ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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Canal, or conferred by virtue of several Acts relating to the said *Peak Forest* Canal passed respectively in the Thirty-fourth, the Thirty-ninth and Fortieth, and the Forty-fifth Years of the Reign of His Majesty King *George* the Third, and of the Act relating to the *Macclesfield* Canal passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth: And whereas a considerable Quantity of Water is collected by the said *Manchester, Sheffield, and Lincolnshire* Railway Company for the Supply of the said Canals with Water, and the Company are entitled to certain Waters on and near the *Macclesfield* Canal, which are now allowed to run to waste by reason of the Insufficiency of the Reservoirs and Works of the Company for impounding the same in Times of Floods: And whereas the present Supply of Water to the Inhabitants of the Boroughs of *Manchester, Salford,* and *Stockport* is inadequate for domestic, manufacturing, and other Purposes, and Water derived from the said Canals has for Three Years and upwards last past been constantly sold to the Company of Proprietors of the *Manchester and Salford* Waterworks, for the Purpose of distributing the same to the Inhabitants: And whereas the *Manchester, Sheffield, and Lincolnshire* Railway Company are desirous of selling their surplus Waters not required for their Canals, but they are unable to do so in the Manner most beneficial to the Public unless they should be authorized to purify and store the same after it has been conveyed along the Canals or some Parts thereof, and it would be of public Advantage if they were enabled so to do: And whereas the Queen's most Excellent Majesty in right of Her Crown is Owner of the Manor and Forest of *Macclesfield,* within which a great Part of the Lands proposed to be taken for the Purposes of this Act are situate: And whereas for the Purposes aforesaid it is expedient that such Company should be empowered to raise a further Sum of Money, and that some of the Powers and Provisions of the recited Acts should be amended and enlarged; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 all the Provisions, Matters, and Things contained in the said recited Acts, except such of them as are by this Act repealed, altered, or otherwise provided for, or are inconsistent with the Lands Clauses Consolidation Act, 1845, shall extend to this Act, and to the several Purposes and Things hereby authorized, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

Powers of recited Acts extended to this Act.

8 & 9 Vict. c. 18. incorporated with this Act.

II. And be it enacted, That the Lands Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Manchester, Sheffield, and Lincolnshire* Railway Act, (Supply of Surplus Water to *Manchester, Salford,* and *Stockport,*) 1847."

IV. And

Power to raise additional Sum of Money by Creation of new Shares.

IV. And whereas the estimated Expence of making the proposed new Works is Ninety thousand Pounds; be it enacted, That it shall be lawful for the Company to raise by the Creation of new Shares in the said Company, in addition to the Sum of Money which they are authorized to raise by the secondly-recited Act or any other Act, any further Sum of Money, not exceeding in the whole the Sum of Ninety thousand Pounds, for the Purposes of this Act.

New Shares to be considered same as original Shares.

V. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making and paying Calls for such additional Capital, and the Amount of such Calls respectively, which it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

Power to borrow Money on Mortgage.

VI. And be it enacted, That after the whole of the Capital by this and the recited Acts, or any other Act relating to the Company, authorized to be created, shall have been subscribed for, and One Half thereof paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Thirty thousand Pounds.

Sums raised under former Act to have Priority.

VII. And be it enacted, That all Sums raised by Mortgage or Bond under the recited Act, or any other Act passed before this Act, shall have Priority over the Sums authorized to be raised by Mortgage or Bond under this Act.

Power to construct Works.

VIII. And be it enacted, That the Company shall be authorized to make the following Works described on the deposited Plans hereinafter mentioned; (that is to say,)

An Enlargement of the existing *Bosley* Reservoir in the Parish of *Prestbury*, for the Purpose of more efficiently storing the Flood Waters of the Streams now supplying the said Reservoir:

A new Reservoir adjoining the existing *Sutton* Reservoir belonging to the Company, in the Parish of *Prestbury* aforesaid, for the Purpose of more efficiently storing the Flood Waters of the Streams now supplying the last-mentioned existing Reservoir:

The Reservoirs, Filtering Beds, and Works in the Township of *Marple* in the Parish of *Stockport*, for the Purposes of purifying, holding, and conducting the Water:

Together with such Works and Conveniences connected with the aforesaid Reservoirs and Works respectively as the Company may deem necessary.

