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GEORGI II. REGIS.



Cap. 24.

An Act for amending the several Acts passed for making, extending, finishing, and completing the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, and the several Cuts and other Works authorized to be made and done by the Company of Proprietors of the said Canal Navigation; and for granting to the said Company further and other Powers. [16th May 1800.]

WHEREAS by an Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act 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

Preamble.
32 Geo. III.
[Loc. & Per.] 7 B. End

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 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 for making, completing, and maintaining the said Canal, and other the Works thereby authorized to be made, the said Company of Proprietors were also enabled to raise and contribute amongst themselves, in the Manner in the said Act mentioned, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Navigation, not exceeding the Sum of Thirty thousand Pounds; and in case the said Company of Proprietors should be desirous of raising the said Sum of Thirty thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, they were authorized to borrow and take up at Interest all or any Part of the said Sum of Thirty thousand Pounds, on the Credit of the said Navigation and Undertaking: And whereas by an Act passed 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 Olaham 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,

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 by an Act, passed in the Thirty-eighth Year of the Reign of His ^{38 Geo III.}
 present Majesty, intituled, *An Act to enable the Company of Proprietors of* ^{recited.}
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 Acts passed for
that Purpose, and for amending the said Acts and granting to the said Com-
pany further and other Powers, the said Company of Proprietors are autho-
 rized and empowered to raise, in Manner therein 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 thou-
 sand Pounds, Thirty thousand Pounds, and Thirty thousand Pounds,
 in the said Acts of the Thirty-second and Thirty-third Years of the Reign
 of His present Majesty authorized to be raised, as therein mentioned:
 And whereas the said Company of Proprietors have raised on Promissory
 Notes, under the Common Seal of the said Company, in the Manner
 and on the Terms and Conditions specified and directed in the said last
 recited Act, a Part only of the Money thereby authorized to be raised;
 and it is found that the Remainder of such Money cannot be raised by
 the Means therein prescribed; and the said Company have also incurred
 fundry Debts in the Prosecution of their Undertaking, which are yet un-
 satisfied, and owing by them: And whereas the Powers and Provisions
 of the said Acts have in other respects been found defective, and it is re-
 quisite 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 Par-
 liament 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 ^{Empowering}
 authorized and empowered to raise any Sum or Sums of Money as shall ^{the Company}
 from Time to Time be found necessary for paying and discharging the ^{to raise the}
 Debts owing by the said Company of Proprietors as aforesaid, and such ^{Money want-}
 further Debts as they shall contract in completing the said Undertaking, ^{ed by creat-}
 and for paying and discharging such of the said Promissory Notes as the ^{ing new}
 respective Holders thereof shall not chuse to convert into Shares as afore- ^{Shares, or on}
 said, and for other the Purposes of the said Acts and this Act, not exceed- ^{Notes.}
 ing in the Whole, together with so much of the Money which is now
 owing on Promissory Notes as shall, under and by virtue of the Powers
 contained in the last recited Act, be converted into Shares in the said
 Undertaking, the said last mentioned Sum of Thirty thousand Pounds,
 being the same Sum of Thirty thousand Pounds authorized to be raised
 in and by the said last recited Act, in the Manner therein mentioned, by
 such Ways or Means as they are already authorized to raise any Money by
 virtue of the said recited Acts or any of them, or by creating new or ad-
 ditional Shares, and disposing of the same to such Person or Persons, and
 at such Price or Prices, as to the said Company of Proprietors shall, from
 Time to Time, seem meet and convenient; and that the respective Pro-
 prietors of any Shares, which shall or may be created by virtue of this
 Act, shall be entitled to an equal Share of the Profits of the said Under-
 taking, and to such and the same Powers, Privileges, and Advantages,

