



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 4.

An Act to enable the Company of Proprietors of the Canal Navigation from *Manchester* to *Bolton* and to *Bury*, to raise Money to complete the same.

[12th March 1805.]

WHEREAS by an Act, passed in the Thirty-first Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a navigable Canal from Manchester to or near Presto-lee Bridge in the Township of Little Lever, and from thence by One Branch to or near the Town of Bolton, and by another Branch to or near the Town of Bury, and to Weddell Brook in the Parish of Bury, all in the County Palatine of Lancaster*; the Persons therein named and thereby described were united into a Company for the better carrying on, making, completing, and maintaining the said Canal, according to the Rules, Orders, and Directions therein expressed, and were created One Body Politick or Corporate, by the Name of *The Company of Proprietors of the Canal Navigation from Manchester to Bolton and to Bury*, and by that Name were directed to have perpetual Succession and a Common Seal, and were thereby authorized, from and after the last Thursday in June One thousand seven hundred and ninety-one, to make, complete, and maintain, a Canal navigable and passable for Boats, Barges, and other Vessels, from a certain Place in the River *Irwell*, at or near the Sugar House or Old Quay in *Manchester* aforesaid, through the several Parishes of *Manchester, Eccles, and Prestwich*, and into or near a certain Meadow belonging to Messieurs *Edward and Christopher Whitehead*, in the Parish of

[Loc. & Per.] N Belton,

31 G. 3.

Bolton, and near *Prestc-lee* Bridge, and from thence to be continued by One Branch to or near a certain Bridge at the Town of *Bolton*, called *Church Bridge*, and by another Branch through the said Parish of *Bolton*, and the Parishes of *Radcliffe* and *Bury*, to or near a certain Bridge at the Town of *Bury*, called *Bury Bridge*, and from thence to a Brook called *Weddell Brook*, in the Parish of *Bury* aforesaid, all in the said County of *Lancaster*; and, to the Intent that the said Company of Proprietors might be enabled to carry on the said Undertaking, they were thereby empowered to raise and contribute amongst themselves, in such Proportions as to them should seem meet and convenient, a competent Sum of Money, to be divided into Shares of One hundred Pounds each, for making and completing the said Canal and other Works therein mentioned, not exceeding in Value in the Whole the Sum of Forty-seven thousand seven hundred Pounds, except as therein and hereinafter mentioned; that is to say, that in case the said Sum of Forty-seven thousand seven hundred Pounds should be found insufficient for making, completing, and maintaining the said Canal, and other the Works thereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it should be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form therein mentioned, and in such Shares and Proportions as to them should seem meet, 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 Twenty thousand Pounds; and the said Company of Proprietors were thereby also authorized to raise the said Sum of Twenty thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, in the Manner in the said Act mentioned: And whereas the said Company of Proprietors have expended in and for the Works and Purposes in the said Act mentioned, not only the said Sum of Forty-seven thousand seven hundred Pounds, but also the said further Sum of Twenty thousand Pounds, which Sums (except some small Arrears thereof) have been raised by Contributions amongst themselves, under the Powers of the said recited Act; and there is also now due and owing, for the Purchase and Use of Lands and Tenements, for Monies raised and expended in carrying on the necessary Works of the Navigation, and for other incidental Charges, the Sum of Thirty-one thousand three hundred and forty-five Pounds: And whereas great Progress hath been made in and towards the Completion of the said Canal and Works in the said Act mentioned, but from various unforeseen Events the Money already raised and authorized to be raised by the said recited Act has been found very inadequate for the Purposes therein mentioned, and over and besides the said Sum of Thirty-one thousand three hundred and forty-five Pounds now due and owing as aforesaid, the further Sum of Forty-eight thousand six hundred and fifty-five Pounds will be necessary and is requisite to finish the said intended Canal, and the Works by the said recited Act authorized to be made, so as to render the said Navigation commodious and beneficial to the said Company of Proprietors, and of Utility to the Publick, which said Sums of Thirty-one thousand three hundred and forty-five Pounds, and Forty-eight thousand six hundred and fifty-five Pounds, make together the Sum of Eighty thousand Pounds: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized to raise, pay, and contribute amongst

Monies authorized to be raised, expended, and Debts incurred;

and a further Sum wanted to pay Debts and complete the Works.

