



ANNO TRICESIMO OCTAVO

GEORGII III. REGIS.

Cap. 32.

An A&t to enable the Company of Proprietors of the Canal Navigation from *Manchester* to or near *Ashton under Lyne* and *Oldham*, to finish and complete the same, and the several Cuts and other Works authorized to be made and done by them by the several A&ts passed for that Purpose, and for amending the said A&ts, and granting to the said Company further and other Powers.

[26th May 1798.]

WHEREAS by an A&t, passed in the Thirty-second Year of the Reign of His present Majesty, intituled, *An A&t for making a Navigable Canal from Manchester to or near Ashton under Lyne and Oldham, in the County Palatine of Lancaster*, certain Persons and their Successors, incorporated by the Name of *The Company of Proprietors of the Canal Navigation from Manchester to or near Ashton under Lyne and Oldham*, are authorized to make, complete, and maintain, a Canal Navigation from the Town of *Manchester*, at or near the Easterly End of a certain Highway or Street there called *Piccadilly*, through Part of the Parish of *Manchester* to or near a Place called *Fairfield*, in the said Parish, and from thence by One Branch through other Part of the said Parish and the Parish of *Ashton under Lyne*, to a publick Highway in

Preamble,
Act 32 Geo.
III, and

[Act 32 Geo. III.]

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13 Geo. III,
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the Town of *Ashton under Lyne*, near and leading to a Bridge called *Dukinfield Bridge*, and by another Branch from or nearly from the said Place called *Fairfield*, to a certain Place called *New Mill*, near to the Town of *Oldham*, and also to make an Aqueduct Bridge over the River *Tame*, at or near to an Estate called *Walk Mill*, near the Town of *Ashton under Lyne* aforesaid, into *Dukinfield*, from and to communicate with the said Canal, and another Aqueduct Bridge over the River *Medlock*, from and to communicate with the said Canal at or near a certain Place in the Parish of *Ashton under Lyne* aforesaid, called *Boodle Wood*, and to raise any Sum of Money towards defraying the Expences thereof, not exceeding Sixty thousand Pounds, and if the said Sum should be found insufficient, they were also enabled to raise the further Sum of Thirty thousand Pounds: And whereas by an Act, made in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act to enable the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton under Lyne and Oldham, to extend the said Canal from a Place called Clayton Demesne, in the Township of Droylsden, in the Parish of Manchester aforesaid, to a Place in the Turnpike Road in Heaton Norris, leading between Manchester and Stockport, opposite to the House known by the Sign of The Three Boars Heads, and from or nearly from a Place called Taylor's Barn, in the Township of Reddish to Denton, at a Place called Beat Bank, adjoining the Turnpike Road leading between Stockport and Ashton under Lyne; and also from the intended Aqueduct Bridge, at or near a Place called Waterhouses, in the Parish of Ashton under Lyne aforesaid, to a Place called Stake Leach, at Hollinwood, in the Township of Oldham aforesaid*, the said Company of Proprietors were authorized to make, complete, and maintain a Canal, navigable and passable for Boats, Barges, and other Vessels from the said *Manchester, Ashton under Lyne, and Oldham Canal Navigation*, at a Place called *Clayton Demesne*, in the Township of *Droylsden*, in the Parish of *Manchester* aforesaid, to a Place in the Turnpike Road in *Heaton Norris*, leading between *Manchester* and *Stockport*, opposite to the House known by the Sign of *The Three Boars Heads*; and another Canal to communicate with the said last-mentioned Canal, from or nearly from a Place called *Taylor's Barn*, in the Township of *Reddish*, to *Denton*, at a Place called *Beat Bank*, adjoining the Turnpike Road leading between *Stockport* and *Ashton under Lyne*; and also another Canal from and to communicate with the intended Aqueduct Bridge, at or near a Place called *Waterhouses*, in the Parish of *Ashton under Lyne* aforesaid, to a Place called *Stake Leach*, at *Hollinwood*, in the Township of *Oldham* aforesaid, and to raise any Sum of Money towards defraying the Expences thereof, not exceeding Thirty thousand Pounds: And whereas the said Company of Proprietors have proceeded in making and completing Parts of the said Canals and Works by the said several Acts authorized to be made, and have not only expended therein the Whole of the several Sums of Money by the said Acts authorized to be raised, but are indebted in considerable large Sums for Lands marked and set out for, or taken into and used for the said Canals and Works, and for Goods, Materials, and Implements purchased by them for carrying on the said Works: And whereas, in order to enable the said Company of Proprietors to pay and discharge the Debts now owing by them as aforesaid, and also to finish and complete the said Canals and other Works, and to carry into Effect the said several other Purposes, it is necessary that they should be authorized to raise a further Sum of Money:

ney : And whereas the Powers and Provisions of the said Acts have, in some Respects, been found defective, and it is requisite that the same should be altered and amended : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise in Manner herein-after mentioned, any Sum or Sums of Money, not exceeding in the Whole the Sum of Thirty thousand Pounds, over and above the said several Sums of Sixty thousand Pounds, Thirty thousand Pounds, and Thirty thousand Pounds, in the said Acts authorized to be raised as therein mentioned, and although the same several Sums may not have been raised, any Thing in the said Acts, or either of them, contained to the contrary notwithstanding ; and that the Money to be raised by virtue of this Act shall be applied in paying and discharging the Debts owing by the said Company of Proprietors, and such further Debts as they shall contract in completing the said Canal Navigation, and in executing the several Purposes of the said Acts and this Act.

Proprietors
may raise an
additional
Sum of
30,000 £.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors to borrow and take up at Interest, from any Person or Persons, upon Mortgage of the Rates authorized to be collected by virtue of the said Acts, or either of them, and of this Act, the said last-mentioned Sum of Thirty thousand Pounds, or any Part thereof, as to them shall seem meet and convenient ; and the said Company of Proprietors, or their Committee for the Time being, after an Order of any General Assembly of the said Company of Proprietors for that Purpose, shall, and they are hereby fully authorized and empowered to assign the Interest and Property of the said Company of Proprietors in the said Canal, Cuts, and other Works, and the Rates arising or to arise by virtue of the said Acts, or either of them, and of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates), as a Security or Securities 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 Mortgage, in like Manner and Form, and with and subject to the like Powers and Directions for transferring every such Mortgage and registering the same, and to the like Remedies, Regulations, and Provisions touching and concerning the same, and the Interest to be thereby secured, as are mentioned and contained in and by the said Act of the Thirty-second Year of the Reign of His present Majesty respecting the borrowing of Money on Mortgage, and the Securities to be made for the same, as fully and effectually, to all Intents and Purposes, as if the same had been done in pursuance of the same Act.

Power to
raise Money
by Mortgage.

III. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, if they shall think it expedient, to raise the said last-mentioned Sum of Thirty thousand Pounds, or any Part thereof, on Promissory Notes under the Common Seal of the said Company, and that such Notes shall be made payable, and shall be paid off and discharged at

or on Notes,
to be repaid
in Five Years,
or made Stock
in the Canal.

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the End of Five Years from the respective Dates of such Notes, with Interest for the same in the mean Time, to be paid Half Yearly or Yearly, as may be agreed upon, and as shall be expressed in such Notes, at the Rate of Five Pounds *per Centum per Annum*, but the respective Holders of such Notes shall have and be entitled to the Option either to receive such Principal Monies, or be admitted to become Proprietors of Shares in the said Canal for the Principal Money to be advanced on such Notes, at the same Price as the original Proprietors of Shares in the said Canal shall have paid or advanced for or in respect of their several Shares therein, calculating the several Payments that shall have been made thereon, or in respect thereof, and compound Interest for the same after the Rate aforesaid, from the several Times of such Payments, and deducting therefrom the Amount of such Dividends as the said Proprietors shall then have received on their Shares, and Compound Interest thereon after the Rate aforesaid; and the Rates, Tolls, and Duties authorized to be taken, and which shall arise and be taken by virtue of either of the said Acts and this Act, shall be a Security for all and every Sum and Sums of Money for which such Promissory Notes as aforesaid shall be given, with such Rate of Interest as aforesaid, to the Person or Persons who shall from Time to Time be entitled to such Securities, and the Principal Money and Interest thereby secured; the Form of which Notes, and the proper Registry and Entry thereof in the Company's Books, shall be from Time to Time regulated and adjusted by the said Company of Proprietors as they shall think fit; and all Persons to whom such Notes as aforesaid shall be given, or who shall from Time to Time be entitled thereto, and to the Principal Money and Interest thereby secured, as Indorsees or otherwise, shall be equally entitled to a Proportion of the said Rates, Tolls, and Duties, according to the respective Sums mentioned thereby to be secured and advanced, as if the same were or had been advanced upon Mortgages or Assignments of the said Rates, Tolls, and Duties, in pursuance or by virtue of either of the said Acts or this Act, and without any Preference by reason of the Priority of Date of any such Securities by Notes, Mortgages, or Assignments; and any Person or Persons becoming a Proprietor or Proprietors of a Share or Shares in the said Canal Navigation, by reason of his, her, or their having lent Money on such Notes as aforesaid, or having become entitled thereto, and electing to become a Proprietor or Proprietors in respect thereof as aforesaid, shall and may hold and enjoy such Share and Shares, over and above any other Shares he, she, or they may then have in the said Canal Navigation, although such Shares in the Whole may amount to more than Thirty Shares, and without being liable to forfeit any of such Shares; any Thing in the said Acts, or either of them, contained to the contrary thereof in anywise notwithstanding: Provided always nevertheless, and it is hereby declared, That no Person or Persons to whom such Notes as aforesaid shall be given, or who shall be entitled thereto, and to the Principal Money and Interest thereby secured as aforesaid, at the End of Five Years from the respective Dates of such Notes, shall, by Reason or on Account of such Notes, be entitled to or have or hold any Fraction of a Share in the said Canal Navigation, unless for the Purpose of making any other Fraction of a Share therein, which such Person or Persons shall be possessed of in the said Canal Navigation previous to and at the End of the said Five Years from the Dates of such Notes, into a whole Share therein; but that in all Cases where the Money due on such Notes shall,