and be liable to such and the same Restrictions, Penalties, and Forfeitures, as if the same were part of the Shares already created, and now vested in the several and respective Proprietors of the said Undertaking; and the Admission of every Person to any such new Shares, by any Order or Resolution of the said Company of Proprietors, shall be good and effectual Titles to such Person or Persons, and his, her, or their respective Executors and Administrators, on his, her, or their Payment to the said Company of Proprietors of the Purchase Money or Price agreed for the same: Provided always, That if the said Company of Proprietors shall think it most expedient to borrow such Sum or Sums of Money as last aforesaid, or any Part or Parts thereof, by Promissory Notes under the Common Seal of the said Company, it shall and may be lawful for them so to do, and that such Notes shall be made payable in such Manner, and at such Time or Times, and with such legal or less Rate of Interest as the said Company shall think proper, and either with or without Power in the Holders of such Notes to have such Option of being admitted to hold as Share in lieu of the Principal Money by each such Note to be secured, as the said Company shall think proper, the Particulars of such Options being at all Times expressed in the said Notes; and the Rates authorized to be taken, and which shall arise and be taken by virtue of the said recited Acts and this Act, shall be a Security for any Sum or Sums of Money so to be borrowed as aforesaid, with Interest, to the Person or Persons who shall, from Time to Time, be entitled to such Securities, and the Principal Money and Interest thereby secured, the Form of which Securities, and the proper Registry and Entry thereof in the Company's Books, shall from Time to Time be regulated and adjusted by the said Company, as they shall think fit; and all Persons to whom any such Securities as aforesaid shall be given, shall be equally entitled to a Claim to, or Lieu on, a Proportion of the said Rates, according to the respective Sums mentioned thereby to be advanced and secured, as if the same were advanced on Mortgages or Assignments of the said Rates, in pursuance or by virtue of the said recited Acts or any of them, and without any Preference by reason of the Priority of Date of any such Securities, or on any other Account whatsoever: Provided always, That all General Assemblies of the said Company, at which the raising or borrowing any Sum or Sums of Money, in either of the said Ways last before mentioned, shall be determined upon, shall be convened and held in such Manner as Special General Assemblies of the said Company of Proprietors are by the said first recited Act directed to be convened and held; and the Money which shall be raised and received by all or any of the Ways or Means aforesaid, shall be paid, applied, and disposed of in the first Place in Liquidation and Discharge of the Debts of the said Company of Proprietors, and in finishing and completing the said Canal and Cuts, and other the Works belonging thereto, and in paying off and discharging so much of the Principal Money now owing or hereafter to be owing on Notes issued or to be issued under the Common Seal of the said Company of Proprietors, by the Authority of the said last recited Act, as the Persons who now are or hereafter may be entitled to receive the same shall require to be repaid.

Holders of
Notes may
apply their
Notes in the

II. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons, who now are or hereafter may be entitled to any Note or Notes issued or to be issued under the Common Seal

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

Purchase of
new Shares,
&c.

III. And be it further enacted, That in case the Money by the said Acts authorized to be raised shall be found insufficient for the Purposes of the said Acts and of this Act, then and in such Case 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 Twenty thousand Pounds, over and above the respective Sum and Sums of Money by the said recited Acts authorized to be raised.

Proprietors
may raise an
additional Sum
if necessary.

IV. 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 and this Act, or any of them, the said last mentioned Sum of Twenty 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 and this Act, or any of them, 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

Power to raise
such addi-
tional Sum by
Mortgage.

[Loc. & Per.]

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his,

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 recited 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.

Notes to be repaid at such Time as the Company shall fix.

V. 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 Twenty thousand Pounds, or any Part thereof, on Promissory Notes under the Common Seal of the said Company transferrable by Indorsement, and to be made payable, and paid off and discharged, with such Interest, and at such Time or Times, as the said Company of Proprietors, or their Committee for the Time being, shall order and direct, and as shall be expressed in such Notes.

The Rates to be a Security for the Notes.

VI. And be it further enacted, That the Rates, Tolls, and Duties authorized to be taken, and which shall arise and be taken by virtue of any of the said Acts and this Act, shall be a Security for all and every Sum and Sums of Money for which any such last-mentioned Promissory Notes respectively as aforesaid shall be given, with such 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 Forms of which Notes, and the proper Registries and Entries 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 any such Notes as last 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 any 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.

How the Company may sue for Money not paid on Calls made under the former Acts.

