



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 38.

An Act for altering and amending an Act, passed in the Thirty-fourth Year of the Reign of His present Majesty, for making and maintaining the *Peak Forest Canal*; and for granting to the Company of Proprietors of the said Canal further and other Powers. [30th May 1800.]

WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of his present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from and out of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, in the County Palatine of Lancaster, at the intended Aqueduct Bridge in Dukinfield, in the County of Chester, to or near to Chapel Milton, in the County of Derby; and a Communication by Railways or Stone Roads, from thence to Loadknowl, within Peak Forest, in the said County of Derby; and a Branch from and out of the said intended Canal to Whaley Bridge, in the said County of Chester; certain Persons, and their Successors, Executors, Administrators, and Assigns, incorporated by the Name and Style of The Company of Proprietors of the Peak Forest Canal, are authorized to make, complete, and maintain a Navigable Canal, to be called The Peak Forest Canal, from and out of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, in the County Palatine of Lancaster, at the intended Aqueduct Bridge in Dukinfield, in the County of Chester, to or near*

Preamble.
34 Geo. III.
recited.

near to *Chapel Milton*, and a Communication by Railways, or Stone Roads, from thence to *Loadknowl* in *Peak Forest*, both in the said County of *Derby*; and also to make and complete a Navigable Branch or Cut from and out of the said intended Canal, near a certain Place in the Township of *Teardsley Whaley*. in the Parish of *Taxall*, in the said County of *Chester*, called *Bottoms Hall*, to *Whaley Bridge*, in the said Township of *Teardsley Whaley*; and to make and maintain such other Railways, or Stone Roads, from the said Canal and Cut, and Railways or Stone Roads, by the said Act authorized to be made as are therein mentioned; and to raise and contribute amongst themselves a competent Sum of Money for making and completing the said Canal, Cut, Railways or Stone Roads, and other Works, not exceeding in the Whole Ninety thousand Pounds (except as therein is mentioned); and if the said Sum should be found insufficient for making, completing, and maintaining the said intended Canal, Cut, and Railways, or Stone Roads, and other Works, 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 Undertaking, not exceeding the Sum of Sixty thousand Pounds; and in Case the said Company of Proprietors should be desirous of raising the said Sum of Sixty 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 Sixty thousand Pounds, on Credit of the said Navigation and Undertaking: And whereas only Eighty thousand and six hundred Pounds, Part of the said Sum of Ninety thousand Pounds, was originally subscribed, and the said Company of Proprietors have borrowed and taken up at Interest the Sum of Thirty-six thousand five hundred and forty Pounds, which, together with so much of the said Sum of Eighty thousand and six hundred Pounds as the said Company of Proprietors have been able to recover, hath been expended in the Prosecution of the Works of the said Undertaking, and in carrying into Effect the Powers of the said Act; and the said Company of Proprietors have also incurred sundry Debts in the Prosecution of the said Undertaking, which are yet unsatisfied, and owing by them: And whereas the said Company of Proprietors have in pursuance of the said recited Act made and completed a considerable Part of the said Canal, Cut, and Railways, but it is found that the Powers and Provisions of the said Act are in some Respects 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 at all General and Special Assemblies to be held after the passing of this Act, in the Manner appointed by the said recited Act for carrying on the said Undertaking, every Proprietor of a Share or Shares in the said Undertaking 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 recited Act contained to the contrary thereof in anywise notwithstanding.

That the Company have expended the Money they have raised, and are in Debt.

Proprietors to have a Vote for every Share, not exceeding 15 in Person and 15 by Proxy.

Authorizing the Company to refer Matters in Dispute to Arbitration.

II. And whereas, in and by the said recited Act, 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

etors of and Persons interested in any Lands, Grounds, Tenements, or Hereditaments, Mills, Millsteads, Falls of Water or Waters that should or might be affected or prejudiced by the Execution of any of the Powers thereby granted, and for finally 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 some 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 Provisoos 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 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 recited Act or in this Act, or any other Law, Usage, or Custom to the contrary notwithstanding.

III. And whereas more Money than the said Company of Proprietors have yet been able to raise, will be required to liquidate and discharge the Debts of the said Company of Proprietors, and to finish and complete the said Canal, Cut, and Railways, and other Works by the said recited Act authorized to be made and done; and the Persons who have advanced and lent Money on Mortgage of the said Undertaking, and the Rates arising and to arise therefrom, or the Persons who now are or hereafter may be entitled to receive the Principal Money already or hereafter to be advanced and lent on Mortgage as aforesaid, may require the Repayment of such Principal Money; be it therefore enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise any Sum or Sums of Money as shall from Time to Time be found necessary for liquidating and discharging the Debts of the said Company of Proprietors, and for finishing

Empowering the Company to raise the Money wanted either by creating new Shares or on Notes.