according

according to the Mode of Calculation before mentioned, amount to a Fraction of the Value or Price of a Share to be calculated as aforesaid, and shall not make any Fraction or Fractions of a Share or Shares then belonging to the Holder or respective Holders of such Notes respectively, into a whole Share or whole Shares, then and in every such Case the Person or Persons to whom such Notes as aforesaid shall be given, or who shall be entitled thereto, and to the Principal Money and Interest thereby secured as aforesaid, shall, at his, her, or their own Election, either advance and pay to the said Company of Proprietors such further Sum of Money, as with such Fraction or Fractions of the Value of a Share, and any Fraction or Fractions of a Share which he, she, or they may then be possessed of, will together amount to the Value or Price of a whole Share, calculating such Value or Price as aforesaid; or such Person or Persons as last aforesaid shall be re-paid such Fraction by the said Company of Proprietors.

IV. And whereas the said Company of Proprietors have already purchased, and may also hereafter purchase Lands and Buildings not necessary to be made use of for the Purposes of the said Acts and this Act, or any of them; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee Farm, or to demise for a Term of Years, such Part or Parts of the Lands or Buildings as may have been so purchased by and conveyed to the said Company of Proprietors, or as shall be so purchased by and conveyed to them as aforesaid, and as shall not be wanted for the Purposes of the said Navigation and Works, at and under such Yearly Rents, and to be reserved or limited in such Manner as in such Conveyances or Demises shall be expressed, and also to lay out and appropriate any Part of the said Lands and Premises, as and for a Way or Ways, Street or Streets, Avenue or Avenues, Passage or Passages; and that it shall also be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Buildings as may have been so purchased by and conveyed to the said Company of Proprietors, or as shall be so purchased by and conveyed to them as aforesaid, and as shall not be wanted for the Purposes of the said Navigation and Works, and also all or any Part or Parts of the Annual Rents or Yearly Sums which shall or may be reserved or limited to the said Company of Proprietors, their Successors and Assigns, on any Grant or Demise, Grants or Demises, to be by them made and granted in pursuance of the Powers to them herein-before for that Purpose given; and that all such Purchases and Conveyances to the said Company of Proprietors, and all such Grants in Fee Farm, and Demises for Years, and Conveyances from the said Company of Proprietors, shall be valid and effectual, any Thing in the said Acts, or either of them, 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 Land, Rents, or Premises, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being, to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Land, Rents, or Pre-

Company empowered to resell Land on Chief Rents.

Company empowered to resell Lands absolutely.

mises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

The Words,
"grant,
bargain, and
sell," to op-
erate as Cove-
nants for the
Title.