VII. Provided always, and be it further enacted, That in any Action to be brought by the said Company of Proprietors, under the Powers of the said recited Acts against any Owner or Owners of any Share or Shares, or Part or Parts of any Share or Shares, of and in the said Navigation and Undertaking, to recover the Amount of any Sum or Sums of Money now due and payable from him, her, or them, for or by reason of any Call or Calls made by virtue of the said Acts, it shall be sufficient for the said Company of Proprietors to declare and allege that such Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares, or such or so many Part or Parts of such or so many Share or Shares (as the Case may happen to be) of and in the said Navigation is or are indebted to the said Company
of

of Proprietors in such Sum or Sums of Money as the Call or Calls so in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares, or Part or Parts of such or so many Share or Shares belonging to such Defendant or Defendants (as the Case may happen to be), duly made upon such Defendant or Defendants, according to the Authority of the said Acts, whereby an Action accrued to the said Company by virtue of the said Acts, without setting forth the Special Matter, any Thing in the said recited Acts contained to the contrary thereof in anywise notwithstanding: Provided also, That no such Action shall be brought by the said Company against any Owner or Owners of any Share or Shares, or Part or Parts of any Share or Shares of and in the said Navigation, until Notice in Writing be given by the Treasurer or Treasurers, Clerk or Clerks to the said Company of Proprietors, to the Owner or Owners thereof, or left at his, her, or their Dwelling House or usual or last Place of Abode, Two Calendar Months next before such Action shall be brought, and in which Notice shall be contained a Statement and exact Account how much Money is due from the Person or Persons for his, her, or their Call or Calls in respect of his, her, or their Share or Shares, or Part or Parts of a Share or Shares in the said Undertaking; and that after such Notice given or left as aforesaid, it shall not be necessary to prove, on the Trial of such Action, any other Notice given of such Call or Calls, by virtue of the said Acts; any Thing contained in the said recited Acts to the contrary thereof in anywise notwithstanding.

VIII. And whereas, in and by the said recited Act of the Thirty-second Year of the Reign of His present Majesty it is enacted, That the Produce arising from the Sale of any forfeited Share and Shares, Parts and Interests in the said Navigation and Undertaking, shall be equally divided amongst the Rest of the said Company of Proprietors, in Proportion to their respective Shares and Interests in the said Navigation and Undertaking, and it would be more beneficial to the Interests of the said Company of Proprietors if the Money to be raised by the Sale of such forfeited Share and Shares, Parts and Interests as aforesaid, was to be applied to the finishing, completing, and repairing the said Canal Navigation and other Works by the said Acts authorized to be made, and in discharging the Debts of the said Company of Proprietors; be it therefore enacted, That so much of the said Act as requires the Produce arising from the Sale of such forfeited Share and Shares, Parts and Interests as aforesaid, to be equally divided amongst the Rest of the said Company of Proprietors, in Proportion to their respective Shares and Interests in the said Navigation and Undertaking, shall be, and the same is hereby repealed; and that all the Money to be raised by the Sale of all and every Share and Shares, Parts and Interests, in the said Navigation and Undertaking, already forfeited or hereafter to become forfeited, shall be, and the same is hereby directed to be applied to the finishing, completing, and repairing the said Canal Navigation, and other Works by the said Acts respectively authorized to be made, and in discharging the Debts of the said Company of Proprietors.

Money arising from the Sale of forfeited Shares to be applied to finishing the Canal, and paying the Company's Debts.

IX. And be it further enacted, That at all general and special Assemblies to be held after the passing of this Act, in the Manner appointed

Proprietors to have a Vote for every Share not ex-

ceeding 15 in
Person and 15
by Proxy.

pointed by the said Act of the Thirty-second Year of the Reign of His present Majesty, for carrying on the said Undertaking, every Proprietor of a Share or Shares in the said Canal Navigation shall have a Vote in respect of every such Share, not exceeding Fifteen Votes in his or her own Right, nor Fifteen other Votes in the Right of his or her Proxy or Proxies; any Thing in the said Acts, or any of them, contained to the contrary thereof in anywise notwithstanding.

Proprietors
may hold
more than
Thirty Shares
in the Canal.

