful for such Justice to commit such Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months, unless the said Penalty or Penalties shall be sooner paid; or otherwise such Justice shall or may cause the said Penalty or Penalties to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; and that one Moiety of such Penalty or Penalties shall be paid to the said Company, or the Owner or Owners of such Gate, Stile, Post, Rail, or Fence so broken, destroyed, or carried away, and the other Moiety thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail, or Fence shall be the Informer, and shall give Evidence of the Offence, then the whole of such Penalty or Penalties shall be paid to the Overseers of the Poor of the Parish, Township, or Place where such Offence shall be committed, for the Benefit of such Poor; and in that Case the Offender or Offenders shall, over and above the Payment of such Penalty last mentioned, make such a Recompence and Satisfaction to the Owner or Owners of such Gate, Stile, Post, Rail, or Fence, for the Damage done thereby by such Offender or Offenders, as the Justice before whom he or they shall be convicted of such Offence shall think fit to allow in respect thereof, such Allowance for Damages to be added to such Penalty or Penalties, and levied therewith in manner above mentioned; and for Want of such Distress such Justice or Justices shall and may commit the Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

CXLVI. And be it further enacted, That if any Person or Persons shall throw, cast, or lay, on any Part of any Towing Path belonging to the said Navigation, Cuts, or Canals, or any of them, any Dung or other Manure, Dust, Ashes, Rubbish, or other Matter, otherwise than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, Wares, and Merchandize, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in such Manner as other Penalties under this Act are directed to be recovered and applied.

CXLVII. And be it further enacted, That the Master or Owner of every Boat, Barge, or Vessel navigating or passing upon the said Navigation, Cuts, or Canals, or any of them, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief as shall be done by his Boat, Barge, or Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other

[*Local.*]

14 Z

Works

Penalty for leaving Rubbish, &c. on the Towing Paths.

Masters and Owners of Vessels answerable for the Crew, &c.

Works in, upon, or belonging to the said Navigation, Cuts, or Canals, or any of them, either by loading or unloading or navigating any such Boat, Barge, or Vessel, or by any other Means whatsoever, and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Navigations, Cuts, or Canals, or any of them, by leaving open Gates or otherwise, and for any Trespass whatsoever contrary to the Directions and Provisions in this Act contained, or any of them; and every such Master or Owner shall, upon Conviction before any One Justice of the Peace, either upon Confession or upon the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby empowered and required to administer,) pay to the Person or Persons injured the Damages, to be ascertained by such Justice, provided such Damages do not exceed the Sum of Five Pounds; and upon Nonpayment, on Demand, the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as other Penalties or Forfeitures are by this Act directed to be levied, or if the Damages shall exceed the Sum of Five Pounds, then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

Owners may recover from their Servants for Penalties or Damages.

CXLVIII. And be it further enacted, That if the Owner or Owners of any Barge or Vessel navigating or passing on the said Navigation, Cuts, or Canals, or any of them, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants, Boatmen, Watermen, Haulers, or any of them, then and in such Case every such Servant, Boatman, Waterman, or Hauler shall be liable to pay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof, upon Demand, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, Waterman, or Haulers, or any of them, although demanded, (such Oath to be made before any Two or more of the Justices of the Peace for the County or Place where such Penalty shall have been recovered,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Punishment of Persons wilfully destroying Works.

CXLIX. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, Cuts, or Canals, or other Works, or any of them, break, throw down, or destroy any Bridge or Bridges, Bank or Banks, Lock or Locks, Erections or Buildings, or other Works already erected and made by virtue of the said recited Acts hereby repealed, or either of them, or to be erected and made by virtue of this Act, every Person so offending, being lawfully convicted, shall be transported as Felons are directed to be by the Laws and Statutes of this Realm, for a Term not exceeding Fourteen Years; or otherwise the Court before whom

such Person shall be convicted may, in mitigation of such Punishment (if they shall think fit), award any such other Punishment as the Law directs in Cases of Felony.

CL. And be it further enacted, That the Lord or Lords or Owner or Owners of any Manor or Manors through which the said Canal already made, and the said Canal hereby authorized to be made, shall pass, shall be entitled to the several and exclusive Right of Fishery of and in so much of the said Canals or either of them as shall be made through the Commons or Waste Lands within his, her, or their Manor or Manors respectively, or through any other Lands or Grounds lying within such Manor or Manors, wherein such Lord or Lords, Owner or Owners now hath or have or is or are entitled to the Right of Fishery in the Brooks and Waters now being in such last-mentioned Lands and Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through or in which the said Canals shall pass shall also have and be entitled to the like Right of Fishery of and in so much of the said Canals as shall pass through or in his, her, or their Lands or Grounds, so as by the Use of and Exercise of any such Right of Fishery as aforesaid the said Canals, or the Towing Paths, Banks, or other Works and Conveniences already made or hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or extracted from or out of the said Canals, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying of any Fish in the said Canals which shall be taken, killed, or destroyed through or by means of the necessary letting off the Water out of the same respectively, or for or on account of any Repairs or Works to be done in or about the same.