V. And be it further enacted, That in all Grants, Demises, and Conveyances hereafter to be made by the said Company of Proprietors, under or by virtue and in pursuance of the several Powers and Authorities to them hereby given, the Words "grant, bargain, and sell," shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee, Lessee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company of Proprietors for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Grant, Lease, or other Conveyance respectively, seised of the Hereditaments, Rents, and Premises thereby granted, bargained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Company of Proprietors, their Successors and Assigns, and all claiming under them, indemnified and saved harmless by the said Company of Proprietors and their Successors, from the said several Yearly Rents or Annual Sums to be so respectively reserved or limited in Use, and made payable by the said Company of Proprietors, their Successors and Assigns, for and in respect of the said Lands and Buildings so purchased and conveyed, or which may hereafter be purchased and conveyed as aforesaid; and also for further Assurance of such Hereditaments, Rents, and Premises thereby bargained and sold, to be made by the said Company of Proprietors, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Grants, Demises, or other Conveyances, or any of them, and that such Grantees, Lessees, or other Purchasers, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Grants, Demises, or Conveyances respectively.

Application
of Rents and
Purchase
Money.

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

VII. And

VII. And be it further enacted, That on the Execution of such Conveyances as may be made to the said Company of Proprietors as aforesaid of any Lands, Grounds, or Tenements out of which any Rent or Rents shall be issuing or payable, not only such Lands, Grounds, and Tenements, but also the said Canal Navigation, and all the Tolls, Duties, and Profits to be received from the same, shall be charged and chargeable with the Payment of all and every such Rent and Rents as shall have been, or as shall be reserved or made payable out of or in respect of such Lands, Grounds, and Tenements, and that all and every such Rent and Rents shall be paid by the said Company of Proprietors as the same shall become due and payable, in Preference to any Dividend or Dividends on any of the Shares of any of the said Proprietors of the said Navigation; and that it shall be lawful for the said Company of Proprietors further to indemnify the Person or Persons conveying such Lands, Grounds, and Tenements, to the said Company of Proprietors, and his, her, and their Heirs, Executors, and Administrators, against all such Rent and Rents, by such Security or Securities out of the said Lands, Grounds, and Tenements, and out of the Tolls, Duties, and Profits of the said Navigation, as shall or may be thought proper.

The Canal charged with the Payment of Rents.

VIII. Provided always, and be it further enacted, That such Lands, Tenements, and Hereditaments, as the said Company of Proprietors have already purchased or may hereafter purchase of and from *Elizabeth Grimshaw* of *Gorton* in the County of *Lancaster*, Widow, and *Robert Grimshaw*, of the same Place, Esquire, and also of and from *John Grimshaw* of *Manchester*, in the same County, Esquire, and *Ann Grimshaw*, of *Manchester* aforesaid, Spinster, or any of them, under or by virtue of the said Acts or either of them, and as shall not be used for the Purposes of the said Navigation, and the Works thereof, shall be used by the said Company of Proprietors for the Purposes of Wharfs or Warehouses in and about the said Canal, and not more than Two Dwelling Houses to be erected on the said Lands, Tenements, and Hereditaments, for the Habitation of the Person or Persons who for the Time being shall have the Care of such Wharfs or Warehouses; and that the said Company of Proprietors shall not at any Time hereafter, so long as they shall continue Proprietors of the same Land, or of any Part thereof, erect or cause to be erected thereon, or any Part thereof, any Steam Engine, Brewery, Iron or other Forge, Smelting Mills, Glass Works, Ovens, Lime Kilns, Tan Yard, or any other Erections, Buildings, or Works, so as to be or become a Nuisance to the said *Robert Grimshaw*, *John Grimshaw*, and *Ann Grimshaw*, any or either of them, their or any or either of their Heirs or Assigns; and that before any Grant, Demise, Sale, or Disposition shall be made of the same, or any Part or Parts thereof, by virtue of this Act, to any other Person or Persons, the same shall be offered for Sale by the said Company of Proprietors unto the Person or Persons herein-after mentioned; (that is to say), such Lands and Hereditaments as were purchased or may be hereafter purchased of the said *Elizabeth Grimshaw* and *Robert Grimshaw*, unto the said *Robert Grimshaw*, his Heirs or Assigns, and such Lands and Hereditaments as were purchased or may be hereafter purchased of the said *John Grimshaw*, unto the said *John Grimshaw*, his Heirs or Assigns, and such Lands and Hereditaments as were purchased or may be hereafter purchased from the said *Ann Grimshaw*, unto the said *Ann Grimshaw*, her Heirs

Directing what shall be done, as to the Re-sale of Lands purchased from *Elizabeth Grimshaw* and others, not used for the Canal.