Authorizing the Company to raise

amongst themselves, proportionably and rateably according to the Amount of the Sums of Money already advanced and paid by them, or which they are liable to pay in respect of their several Shares in the said Navigation by or under the said recited Act, any Sum or Sums of Money, not exceeding in the Whole the Sum of Eighty thousand Pounds; and that it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any General or Special Assembly to be held or convened in the Manner and agreeably to the Directions contained in the said recited Act, or for their Committee for the Time being, from Time to Time to make any Call or Calls for Money from the Proprietor or Proprietors of a Share or Shares in the said Canal Navigation, in order to raise the said Sum of Eighty thousand Pounds, or so much thereof as shall be deemed requisite, in the Manner and subject to the Regulations herein-after mentioned; and that the Money so to be raised shall be applied to defray the Expences of applying for and passing this Act, and all Expences relating thereto; and in the next Place to discharge the said Sum of Thirty-one thousand three hundred and forty-five Pounds, and any Interest that may be or become due in respect thereof, or any Part thereof, and then in maintaining, finishing, and completing the said Canal, Navigation, and Works, in such Manner as such General or Special Assembly, or Committee, from Time to Time shall judge necessary, so that no one Call shall exceed the Sum of Ten Pounds for each Share in the said Navigation, and no Call to be made at a less Distance than Three Calendar Months from each other; which Money so called for shall be paid to such Person or Persons, and in such Manner, as the said General or Special Assembly, or Committee, shall from Time to Time appoint and direct; and all and every Owners and Owner of One or more Share or Shares in the said Undertaking shall pay his, her, and their Share and Shares, or Proportion of the Monies to be called for as aforesaid, at such Time and Place, and in such Manner as shall be appointed as aforesaid, and of which Time and Place Thirty Days Notice shall be given by publishing the same in some Two or more Newspapers published or usually circulated in the Town of *Manchester*, or in any other Manner as the said Company of Proprietors shall at any General or Special Assembly direct or appoint; and such Sum or Sums of Money, as shall be paid in respect of every Share in the said Undertaking, shall be, and the same is and are hereby declared to be, consolidated with every such Share, and shall entitle the respective Owners thereof to a proportionable increased Share of the Profits and Advantages of the said Undertaking; and all Executors and Administrators shall be, and are hereby empowered, to pay their respective Proportions of the said Money to be called for as aforesaid, in respect of the Share or Shares of their Testators and Intestates respectively, and charge the same to the Accounts of such Persons Estate and Effects.

amongst
themselves,
the Sum of
85,000 l.

II. And, for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, and who shall not have given Notice in Manner in this Act directed, of his, her, or their Intention of relinquishing any such Share or Shares, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money, to be called for and raised by virtue of this Act, for the Space of Six Calendar Months after such Call or Calls shall have been made and published as aforesaid, then and in such Case all and every the Share and Shares of such Person or Persons so refusing

Manner of
enforcing
Payment on
Calls.

or

or neglecting as aforesaid, shall be vested in the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Navigation shall vest in or accrue to the said Company, until Notice in Writing thereof be given by the Treasurer, or by One of the Clerks of the said Company, to the Owner or Owners of, or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, Thirty Days at the least before such Accrue shall take place, or until Notice be published Three Times in *The London Gazette*, and in Two Newspapers published or usually circulated in the Town of *Manchester*, and in which Notice shall be contained a Statement and Account of how much Money is due from such Owner or Owners, 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 such Share or Shares shall not be vested in the said Company if the Owner or Owners thereof, or such Person or Persons shall pay up what shall appear by such Statements to be due, together with Interest on the same, and all Expences attending the applying for the same, within the Time specified in such Notice; any Thing contained in the said recited Act or this Act to the contrary notwithstanding.

Company empowered to sell Shares that shall become vested in them by Default of the Owners not paying the Calls thereon.