X. And be it further enacted, That so much of the said recited Act of the Thirty-second Year of the Reign of His present Majesty, as enacts that no Person becoming a Proprietor in the said Navigation shall be a Proprietor of more than Thirty Shares, either in his or her own Name, or in the Name or Names of any other Person or Persons in Trust for him or her (unless the same shall come to him or her by Will, Devise, or Act of Law) upon Pain of forfeiting to the said Company of Proprietors all such Shares exceeding Thirty Shares as aforesaid, shall be, and the same is hereby repealed.

Authorizing
the Company
to refer Mat-
ters in Dispute
to Arbitra-
tion.

XI. And whereas, in and by the said Act of the Thirty-second Year of the Reign of His present Majesty, certain Persons and their Successors are appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, or Hereditaments, Mills or Waters, that should or might be affected or prejudiced by the Execution of any of the Powers thereby granted, and for settling and determining such other Causes of Dispute between the said Company of Proprietors and any other Person or Persons as are in and by the said recited Act directed to be settled and determined by Commissioners: And whereas the referring and submitting of such Questions, Matters, Differences, and Disputes, to the Award and Determination of any indifferent Person or Persons, as a Referee or Referees, to be named and agreed upon by and between the said Company and other Parties in Difference, may frequently be a more speedy, cheap, and eligible Mode of settling and determining the same, but Doubts have arisen whether the said Company of Proprietors are authorized so to refer and submit such Questions, Matters, Differences, and Disputes: Be it therefore enacted, That it shall and may be lawful for the said Company of Proprietors, or their Committee for the Time being, and they are hereby authorized and empowered to refer and submit all such Questions, Matters, Differences, or Disputes between the said Company and any Person or Persons whomsoever, as the said Company or their Committee for the Time being, and the other Parties in Difference may see fit and proper, to the Award and Determination of One or more indifferent Person or indifferent Persons as a Referee or Referees, to be named and agreed upon by and between the said Company or their Committee for the Time being, and the other Parties in Difference, and who may think proper to agree to such Reference, and to enter into any Bonds or Agreements, under the Common Seal of the said Company with such Conditions, Limitations, Restrictions, Clauses, and Provisoes therein, relative to such Questions, Matters, Differences, or Disputes, and to such Submission as aforesaid, as the said Company, or their Committee, for the Time being, and the other

other Parties so agreeing to such Reference, shall see fit, in like Manner and as fully and effectually to all Intents and Purposes as any Individual or Individuals in their natural Capacity or Capacities are by Law enabled to enter into such Bonds or Agreements; and all Executors, Administrators, Guardians, and Trustees, are hereby authorized and empowered to enter into Bonds or Agreements for the Purposes aforesaid, and shall be and are hereby indemnified on that Account; any Thing in the said Acts, or in this present Act, or any other Law, Usage, or Custom to the contrary notwithstanding.

XII. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take, and receive, to and for their own proper Use, at the First Lock on the said Canal Navigation through which any Boat or other Vessel laden with or carrying Lime or Limestone shall pass, the Sum of Two Shillings for each such Boat so passing, over and above the Rates of Tonnage which the said Company of Proprietors are authorized and empowered to take and receive by virtue of the said recited Acts or any of them; and that such additional Sum of Two Shillings *per* Boat shall and may be collected, levied, and recovered by such and the like Ways and Means, and shall be subject to such and the like Powers of reducing and afterwards advancing the same, as the Rates of Tonnage granted and made payable to the said Company of Proprietors in and by the said recited Acts, are thereby directed to be collected, levied, recovered, and are subjected to; and that the said additional Sum of Two Shillings *per* Boat, hereby granted, shall be applicable and applied to such and the like Purposes, and shall be liable to and charged with all such Charges, Payments, Rents, Debts, Dues, and Sums of Money, as the said Rates granted by the said recited Acts or any of them are applicable or liable to or charged with by virtue of the same Acts or any of them, or are or shall be by Law applicable or liable to or charged with, in the same Manner as if the said additional Sum of Two Shillings *per* Boat was Part of the said original Rates, and the whole thereof had been granted or made payable by the said recited Acts or any of them.