Rights of  
Fishery re-  
served to  
Lords of  
Manors, &c.

CLI. And be it further enacted, That the said Cut or Canal hereby authorized to be made on the Lands of the said Sir *Richard Brooke*, and the Lands which may be purchased from him for the Purpose of making the same, shall not be used or employed for any other Purpose than as a Cut or Canal navigable and passable for Ships, Boats, Barges, and other Vessels, nor shall the Towing Path hereby authorized to be made on the South Bank of the said Canal, and on the Lands of the said Sir *Richard Brooke*, be used or converted and employed for any other Purpose than for the towing or haling Ships, Boats, Barges, or other Vessels navigating the said Canal; and that it shall not be lawful for the said Company of Proprietors, without the Consent in Writing of the said Sir *Richard Brooke*, his Heirs or Assigns, first had and obtained for that Purpose, to erect or build, on any Part of the Land in *Cuerdley* aforesaid now belonging to the said Sir *Richard Brooke*, any House, Warehouse, Office, or other Building whatever.

Canal not to  
be used for  
any other  
Purpose.

CLII. And be it further enacted, That the said Canals already made and hereby authorized to be made as aforesaid shall not be subject or liable to the Controul, Direction, Survey, or Order of any

Not to be  
subject to  
the Com-  
missioners of  
any  
Sewers.

any Commissioners of Sewers, or to any Law or Statute relating to Sewers.

General  
Saving of  
Rights.

CLIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, as well in Right of His Crown as in Right of His Duchy of *Lancaster*, all Powers and Authorities, Rights, Privileges, and Advantages, on, in, and over the Waters, Strand, Shore, and Beach of the River *Mersey*, or to the Marsh Land or other Land, or Hereditaments, Strand, Shore, and Beach, or other Rights and Privileges appertaining to His Majesty's Honour of *Halton* or Manor of *Widness*, in Right of His said Duchy: Provided also, and saving always to all and every Person and Persons, Bodies Politic and Corporate, his, her, or their Successors, Heirs, Executors, and Administrators, (other than and except the several Persons, Bodies Politic and Corporate, in respect of such Rights and Interests as are intended to be hereby barred and destroyed,) all such Right, Title, and Interests, (except such as are hereby intended to be barred and destroyed,) as they, every or any of them, had and enjoyed, or could or might have had or enjoyed, in case this Act had not been passed.

Saving the  
Rights of the  
*Mersey and  
Irwell Com-  
pany.*

CLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice or derogate from any of the Rights, Powers, Liberties, Privileges, and Authorities to which the Company of Proprietors of the *Mersey and Irwell* Navigation may be entitled, of and in and over the said River *Mersey*, under and by virtue of the Acts of Parliament for making and maintaining the Rivers *Mersey* and *Irwell* navigable from *Liverpool* to *Manchester* in the said County Palatine of *Lancaster*, except so far as the same may interfere with the Powers hereby granted to make and maintain an Entrance or Entrances into the said River, for the said Canal and Cuts hereby authorized to be made and maintained.

Saving the  
Right of the  
Corporation  
of *Liverpool*  
and Trustees  
of *Liverpool*  
Docks.

CLV. Provided always, and be it further enacted, That nothing in this Act or the said recited Acts contained shall extend or be construed to extend to alter, abridge, diminish, or take away the Right of the Mayor, Bailiff, and Burgesses of the Town of *Liverpool* in the County of *Lancaster*, or of the Trustees of the *Liverpool* Docks, to the Receipt of any Tolls, or Town Duties, or Dock Duties, to which they are by Law entitled.

Saving the  
Rights of the  
*Liverpool*  
and *Man-  
chester*  
Railway  
Company;

CLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the said *Liverpool* and *Manchester* Railway Company, under and by virtue of the several Acts made and passed for the making and maintaining the said *Liverpool* and *Manchester* Railway.

and of the  
Owners, &c.  
of *Sankey*  
Quays.

CLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice or derogate from any of the Rights, Powers, Liberties, Privileges, and Authorities to which  
the

the Owners, Proprietors, or Farmers of *Sankey* Quays are entitled at the Time of the passing of this Act.