III. And be it further enacted, That when any Share or Shares of the said Undertaking shall, by virtue of this Act, have become vested in the said Company of Proprietors as aforesaid, then and in every such Case it shall be lawful for the said Company, or their Committee for the Time being, and they are hereby empowered to authorise and direct the Law Clerk or Clerks for the Time being to the said Company, to sell by publick Auction to the best Bidder, at such Time and Place as the said Company, or their Committee, shall direct (of which Sale Twenty Days Notice at the least shall be given, by publishing the same in *The London Gazette*, and in Two Newspapers published or usually circulated in the Town of *Manchester*); and it shall be lawful for the said Company of Proprietors, or their Committee, to assign and transfer the Share or Shares of such Defaulter or Defaulters, or such and so many of the said Share or Shares as the said Company, or their Committee, shall from Time to Time find necessary and direct, in order to make good the Deficiency or Deficiencies of such Defaulter or Defaulters who shall not pay his, her, or their Call or Calls, pursuant to the Directions of this Act, unto such Person or Persons as shall become the Purchaser or Purchasers of such Share or Shares, his, her, or their Executors, Administrators, or Assigns, and to receive and give Receipts for the Money agreed to be paid or given for such Share or Shares, and such Assignment and Transfer shall be good, valid, and effectual, against the Owner and Owners of every such Share or Shares so vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided also, that in case the Money produced by Sale of any such Share or Shares shall be more than sufficient to pay any such Arrears as aforesaid, the Surplus arising from such Sale, after Payment of all Arrears of Money due thereon, shall be paid on Demand to the Person or Persons to whom such Share or Shares shall have belonged: Provided always, that no such Share or Shares shall be sold or advertised for Sale, until the Expiration of One Calendar Month next after Notice in Writing shall have been given by the Treasurer, or One of the Clerks to the said Company, to the Owner or Owners thereof,

or

or Person or Persons in whose Name or Names such Share or Shares shall; at the Time of the giving such Notice, stand registered in the Books of the said Company, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, or until Notice shall have been published Three Times in *The London Gazette*, and in Two Newspapers published or usually circulated in the Town of *Manchester* as aforesaid, in which Notice shall be contained a Statement and Account how much Money is due from such Owner or Owners, 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: Provided also, that the said Company of Proprietors, or their Committee, shall not, by virtue of this Act, at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears of Calls of such Defaulter or Defaulters, and the Interest and Expences attending the same; and from and after Payment of all and every the Call or Call, to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company of Proprietors as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares had before belonged, in such Manner as if the Calls had been duly and regularly made.

IV. Provided always, and be it further enacted, That if any Proprietor or Proprietors of any such Share or Shares, or the Executors, Administrators, Guardians, or Trustees of any such Proprietors, or any Mortgagee of such Shares; shall, within Six Calendar Months next after the passing of this Act, give Notice in Writing to the Treasurer or Law Clerk of the said Company, of his, her, or their Intention of relinquishing any such Share, then and in such Case such Share shall not be forfeited or vested in the said Company by the Nonpayment of any Call, but such Shares shall, within One Calendar Month after such Notice, be sold by publick Auction to the highest Bidder in Manner aforesaid, and the Moneys arising from such Sale, after deducting the necessary Charges and Expences attending the same, and the Arrears of Calls before that Time made, shall be paid to the Person or Persons to whom the Share or Shares so sold shall have belonged.

Shares may be relinquished and sold after Notice.

V. Provided likewise, and it is hereby further enacted and declared, That nothing in the said recited Act contained shall empower the said Company of Proprietors to sue for any Call or Calls for Money directed to be made by virtue of this Act, or to forfeit or declare forfeited any Share or Shares on Nonpayment of any such Call or Calls, or in any Manner to recover or enforce Payment of the same, other than by selling such and so many of the Shares of the said respective Proprietors as shall be necessary for the Purposes, and under the Regulations, and according to the Tenor, true Intent, and Meaning of this present Act; any Thing in the said recited Act contained to the contrary notwithstanding.

The Company may sue for Calls, or forfeit Shares.

VI. And be it further enacted, That it shall and may 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 recited Act, the said Sum of Eighty thousand Pounds, or so much thereof as to them shall seem meet and convenient; and the said Company of Proprietors, or their Committee for the Time being,

Power to raise the Sum necessary by Mortgage.

[Loc. & Per.]

O

after

after any Order of any General or Special 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 and other Works, and the Rates arising or to arise by virtue of the said recited Act (the Costs and Charges of assigning the same to be paid out of the said Rates) as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Mortgage, in like Manner and Form, and with, under, 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 in and by the said recited Act 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 said recited Act.