Company empowered to take the Sum of 2s. for every Boat passing a Lock laden with Lime or Limestone.

XIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors (over and above the Rates of Tonnage and Wharfage which they are entitled to take and receive by virtue of the said recited Acts or any of them) to ask, demand, take and receive, for their own proper Use, 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 (and for the Navigation of which Minerals, Merchandize, and other Goods, Matters, and Things, upon their said Canal Navigation, the said Company shall not then have been or be entitled to receive the Sum of Twopence *per* Ton) any additional Sum or Sums of Money not exceeding the Sum of One Penny *per* Ton, as a Compensation for the Wharfage thereof, any Thing in the said recited Acts or any of them contained to the contrary notwithstanding; and that such 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 Wharfage granted

Authorizing the Company to receive One Penny per Ton for Wharfage of such Articles as shall not pay the Company Twopence per Ton for Tonnage.

and made payable to the said Company of Proprietors in and by the said Acts or any of them, are thereby directed to be ascertained, collected, levied, and recovered, and are subject to; and that the said Rates of Wharfage hereby granted, shall be applicable and applied to such and the like Purposes, and shall be liable to and charged with all such Charges, Payments, Rents, Debts, Dues, and Sums of Money, as the Rates of Wharfage granted by the said recited Acts or any of them, are applicable or liable to or charged with by virtue of the same Acts, or any of them, or are or shall be by Law applicable or liable to or charged with, in the same Manner as if the said Rates of Wharfage hereby granted were Part of the Rates of Wharfage granted or made payable by the said recited Acts or any of them.

Altering the Mode or ascertaining the Tonnage of Timber.

XIV. And whereas, in and by the said Act of the Thirty-second Year of the Reign of His present Majesty it is enacted, that for the better ascertaining the Tonnage of Timber and other Goods to be charged with the Payment of the Rates thereby granted, Forty Cubic Feet of Oak, Ash, Elm, or Beech Timber, or Fifty Cubic Feet of Fir or Deal Balk, Poplar, or other Timber or Wood, not cut into Scantlings, shall, for the Purposes of the same Act, be deemed, rated, or estimated as and for One Ton Weight; and that One hundred and twenty Pounds Weight Avoirdupois, shall, for the Purposes of the same Act, be deemed, rated or estimated as and for One hundred Weight: And whereas such Mode of ascertaining the Tonnage of Timber, and of computing the Hundred Weight, is found inconvenient, and it is desirable that the Tonnage of Timber should be ascertained in the same Manner as is prescribed by the said Act for ascertaining the Tonnage of all other Goods, Wares, Merchandize, and Commodities, navigated, carried, or conveyed upon the said Navigation, and that the Hundred Weight should be computed after the Rate of One hundred and twelve Pounds Avoirdupois, instead of One hundred and twenty Pounds: Be it therefore enacted, That so much of the said Act of the Thirty-second Year of the Reign of His present Majesty as enacts, that Forty Cubic Feet of Oak, Ash, Elm, or Beech Timber, or Fifty Cubic Feet of Fir or Deal Balk, Poplar, or other Timber or Wood, not cut into Scantlings, shall for the Purposes of the same Act, be deemed, rated, or estimated as and for One Ton Weight, and that One hundred and Twenty Pounds Weight Avoirdupois shall, for the Purposes of the same Act be deemed, rated, or estimated as and for One hundred Weight, shall be and the same is hereby repealed.

Fixing the Hundred Weight at an Hundred and twelve Pounds.

XV. And be it further enacted, That from and after the passing of this Act, One hundred and twelve Pounds Weight Avoirdupois shall, for the Purposes of the said Acts and of this Act, be deemed, rated, or estimated as and for One hundred Weight; any Thing in the said Acts, or any Usage of rating or estimating the same to the contrary notwithstanding.

Authorizing the Company to buy in chief Rents.