Heirs or Assigns; and in case the said Persons so entitled to Pre-emption, or any or either of them, shall signify a Desire to purchase the Lands so intended to be granted, demised, sold, or disposed of, or offered to Sale as aforesaid, in Writing, under his, her, or their respective Hands, within One Calendar Month next after such Notice to the said Clerk of the said Company, then such Person or Persons shall become and be deemed the Purchaser or Purchasers thereof, at such Price as the same shall be valued at by Three indifferent Persons, or any Two of them, One of such Referees to be nominated by the said Company of Proprietors, One other of such Referees by the Person or Persons so entitled to Pre-emption, and signifying such Desire as aforesaid, and the Third by the Two former Referees; and after the Price shall be so fixed and ascertained, the Lands and Hereditaments so purchased as aforesaid shall, with all convenient Speed, be granted and conveyed by the said Company of Proprietors, on Payment of the said Price to the said Company of Proprietors, to the Person or Persons so entitled to Pre-emption, and signifying his, her, or their Desire of purchasing the same, his, her, or their Heirs and Assigns respectively, free from all Incumbrances by them the said Company made or committed.

Company empowered to charge Wharfage on Land in and near *Manchester*.

IX. And whereas, in Consideration of the very large annual Rents with which the Lands and Grounds necessarily taken or to be taken by the said Company of Proprietors for Wharfs, in and near to the Town of *Manchester* aforesaid, are and may be charged, and which are and may be payable by the said Company of Proprietors, it is reasonable that they should be authorized to collect some additional Rates of Wharfage on such Lands and Grounds, towards paying and discharging such annual Rents; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors (over and above the Rates of Tonnage which they are entitled to take and receive by virtue of the said Acts and of this Act), to ask, demand, take, and recover, for their own proper Use, the several additional Rates of Wharfage herein-after mentioned, for all Minerals, Merchandize, and other Goods, Matters, and Things, which shall be laid on any Wharf or Quay erected or made, or to be erected or made, by the said Company of Proprietors, in or upon their Lands or Grounds in and near the Town of *Manchester* aforesaid; (that is to say), any Sum or Sums of Money, not exceeding the Sum of One Penny *per* Ton, for each and every Ton of Coal, Lime, Lime Stone, Clay, Iron, Iron Stone, Timber, Stone, Brick, Tile, Slate, Flag, Sand, or Gravel; and any Sum or Sums of Money, not exceeding Three-pence *per* Ton, for each and every Ton of any other Goods or Things.

Additional Rates of Wharfage on such Wharfs.

X. Provided nevertheless, That in case any of the said Articles shall be left and remain in or upon any of such Wharfs or Quays for a longer Time than Three Days, then the Owner or Owners of such Articles shall pay to the said Company of Proprietors the further Sum of One Halfpenny *per* Ton *per* Day, for the Time such Articles shall remain upon such Wharfs or Quays after the Expiration of the said Three Days, until such Articles shall have remained thereon for the Space of Ten Days; and in case the said Articles shall remain upon such Wharfs or Quays for a longer Time than Ten Days, then the Owner or Owners of such Articles shall pay to the said Company of Proprietors the Sum of One Penny *per* Ton *per* Day for

for the Time such Articles shall remain upon such Wharfs or Quays after the Expiration of the said Ten Days.

XI. And be it further enacted, That the said Rates of Wharfage hereby granted shall be ascertained, collected, levied, and recovered, by such and the like Ways and Means, and in such and the like Proportions and Manner, and subject to such and the like Exemptions, as the Rates of Tonnage and Wharfage granted and made payable to the said Company of Proprietors in and by the said Acts, are thereby directed to be ascertained, collected, levied, and recovered, and are subject to.

Recovery of Wharfage.

XII. And whereas by the said Acts it is enacted, That after any Part of any Lands or Grounds shall be set out and ascertained for making the said Canal, and other the Purposes and Conveniences thereby authorized or directed, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, and all Corporations and other Persons interested and therein described, to contract for, sell, and convey the same to the said Company of Proprietors, and that where by making the said Canal, or the Conveyance of Water thereto, the Property of any Land Owner or Owners should be separated into small Parcels, so as to render the Occupation thereof inconvenient, it should be lawful for the Owners thereof, on the Conditions therein mentioned, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds so separated into small Parcels, either to the said Company or to any other Person or Persons, but no Form of Conveyance is prescribed in either of the said Cases; be it therefore further enacted, That all such Conveyances which shall be made to the said Company of Proprietors, shall be in such Form as the said Company of Proprietors may think proper, or in the Form or to the Effect following; (*videlicet*),

Prescribing Form of Conveyance to the Company or to other Persons, of Land use^d for Canal, or separated into small Parcels.