Principal and Interest, how to be recovered.

VII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid, shall be paid Half-yearly to the several Persons entitled thereto, in preference to any Interest or Dividends which shall become due and payable by virtue of the said recited Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid for the Space of Sixty Days next after the same shall become due or payable as aforesaid, and after Demand made thereof, or in case the Principal Money, or any Part thereof, which shall be borrowed, shall not be paid off and discharged, after Six Calendar Months Notice in Writing to the Treasurer or Law Clerk or Clerks to the said Company shall have been given, signed by the Person or Persons requiring such Payment, and who on Payment thereof, and the Interest for the same, shall execute, if thereto requested by the said Company, or by any Person or Persons in their Behalf, an Assignment of the Security or Securities which such Person or Persons shall hold for such Sum or Sums of Money as shall be required to be paid off as aforesaid, and all his and their Right, Title, and Interest therein and thereto, to the said Company, or to the Person or Persons who shall advance the Money to pay off the same, that then it shall be lawful for any Three of the Commissioners for executing the said recited Act, and they are hereby required, on Request to them made by any such Creditor whose Interest shall be so in Arrear, or whose Principal Money shall not be paid off and discharged pursuant to such Notice, or by an Order under their Hands and Seals to appoint One or more Person or Persons to receive the said Rates; and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest or Principal Money (as the Case may be) shall be then due and unpaid, until the same, together with the Costs and Charges of recovering and receiving the said Rates, shall be fully satisfied and paid; and after such Principal, Interest, and Costs, shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Principal and Interest shall and may be sued for and recovered with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

VIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise the said Sum of Eighty thousand Pounds, or such Part thereof as to them shall seem meet and convenient, by creating new or additional Shares, and disposing of the same to such Person or Persons, and at such Price or Prices as the said Company of Proprietors shall from Time to Time think proper, which said new or additional Shares so to be created as aforesaid, shall be deemed Personal Estate, and be transmissible as such; and all Persons, Bodies Politic and Corporate, who shall, by themselves or Agents, subscribe for or be admitted, as after mentioned, to such new Shares, or otherwise become entitled to such new Shares, their several and respective Executors, Administrators, Successors, and Assigns, shall be and they are hereby declared to be the Owners and Proprietors thereof, and shall be and they are hereby united to and incorporated with the said Company, and shall from thenceforth be entitled to such and the same Powers, Privileges, Profits, and Advantages, and liable to such and the same Restrictions, Actions, Suits, Penalties, and Forfeitures, as if the same had been originally subscribed for amongst the original Proprietors of the same Undertaking, and as if they had originally made 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 such new Shares, by any Order or Resolution of the said Company of Proprietors, or the Committee of Management of the said Company, elected or to be elected for the Time being, under or by virtue of the said recited Act, shall, after the passing of this present Act, be a good and effectual Title 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 said Purchase Money or Price agreed for the same.

Power to raise Money by creating new Shares.

IX. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons possessed of any Share or Shares in the capital Stock of the said Company, to accept and take any Number of such new Shares hereby created, in proportion and equal in Number to the original Shares holden by such Person or Persons, as he, she, or they shall think proper, within Six Weeks after Notice shall have been given in any Newspaper or Newspapers published or usually circulated in the Town of *Manchester*, or as the said Company of Proprietors at any General or Special Assembly shall think proper; and in Default thereof after the said Period, any other Person or Persons possessed of any Share or Shares in the said Undertaking, who shall make Application for any such new Shares at the next ensuing General or Special Assembly of the said Company, shall be entitled to any Number of such new Shares, at such Rate as shall be fixed pursuant to the Power herein-before given for that Purpose; and in case any such Shares shall remain undisposed of after such last-mentioned General or Special Assembly, it shall be lawful for the said Company or the said Committee to sell or dispose of the same to any Person or Persons whomsoever, in such Manner, and at such Price or Prices, as they shall think proper and expedient.

Disposition of new Shares.