CLVIII. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye-Law to be made in pursuance thereof, (except in Cases where the Manner of hearing and determining thereof is hereinbefore otherwise directed,) shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or, upon Complaint upon Oath, to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons; and upon the appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture, by virtue of this Act or of any Bye Law made in pursuance thereof, imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful to and for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until it shall be ascertained whether such Person hath any Goods and Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer of the said Company, and shall be applied and disposed of towards defraying the Expences of making and maintaining the said Navigation, Canals, and Works; and the Overplus, if any, arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

CLIX. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the

[*Local.*]

15 A

Conviction

For Recovery  
of Penalties.

Form of  
Conviction.

Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect ; (that is to say,)

‘ to wit. } BE it remembered, That on [Time of Conviction], at [Place  
 ‘ of Conviction] of [Name of Offender] of [Addition of  
 ‘ Offender] was duly convicted before me [or us] [Name and Style of  
 ‘ convicting Justice or Justices,] for that the said [Name of Offender],  
 ‘ on [Time of committing the Offence], at [Place of committing Offence],  
 ‘ did [here state the Offence against the Act, according to the Fact],  
 ‘ contrary to the Form of the Statute made in the Eleventh Year of  
 ‘ the Reign of His Majesty King George the Fourth, intituled [here  
 ‘ set forth the Title of this Act]; and I [or we] do therefore declare  
 ‘ and adjudge that the said [Name of Offender] has forfeited for the  
 ‘ said Offence the Sum of [Fine], or shall be committed to [Place of  
 ‘ Imprisonment] for the Space of [Time of Imprisonment]. Given  
 ‘ under my Hand and Seal [or our Hands and Seals], the Day and  
 ‘ Year first above written.’

Persons  
taking Dis-  
tress irregu-  
larly not to  
be deemed  
Trespassers  
ab initio.

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

Proceedings  
not to be  
quashed for  
Want of  
Form, or re-  
moved.

CLXI. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

For compel-  
ling Wit-  
nesses to  
attend and  
give Evi-  
dence.

CLXII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

CLXIII. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Company or any Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the said Company, in pursuance of the Directions or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Damage, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company or such Treasurer as aforesaid: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

In case of Nonpayment of Compensation for Damages, &c.

CLXIV. And be it further enacted, That when any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying any Penalties or Forfeitures.

Damages and Charges may be settled by Justices.

CLXV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Penalties incurred; and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice;

Justices may proceed by Summons in Recovery of Penalties.

Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

For securing  
transient Of-  
fenders.

CLXVI. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, and other Persons under this Act; be it further enacted, That it shall and may be lawful to and for the said Collectors and Surveyors, and their Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and convey him, her, or them before some Justice or Justices of the Peace for the County in which such Offence may be committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices is and are hereby respectively empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

CLXVII. Provided always, and be it further enacted, That any Person or Persons, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order or Determination of the said Company, or of any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months after such Order, Judgment, or Determination shall be made or given, complain to the Justices of the Peace at the General Quarter Sessions of the Peace, or any Adjournment thereof, to be held in and for the County, Division, or Place where the Cause of Appeal shall have arisen, the Person or Persons appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company, and forthwith after such Notice entering into Recognizance before some Justice of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace held for the said County, Division, or Place, or, if they think proper, adjourn the Hearing thereof until the next General Quarter Sessions of the Peace, or any Adjournment thereof, to be held for the said County, Division, or Place, and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Limitation of  
Actions.

CLXVIII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or  
Persons



Persons for any thing done or to be done in pursuance of this Act, or in execution of the Powers and Authorities or the Orders and Directions hereinbefore given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits or Informations, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have in other Cases at Law.

CLXIX. 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 upon the said Company any Notice or Notices, Writ or Writs, or other legal Proceedings, or Proceedings in Equity, the Service thereof upon any Member of the said Company, or left at his last or usual Place of Abode, or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Company.

Service of  
Notices,  
&c. on the  
Company.

CLXX. And be it further enacted, That in case the said intended Canal and Works hereby authorized to be made shall not be completed and made navigable so that Boats and Barges may pass along the whole Line within the Space of Five Years from the passing of this Act, then from and immediately after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act for the making and maintaining of the said intended new Canal, but no others, shall cease and determine, save only and except in respect of so much (if any) of the said Canal, or any of the Works hereby authorized to be made, as shall have been completed and made navigable within the said Term of Five Years.

Canal to be  
begun and  
completed  
within cer-  
tain Periods,  
or Powers to  
cease.

CLXXI. And be it further enacted, That all Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by the said Company out of the

Expences of  
Act.

Money which shall arise or be received by virtue of the Powers of this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same.

Act to be  
deemed  
public.

CLXXII. 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.

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