and

and completing the said Canal, Cut, Railways, and other Works by the said recited Act authorized to be made and done; and for paying off and discharging so much of the Principal Money now owing or hereafter to be owing on Mortgage of the said Undertaking, and the Rates arising or to arise therefrom, as the Persons who now are or hereafter may be entitled to receive the same shall require to be repaid, or as the said Company of Proprietors shall be desirous of paying off and discharging, provided the same, together with so much of the said Sum of Eighty thousand and six hundred Pounds, as the said Company of Proprietors have been or hereafter shall be able to recover; and also so much of the Money which hereafter may remain on Mortgage of the said Undertaking shall not exceed in the Whole the Sum of One hundred and fifty thousand Pounds, by such Ways or Means as they are already authorized in and by the said recited Act, or by creating new or additional 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 Proprietors of any Shares which shall or may be created by virtue of this Act, shall be entitled 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 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 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 a 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 Act, shall be a Security for any Sum or Sums of Money so 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 Lien 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 Act, 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

convened and held in such Manner as Special General Assemblies of the said Company of Proprietors are by the said 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, Cut, Railways, 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 Mortgage as aforesaid, as the Persons who now are or hereafter may be entitled to receive the same, shall require to be repaid, or as the said Company of Proprietors shall be desirous of paying off and discharging.

IV. And be it further enacted, That every such Share and Shares, to be created or held under or by the Authority of this Act, shall be numbered, and the Names and proper Additions of the respective Persons entitled thereto, and the respective Numbers of such Shares, shall be entered in a Book, and the Common Seal of the said Company shall be affixed thereto, and Tickets or Instruments, with the Common Seal of the said Company affixed thereto, shall be delivered to each Proprietor or Owner of such Shares respectively, in the like Manner and Form as is directed or appointed in and by the said recited Act with respect to the original Shares in the said Navigation and Undertaking; and every such Proprietor or Owner of such Share and Shares, to be created or held as aforesaid, shall stand and be interested in all the Profits of the said Navigation, in Proportion to the Quantity of such Shares respectively which each Proprietor or Owner may have or be entitled unto, as generally and extensively, to all Intents and Purposes, as if such Share and Shares had been an original Share and original Shares in the said Navigation and Undertaking; any Thing in the said recited Act contained to the contrary notwithstanding.

Directing the new Shares to be numbered.

V. Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons who now is or are, or hereafter may be entitled to any Mortgage or Mortgages of the said Undertaking, 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 Mortgage and Mortgages, so far as the Amount of the Money 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 Offer and Tender the said Company are hereby required to accept as such Payment, or in case the Amount of the Money to be due on such Mortgage or Mortgages shall be more than the Price to be paid for 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 Mortgage or Mortgages for so much of his, her, or their Mortgage Money, as shall amount to the Price of such new or additional Share or Shares,

Mortgagees may apply their Mortgages in the Purchase of new Shares or Notes.

or Note or Notes respectively, shall, on Delivery thereof to the Treasurer or Treasurers for the Time being of the said Company of Proprietors, be, and shall 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 respectively as aforesaid, and that such Treasurer or Treasurers shall indorse on such last-mentioned Mortgage or Mortgages, a Memorandum or Memorandums, stating how much of such Mortgage or Mortgages has or have been so discharged.

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

VI. And be it further enacted; That in any Action to be brought by the said Company of Proprietors under the Powers in the said recited Act contained, against any Owner or Owners of any Share or Shares of and in the said Navigation, 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 recited Act, it shall be sufficient for the said Company of Proprietors to declare and alledge that such Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares of and in the said Navigation (as the Case may happen to be), is or are indebted to the said Company 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 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 Act, whereby an Action accrued to the said Company of Proprietors by virtue of the said Act, without setting forth the special Matter; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding: Provided always, That no such Action shall be brought by the said Company of Proprietors against any Owner or Owners 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 of 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 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 recited Act; any Thing contained in the said recited Act, to the contrary thereof in anywise notwithstanding.

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

VII. And whereas in and by the said recited Act it is enacted, That the Produce arising from the Sale of any forfeited Share or Shares in the said 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 Canal 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 or Shares as aforesaid was to be applied to the finishing and completing the said Canal, Cut, and Railways, and other Works by the said Act authorized to be made, and in liquidating

liquidating the Debts of the said Company of Proprietors; be it therefore enacted, That so much of the said recited Act as requires the Produce arising from the Sale of such forfeited Share or Shares 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 Canal 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 in the said Undertaking, already forfeited, or hereafter to become forfeited, shall be and the same is hereby directed to be applied to the finishing and completing the said Canal, Cut, and Railways, and other Works by the said Act authorized to be made, and in liquidating the Debts of the said Company of Proprietors.