X. And be it further enacted, That it shall be lawful for the said Company of Proprietors to erect or otherwise provide any Warehouses or other Buildings for the depositing or keeping any Goods, Merchandize, or other Things, carried or conveyed, or intended to be carried or conveyed, upon the said Canal, at any Distance from the same which they shall judge necessary or convenient; and for that Purpose the said Company of Proprietors

The Company empowered to purchase Land for building Warehouses, &c.

tors may, and are hereby authorized and empowered to purchase, lease, or hire any Ground or Buildings where they shall think proper for the Purpose aforesaid, and also for getting Clay and making Bricks for the Use of the said Canal and Works; provided the Owners and Proprietors of, and other Persons interested in such Ground or Buildings, and the Guardians, Committees, or Trustees of such of them as shall be under any Disability or Incapacity of acting for themselves, shall be consenting to sell or lease the same (and which Consent they are hereby respectively empowered to give) but not otherwise; and that no such Lands to be purchased for such Warehouses and Buildings shall exceed Three Acres in the Whole.

Company empowered to re-sell Land on Chief Rents, or absolutely.

XI. And whereas the said Company of Proprietors have already purchased Lands and Buildings, not necessary to be made use of for the Purposes of the said recited Act; be it therefore further enacted, That it shall be lawful for the said Company 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 purchased by the said Company, 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 that it shall also be lawful for the said Company to sell and dispose of, and by Indenture under their Common Seal to grant and convey, by way of absolute Sale for a Consideration in Money, such Part or Parts of the Lands or Buildings as may have been so purchased by the said Company, 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, 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, and all such Grants in Fee Farm and Demises for Years, and Conveyances from the said Company, 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 Sale or Sales of such Land, Rents, or Premises, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Land, Rents, or 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 every such Grant, Conveyance, or Demise, shall contain a Covenant on the Part of the Purchaser, Grantee, or Assignee, not to erect on any Part of the Land so sold any Dwelling House which shall be of a less annual Value than Ten Pounds.

Before any Lands, &c. are re-sold, the Company to offer the same to the Persons from whom purchased.

XII. Provided always, and be it further enacted, That the said Company, before they shall sell and dispose of such Lands or Buildings, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Lands or Buildings, and in case such Person or
Persons

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 or His Majesty's Justices of the Peace for the County, Riding, or Place 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, 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.

XIII. And be it further enacted, That in all Grants, Demises, and Conveyances, hereafter to be made by the said Company 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, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Grant, Lease, or other Conveyance, respectively seized of the Hereditaments, Rents, and Premises thereby granted, bargained, and sold of an indefeasible Estate of Inheritance, in Fee Simple, free from all Incumbrances for quiet Enjoyment thereof, against the said Company, their Successors and Assigns, and all claiming under them, indemnified and saved harmless by the said Company 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, 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, 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.

By stating
the Words
"Grant,
Bargain, and
Sell," to op-
erate as Cov-
enants for the
Title.

XIV. 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, their Successors and Assigns, upon any such Grant or Demise as aforesaid, and also all and every Sum and Sums of Money which shall be had, received, and taken by the said Company, as the Consideration of any such absolute Sale as aforesaid, 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 are by the said recited Act directed to be paid, applied, and disposed of.

Application
of Rents and
Purchase
Money.

XV. And be it further enacted, That the said recited Act, and all and every Clause, Article, Provision, Matter, and Thing therein contained,
[Lic. & Per.] P shall

Powers of
the recited
Act to be ex-
tended to this
Act.

shall extend and be applicable to this present Act, and the Powers, Provisions and Directions hereof, so far as the same are compatible herewith.

Application
of Compensation
in Cases
exceeding
£. 200.

XVI. 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 for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any 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 said Company of Proprietors of the Canal Navigation from *Manchester* to *Bolton* and to *Bury*, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing the said recited 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 presented in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or 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 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
Purchase
Money does
not exceed
£. 200. nor
less than £. 20.

XVII. 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 amount to or 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 said

said 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 any 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 and Approbation of the Court of Chancery.

XVIII. 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 recited 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.

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

Application where the Purchase Money is less than £. 20.

In case of not making out Titles;

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

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

the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

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

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

Expences of obtaining this Act, how to be paid.

XXII. And be it further enacted, That the Costs and Charges in, about, or relating to obtaining and passing this Act, or incidental thereto; shall be borne, paid, and defrayed by the said Company of Proprietors out of the first Money to be hereafter raised or received by virtue of this Act.

Publick Act.

XXIII. 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.