‘ I *A. B.* of _____ in Consideration of the Sum of _____
 ‘ to me paid [*or*, in Consideration of the annual Rent herein-after re-
 ‘ served and to be paid, *as may be agreed upon*], by the Company of Pro-
 ‘ prietors of the Canal Navigation from *Manchester* to or near *Abtton under*
 ‘ *Lyne* and *Oldham*, do hereby grant and release to the said Company
 ‘ of Proprietors, all [*describing the Premises to be conveyed*], and all my
 ‘ Right, Title, and Interest to and in the same and every Part thereof, to
 ‘ hold to the said Company of Proprietors, their Successors and Assigns
 ‘ for ever, by virtue and according to the true Intent and Meaning of the
 ‘ Acts of Parliament, passed for making and maintaining the Canal Na-
 ‘ vigation from *Manchester* to or near *Abtton under Lyne* and *Oldham* [*or*,
 ‘ yielding and paying to me, my Heirs and Assigns for ever, the clear
 ‘ annual Rent of _____ by Half Yearly Payments, on every
 ‘ _____ Day of _____ and _____ Day of _____].
 ‘ In Witness whereof I have hereunto set my Hand and Seal, this
 ‘ _____ Day of _____ in the Year of our Lord

Form of Conveyance to the Company.

Which said Conveyances shall be as valid and effectual in the Law, to all Intents and Purposes whatsoever, against the Person or Persons making the same, and the Person or Persons claiming the Remainder or Remainders, Reversion or Reversions, as if he, she, or they had levied a Fine or suffered a Recovery, of the Premises to be contained in every such Conveyance; any Thing in this Act, or in the said Acts, or either of them, contained, or any Law, Custom, or Usage, to the contrary thereof in

[*Loc. & Per.*]

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anywise

anywise notwithstanding; and every such Conveyance as aforesaid, which shall be made to any Person or Persons other than the said Company of Proprietors of Land so separated into small Parcels, or the Occupation whereof shall be rendered inconvenient by the said Canal, shall be made in the Form or to the Effect following; (*videlicet*),

Form of Conveyance to other Persons than the Company, of Lands separated into small Parcels.

‘ I *A. B.* of _____ by virtue and in pursuance of an Act
 ‘ of Parliament, made and passed in the Thirty-eighth Year of the
 ‘ Reign of His Majesty King *George* the Third, intituled, [*insert the*
 ‘ *Title of this Act*], and by and with the Consent and Approbation of
 ‘ _____ of the Commissioners appointed under and by
 ‘ virtue of the Act of Parliament, made and passed in the Thirty-second
 ‘ Year of the Reign of His said Majesty King *George* the Third, in-
 ‘ tituled, *An Act for making a Navigable Canal from Manchester to or*
 ‘ *near Ashton under Lyne and Oldham*, testified by this Writing, sealed
 ‘ and delivered by them in the Presence of Two credible Persons
 ‘ whose Names are hereupon indorsed as Witnesses to the Execution
 ‘ hereof, by them the said Commissioners, and in Consideration of the
 ‘ Sum of _____ to me in Hand paid by *C. D.* of
 ‘ at or before the Sealing and Delivery of these Presents, the Receipt
 ‘ whereof I do hereby acknowledge [*or, and in Exchange for certain*
 ‘ Lands situated _____ and conveyed to me by *C. D.* of
 ‘ _____ by Writing under his Hand and Seal, bearing even
 ‘ Date herewith] Do hereby convey and assign unto the said *C. D.* all
 ‘ [*describing the Premises to be conveyed*] to hold to the said *C. D.* his
 ‘ Heirs and Assigns for ever. In Witness whereof I have hereunto
 ‘ set my Hand and Seal, this _____ Day of _____ in the
 ‘ Year of our Lord

And every such Conveyance shall be valid and effectual in the Law, to all Intents and Purposes whatsoever, against the Person or Persons making the same, and the Person or Persons claiming the Remainder or Remainders, Reversion or Reversions, as if he, she, or they, had levied a Fine or suffered a Recovery of the Premises to be therein contained; any Thing contained in this Act, or in the said Acts, or either of them, or any Statute, Law, Usage, or Custom to the contrary thereof in anywise notwithstanding.