VIII. And whereas the navigating of Boats upon the said Canal and Cut, usually called *Passage Boats*, for the Purpose of carrying Persons for Hire, may, on Account of the Velocity with which the same are usually navigated, tend considerably to injure the Banks and Towing Paths of the said Canal and Cut; and there is no specific Provision made in and by the said recited Act for the Payment of Rates in respect of such Boats, and Difficulties may arise in ascertaining the Amount of such Rates; be it therefore enacted, That, from and after the passing of this Act, no Passage Boat or Passage Boats, carrying Persons for Hire, shall be used, navigated, haled, or drawn upon the said Canal or Cut, by any Person or Persons whomsoever, (except the said Company of Proprietors, who are hereby authorized and empowered to use, navigate, hale, and draw such Boats thereon), without the Licence and Consent in Writing of the said Company of Proprietors, or their Committee for the Time being; and that all such Boats shall be used, navigated, haled, and drawn upon the said Canal and Cut, subject to such Rules, Regulations, Terms, Conditions, Agreements, and Restrictions, as the said Company of Proprietors, or their Committee for the Time being, shall fix upon and determine.

Restraining
Persons from
using Passage
Boats, with-
out the Con-
sent of the
Company.

IX. And whereas, in order to carry into Effect the Purposes of the said recited Act, and to avoid Disputes with the Owners of Lands, Grounds, and Hereditaments which are or may be affected by making the said Canal, Cut, and Railways, 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 recited Act and this Act, or either 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 be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under
their

Company
empowered
to resell
Land on
Chief Rents,
or absolutely.

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 recited Act, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, 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 Lands, Rents, or Premises 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: Provided always, That the said Company of Proprietors, before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Lands or Buildings; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall lie, by some Person or Persons no way interested in the said Lands or Buildings, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

The Words
'grant, bargain,
'gain, and
'sell,' to
operate as
Covenants for
the Title.

X. 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

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.

XI. 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, 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, Cut, and Railways, are by the said recited Act, and by this Act, directed to be paid, applied, and disposed of.

Application
of Rents and
Purchase
Money.

XII. And be it further enacted, That in all Cases where, in making the said Canal, Cut, and Railways, 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, Cut, and Railways, 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 Overseers 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 Pools Rates within such Townships, Hamlets, or Places;

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

any Thing in the said Act contained to the contrary thereof in anywise notwithstanding.

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

XIII. 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, Cut, or Railways, 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, Cut, or Railways, 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 recited Act or in this Act contained, or any Law, Usage, or Custom 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 and Side Banks thereof, and the Banks supporting the Approaches thereto.

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

XIV. And whereas the said Company of Proprietors are authorized and empowered, in and by the said recited Act, to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, and Passages, as well for the carrying and conveying of Stones, Coals, Minerals, Goods, Wares, Merchandize, and other Articles, to and from the said Canal, Cut, and Railways, or Stone Roads, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Canal, Cut, and Railways, or Stone Roads, and the Works of or belonging to the said Navigation, or which may be useful for any Purposes thereof; 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 either of the Counties of *Chester* and *Derby* shall or may, upon a View, declare the same by a Certificate under their Hands, which Certificate shall be enrolled with the Clerk of the Peace for the County wherein the said Ways, Roads, and Passages so diverted and altered shall respectively lie; and after the enrolling 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 shall from thenceforth for ever be and be deemed a publick Highway, Road, or Passage, or (as the Case may be) 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, Road, or Passage so diverted and altered now is or shall have been, immediately prior to such Diversion or Alteration, subject and liable.

XV. And

XV. And whereas in and by the said recited Act it is enacted, That if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal, and Cut, or either of them, or any Trenches or Passages to be made by virtue of the said recited Act, all and every Person or Persons opening any such Swivel Bridge or Draw 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 Cut, and often occasions damage to such Bridges, for every Person opening such Swivel Bridges or Draw Bridges 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 Draw Bridges communicate: Be it therefore enacted, That so much of the said recited Act as requires such Swivel Bridges or Draw Bridges 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 Draw Bridge, so as to extend across the Bottom of the Canal or Cut to the opposite Bank, and be affixed to such opposite Bank, to enable Persons to shut such Swivel Bridges and Draw Bridges when necessary.

Repealing
Clause direct-
ing Swivel
and Draw
Bridges to be
shut after
Vessels have
passed them.

XVI. And whereas Steam Engines are become of great Use for various Purposes; and as such Engines consume considerable Quantities of Coals; they will, by the Rates which will be payable for such Coals, tend to promote the Interests of the said Undertaking, 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 near the said Canal and Cut, or either 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 or Cut 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 or Cut, in every Day in 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 or Cut (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 Cut 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

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

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 Cut, for the Use of any such Engine, without giving One Calendar 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, and 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 Cut, or either 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 in such Manner as other Disputes are by the said recited Act or this Act respectively directed to be settled and determined.

Application
of Compensation,
where
exceeding
200*l.*

XVII. 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 Act 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 Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Peak Forest* Canal, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing the said Act 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 towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the
mean

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.

XVIII. 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 Compensation does not exceed 200*l.* nor less than 20*l.*

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

Application, where the Money is less than 20*l.*

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 borne, paid, and defrayed by the said Company of Proprietors, by and out of the Money already received, and

Expences of obtaining this Act, how paid.

the first Money that shall come to their Hands, by virtue of the said recited Act, or of this Act.

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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