XVI. And whereas the said Company of Proprietors, in pursuance of the Powers in them vested by the said last recited Act, have already purchased, and may also hereafter purchase Lands and Buildings for the Purposes of the said Acts and of this Act, subject to annual Rents or yearly Sums reserved or limited, or to be reserved or limited to the Person or Persons from whom such Lands and Buildings have been or may

may hereafter be purchased, and to their Heirs and Assigns, and the said Company of Proprietors may be desirous of buying in and purchasing such annual Rents or yearly Sums: Be it therefore enacted, That it shall and may be lawful for the said Company of Proprietors to contract for and purchase any annual Rents or yearly Sums issuing and payable, or to be issuing and payable out of any Lands, Grounds, or Hereditaments, and the Buildings to be thereon erected, purchased, or to be purchased, by the said Company of Proprietors; for the Purposes of the said Acts or of this Act, subject to such annual Rents or yearly Sums, and to apply the Funds of the said Company to the Purchase thereof; and all Contracts for the Purchase of such annual Rents or yearly Sums by the said Company of Proprietors, and all Conveyances and Releases to the said Company of Proprietors of such annual Rents or yearly Sums, shall be valid and effectual to all Intents and Purposes; any Thing in the said Acts, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding.

XVII. Provided always, and be it further enacted, That the said Company of Proprietors, shall, and they are hereby authorized and required to buy in and purchase the annual Rents or yearly Sums issuing and payable out of certain Lands lying and being in *Manchester* aforesaid, late belonging to the Feoffees or Trustees for the Time being of the Free Grammar School in *Manchester* aforesaid, through which Lands the said Canal is made, and which has been purchased on Behalf of the said Company of Proprietors of and from the said Feoffees or Trustees within Ten Years from the passing of this Act, and to apply the Funds of the said Company in buying in and purchasing such annual Rents or yearly Sums, in case the said Feoffees or Trustees shall be willing to sell such annual Rents or yearly Sums: Provided also, That the said Company of Proprietors shall, and they are hereby required to buy in and purchase the said last-mentioned annual Rents or yearly Sums, in case the said Feoffees or Trustees shall be willing to sell such annual Rents or yearly Sums as aforesaid, before they shall buy in and purchase any other annual Rents or yearly Sums, under and by virtue of the Powers hereinbefore for that Purpose granted.

Requiring the Company to buy in the Chief Rents reserved out of the Land purchased from Feoffees of the Free Grammar School.

XVIII. And whereas it is in and by a Clause in the said last recited Act 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 such 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; and the said Mode of rating and assessing is likely to be found inconvenient and difficult to be executed, by reason of the Lands in such Townships, Hamlets, and Places lying much intermixed: Be it therefore enacted, That the said Clause shall be and the same is hereby repealed.

Repealing the Clause in the last Act directing the Mode or laying the Assessments.

XIX. And whereas, in and by the said Act of the Thirty-second Year of the Reign of His present Majesty it is enacted, That if any Swivel

Repealing Clause directing Swivel and Drawbridges.

to be shut af-
ter Vessels
have passed
them.

Bridge or Drawbridge shall be laid over or across the said Canal, or any Cuts, Trenches, or Passages to be made by virtue of the same Act, all and every Person or Persons opening any such Drawbridge or Swivel Bridge shall, and he and they is and are thereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same: And whereas it is found inconvenient and prejudicial to the Navigation and the Trade upon the said Canal, and often occasions Damage to such Bridges, for every Person opening such Swivel Bridges or Drawbridges as aforesaid, to shut and fasten such Bridges so soon as any Vessel has passed the same, and it is found that the leaving open such Bridges will not, if proper Means be used to prevent it, be inconvenient to the Publick, or to the Owners of the Lands or Grounds with which the said Swivel Bridges or Drawbridges communicate: Be it therefore enacted, That so much of the said Act of the Thirty-second Year of the Reign of His present Majesty, as requires such Swivel Bridges or Drawbridges as aforesaid to be shut and fastened so soon as any Vessel has passed the same, shall be, and the same is hereby repealed: Provided nevertheless, That the said Company of Proprietors shall, and they are hereby required to affix a Chain to each such Swivel Bridge and Drawbridge, so as to extend across the Bottom of the said Canal to the opposite Bank, and be affixed to such opposite Bank the better to enable Persons to shut such Swivel Bridges and Drawbridges when necessary.

Where the
Company
have made
new Roads the
old ones to be
vested in the
Company,
and converted
to their Use,
or sold.