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

XIII. And be it further enacted, That in all Cases where in making the said Canal and Cuts there has been or shall be Occasion to cut through, take, or use any Part of any Common or Waste Ground for the Purpose of the said Canal and Cuts, and the Works thereof, or of any Road or Roads thereto, the Conveyance of such Parts of such Common or Waste Ground by the Lord or Lady, Lords or Ladies of the Manor to which such Common or Waste Ground shall be appurtenant, shall be a good and sufficient Conveyance to the said Company of Proprietors, for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Grounds had joined in and executed such Conveyance, and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Company of Proprietors to the Over-
 sers

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

XIV. And be it further enacted, That all Parochial Rates and Assessments, which shall or may at any Time be laid assessed, or imposed, and paid upon, for, or in respect of the Rates and Personal Estate of the said Company of Proprietors, shall be laid, assessed, or imposed, and paid in each Township, Hamlet, or Place respectively, through or in which the said Canal and Cuts are or shall be made, in Proportion to the Length of the said Canal and Cuts in each respective Township, Hamlet, or Place, and not otherwise; any Law, Usage, or Custom to the contrary notwithstanding.

Parochial Taxes on the Rates and Personal Property of the Company to be laid in each Township in Proportion to the Length of the Canal there.

XV. And whereas, in and by the said Act of the Thirty-second Year of the Reign of His present Majesty, it is enacted, That all Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, (except such as might concern any Purchase or Exchange between any Land Owners) to be made as therein directed, should, at the Expence of the said Company of Proprietors, be inrolled with the Clerk of the Peace for the County of *Lancaster*: And whereas the inrolling of such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, will be attended with a very great Expence to the said Company of Proprietors, and will not be attended with any Advantages adequate to such Expence, be it therefore enacted, That so much of the said Act of the Thirty-second Year of the Reign of His present Majesty, and also so much of the said Act of the Thirty-third Year of the Reign of His said Majesty, as requires such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances to be inrolled as aforesaid, shall be, and the same is hereby declared to be repealed.

Repealing Clause, directing Conveyances to be inrolled.

XVI. Provided always, and be it further enacted, That out of the First Money that shall be raised by the said Company of Proprietors, under and by virtue of the Powers and Authorities herein contained, empowering the said Company to borrow and take up at Interest the said Sum of Thirty thousand Pounds, or any Part thereof, as to them shall seem meet and convenient, they the said Company of Proprietors are hereby authorized and required to pay to the Owners of the Lands and Grounds of and upon the said Line or Branch of the said Canal from, or nearly from, the said Place called *Taylor's Barn* to *Beat Bank* aforesaid, full Recompence and Satisfaction for all such Loss, Damage, or Injury which they the said Land Owners, or any of them, shall or may have sustained or been put unto by Reason or on Account of the said Company of Proprietors, their Agents, Servants, Surveyors, or Workmen, having entered into or upon any of the said Lands, Grounds, Woods, or Plantations, of such last mentioned Owners, or any of them, or in the Execution of any of the Powers of the said recited Acts, or either of them, such Recompence and Satisfaction to be assessed, ascertained, and recovered in such Manner as is provided in and by the said herein first recited

For making Satisfaction for Damages to Owners of Lands on the *Beat Bank* Line.

recited Act of Parliament; any Thing herein, or in the said former Acts herein-before recited, to the contrary thereof in anywise notwithstanding.

To authorize
Persons to use
Water from
Canal for
condensing
Water for
Steam En-
gines.

XVII. And whereas Steam Engines are become of great Use in various Manufactories carried on within the County of *Lancaster*, and as such Engines consume considerable Quantities of Coal, they will, by the Rates which will be payable for such Coals, tend to promote the Interests of the said Navigation, but the said Engines can only be made Use of where cold Water can be obtained to condense the Steam, on which Account, as well as for the better Supply of the same with Coals, it would be convenient to erect such Steam Engines as near as may be to the said Navigation, be it therefore further enacted, That it shall be lawful for the Owners of any Lands, within the Distance of Eighty Yards from the said Canal and Cuts, or any of them, to make a Communication between the Water therein and any Steam Engine or Engines, by Means of One or more Metal Pipe or Pipes, of sufficient Strength or Thickness, and so constructed as to prevent any Leakage or Waste of Water, and to draw from the said Canal and Cuts, or any of them, such Quantities of Water as shall be sufficient to supply the said Engine or Engines with cold Water, for the sole Purpose of condensing the Steam used for working any such Engines as aforesaid: Provided always, that the Proprietor of every such Engine shall return to the said Canal and Cuts, or some of them, in every Day on which he shall use such Engine, a Quantity of Water, on the same Level on which it shall be taken, equal to the Quantity so taken in every such Day from the said Canal and Cuts, or any of them (the inevitable Waste thereof by condensing such Steam only excepted), so that no Obstruction shall arise therefrom to the said Navigation: Provided also, That such Water so taken shall be applied to the working of the said Engine, and to no other Use or Purpose; and that every Person laying any Pipe in the said Canal, or any Part thereof, for such Purpose, shall and is hereby required to make good the Bank thereof, and to repair, at his own proper Costs and Charges, all such other Damages as may arise from the laying in of such Pipe, in such Manner and at such Times as shall cause as little Let, Hindrance, or Molestation, as may be to the said Navigation, or to the Persons using the same: Provided nevertheless, That no Person shall take any Water from the said Canal or Cuts, or any of them, for the Use of any such Engine, without giving One Month's previous Notice in Writing of such his Intention to the Committee of the said Company of Proprietors, in order that the said Committee may appoint a Person or Persons to inspect into the Premises on their Behalf, and to take Care that the said Pipe is of a proper Strength and Thickness, and be laid into the Bank at a convenient Time to the said Company, in a proper Manner, according to the Intent and Meaning of this Act; and if any Dispute shall arise between the said Company of Proprietors, or the said Committee, and any Person who shall be desirous of taking Water out of the said Canal or Cuts, or any of them, for the Purposes of any such Engine, or who shall be in the Use of taking the same therefrom, such Dispute shall be finally settled and determined by the said Commissioners.

XVIII. Provided always nevertheless, and be it further enacted, That it shall be lawful for the Owners or Occupiers of any Steam Engine or Steam Engines, which shall at any Time hereafter be erected, built, or set up in or upon any Part of the Lands and Grounds of the said Company of Proprietors, near *Ancoat's Lane* in *Manchester* aforesaid, to draw from the said Canal within such Lands, from the higher or the lower Level thereof, such Quantities of Water as shall be sufficient to supply such last-mentioned Engine or Engines with cold Water, for the sole Purpose of condensing the Steam used for working any such Engines as last aforesaid, on Condition that the Proprietor of every such Engine as last aforesaid shall return into some Part of the said Canal within such Lands and Grounds, in every Day on which he shall use such Engine, a Quantity of Water equal to the Quantity so taken in every such Day from the said Canal (the inevitable Waste thereof by condensing such Steam only excepted), so that no Obstruction may arise therefrom to the said Navigation, and so that no Water be taken out of the highest Level of the said Canal, in the said Lands or Grounds, when the Water in such highest Level shall be less than Three Feet and Six Inches deep; and so as that no Pipe to be laid or fixed for taking such Water shall be laid or fixed lower than Three Feet and Six Inches above the Level of the Sill of the uppermost Lock in the said Lands and Grounds; and so that the Person or Persons so taking such Water as last aforesaid, do also conform to the several other Restrictions and Regulations herein-before provided respecting the taking of Water for condensing Steam out of any other Part of the said Canal.

Owners of Steam Engines on the Company's Lands to take Water for condensing Steam, on returning an equal Quantity into any Part of the Canal within those Lands.

XIX. And whereas Doubts have arisen and Disputes may happen between the said Company of Proprietors, and the Surveyors and other Persons interested in the Repairs of the Roads over the Approaches to the Bridges over the said Canal, respecting such Repairs; be it therefore further enacted, That, from and after the passing of this Act, the said Company of Proprietors shall not be liable to repair or amend any Part of the Roads over the Approaches to any of the Bridges made or to be made over the said Canal, after the Roads over such Approaches shall have been first made and put into good Repair by the said Company of Proprietors; any Thing in the said Acts, or either of them, or in this Act, contained to the contrary thereof notwithstanding: Provided that nothing herein contained shall be construed to exonerate the said Company of Proprietors from the future Repairs of the Bridges, and the Wing Walls, Ramparts, Side Banks, and the Banks supporting the Approaches thereto.

Explaining Clause in former Act as to Repair of Roads over Approaches to Bridges.

XX. And be it further enacted, That the Costs, and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be paid, borne, and defrayed by the said Company of Proprietors, by and out of the First Money that shall come to their Hands after the passing of this Act, by virtue of the said Acts of the Thirty-second and Thirty-third Years of the Reign of His present Majesty, or of this Act.

Expences of obtaining this Act, how to be paid.

Publick Act.

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

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