XX. And whereas the said Company of Proprietors are authorized and empowered, in and by the said recited Acts, some or one of them, to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, and Passages, as well for the carrying and conveying of Coals, Stones, Minerals, Goods, Wares, Merchandize, and other Articles, to and from the said Canal and Cuts, or any of them, as for carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Canal and Cuts, or any of them, and the Works of or belonging to the said Navigation, or useful for any Purposes therein; and the said Company of Proprietors have diverted and altered certain Ways, Roads, and Passages, and may hereafter divert and alter other Ways, Roads, and Passages, in pursuance and execution of the said recited Powers, and have purchased and may hereafter purchase Lands and Grounds for that Purpose; and by Means thereof the Ways, Roads, or Passages so diverted and altered already are or hereafter may become unnecessary: Be it therefore enacted, That when such new Ways, Roads, and Passages shall be completed and finished, any Two or more Justices of the Peace for the said County of *Lancaster* shall or may upon a View declare the same, by a Certificate under their Hands, which Certificate shall be inrolled with the Clerk of the Peace for the said County of *Lancaster*; and, after the inrolling of such Certificate, the Part of such old Way, Road, and Passage shall be and become vested in Fee Simple in the said Company of Proprietors, with full Power for them to sell or dispose of the same; and the Land constituting the new Way, Road, or Passage (as the Case may be) shall from thenceforth for ever be and be deemed a publick Highway, Road or Passage, and shall be vested in or belong to such Person or Persons, and be subject and liable to such and the same Laws, Rules, and Regulations, in every Respect, as the old
Way,

Way, Road, or Passage so diverted and altered now is or shall have been immediately prior to such Diversion or Alteration subject and liable.

XXI. And whereas the said Company of Proprietors of the said Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, have formed a Junction and made a Communication between their Canal and the *Rochdale* Canal at the Town of *Manchester*: Be it therefore enacted, That it shall be lawful for the said Company of Proprietors to make, erect, and maintain, near the Place of Junction, Two Pair of Stop Gates across the said Communication, so as to form thereby a Regulating Lock to prevent the Water being drained or wasted out of their said Canal Navigation into the said *Rochdale* Canal, such Regulating Lock not to be made nearer to the *Rochdale* Canal than the Northerly Ends of the Abutments of the Bridge to be erected by the said Company of Proprietors of the said *Manchester*, *Ashton-under-Lyne*, and *Oldham* Canal Navigation, in the Land now or late belonging to the Right Honourable *Francis Reynolds Morton* Lord *Ducie*; and such Regulating Lock shall be at all Times kept in Repair by and be under the Direction and Management of the said last mentioned Company: Provided always, That such Regulating Lock shall not prevent or hinder the waste or surplus Water of the said *Manchester*, *Ashton-under-Lyne*, and *Oldham* Canal, from flowing into the said *Rochdale* Canal at the said Place of Junction; and for the Purpose of ascertaining and securing the said surplus or waste Water to the said *Rochdale* Canal, the Regulating Weirs of the said *Manchester*, *Ashton-under-Lyne*, and *Oldham* Canal, shall not be less than Six Feet in Width, nor less than Two Inches in Depth; and that the Head of the Weirs for discharging Water out of the said last mentioned Canal in the Times of excess of Waters, shall not be less than Two Inches in Height above the Height of the said Regulating Weirs.

Authorizing the Ashton Canal Company to erect and maintain a Stop Gate across the Communication between their Canal and the Rochdale.

XXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, as in the said recited Acts particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Manchester*, *Ashton-under-Lyne*, and *Oldham* Canal, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing the said Acts and this Act shall by Writing signed by them direct and appoint, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where

Application of Compensation where exceeding 200l.

such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200l. nor less than 20l.

XXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees in Case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken or used for the Purposes of the said Acts and this Act, in such Manner as the said Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee

mittee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXV. 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 Money already received, and the first Money that shall come to their Hands by virtue of the said recited Acts, or any of them, or of this Act.

Expences of
obtaining this
Act, how
paid.

XXVI. 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.

Publick Act.

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