Plans and Sections deposited to be

IX. And whereas Plans and Sections, describing the Works before mentioned, and the Lands through which the same are to be carried, and

open to Inspection.

and Books of Reference containing the Names of the Owners, Lessees, and Occupiers of such Lands respectively, have been deposited at the Offices of the respective Clerks of the Peace for the Counties of *Chester* and *Lancaster*; be it enacted, That such Plans and Sections shall be kept by the said Clerks of the Peace, and such Clerks of the Peace respectively shall permit all Persons to inspect the same at all seasonable Times, and shall make out Copies and Extracts therefrom for all Persons requiring the same, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words copied.

Certain Provisions of 10 & 11 Vict. c. 17. extended to this Act.

X. And be it enacted, That the following Clauses contained in the Waterworks Clauses Act, 1847, shall extend to and be incorporated with this Act, that is to say, the Clauses with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, the Clauses with respect to Mines, and the Clauses with respect to the Provision for guarding against fouling the Water of the Undertakers.

Errors and Omissions to be corrected.

XI. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners or Lessees or Occupiers of Lands described on the said Plans or Books of Reference, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands to be affected by such proposed Correction, to apply to Two Justices acting for the District in which such Lands are situated, for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerks of the Peace of the Counties in which the Lands affected thereby shall be situate, and shall also be deposited with the Parish Clerks of the Parishes in which the Lands affected thereby shall be situate, and such Certificate shall be kept by such Clerks of the Peace and Parish Clerks respectively along with the other Documents to which they relate; and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Power to enter on Lands and construct Works.

XII. And be it enacted, That, subject to the Provisions and Restrictions in this Act contained, it shall be lawful for the Company to enter upon the Lands mentioned and referred to in the said Plans and Books of Reference, and required for the Works herein-before authorized to be made, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the said Undertaking, and to dig and break up the Soil of such Lands, and to trench and sough the same, and to remove and use all Soil, Trees, or other Things dug or gotten out of the same, they the Company doing as little Damage as may be in the Execution of the Powers hereby granted, and making satisfaction to all Persons interested in any Lands used for the Purposes of this Act, or which may be injured

by the Execution of the Powers hereby granted: Provided always, that it shall not be lawful for the Company to enter into or use any Lands for the Purposes of this Act without having paid or tendered Payment for the same in the Manner mentioned in the said Lands Clauses Consolidation Act, 1845, except for the Purpose of setting out the Works by this Act authorized to be made, or setting out and taking Levels of such Parts of the said Lands as the said Company shall intend to take or use for the Purposes of this Act.

Company to continue existing Mill Owner's Gauges.

XIII. Provided always, and be it enacted, That the Company shall continue the existing Gauge erected by them upon any Stream under the Directions of the recited Act relating to the said *Macclesfield* Canal, or any Act therein referred to, for the Supply of Water in such Stream; and if it shall be necessary to remove such Gauge for the Construction of any Work, the Company shall before such Removal erect another Gauge upon such Stream, or upon any Diversion thereof, and shall suffer the Quantity of Water prescribed by either of the recited Acts or any such other Act with reference to such Stream to flow through such Gauge; and in case of any Dispute between the Owners of Mills for whose Benefit such Gauge shall have been originally fixed and the Company, with reference to the Place to which such Gauge shall be removed, the same shall be settled by a competent Person appointed by Her Majesty's Commissioners of Woods, Forests, and Works, or any Two of them, and the Person so appointed shall have the Powers conferred upon Arbitrators appointed under the Lands Clauses Consolidation Act for settling Cases of disputed Compensation.

Remedies, &c. of Mill Owners contained in recited Acts not to be prejudiced, &c.

XIV. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to take away or prejudicially affect any of the Powers, Authorities, Interests, Rights, or Remedies which by all or any of the said recited Acts relating to the said *Peak Forest* and *Macclesfield* Canals or either of them, or any Act therein referred to, are given or secured to the Owners and Occupiers of Mills and Millsteads in such Act or respective Acts mentioned or referred to, except where otherwise specially provided in this Act.

Extending Power of Justices to removeCanal Agents and appoint others.

XV. And whereas by the said recited Act of the Thirty-fourth Year of the Reign of King *George* the Third it is enacted, that it should be lawful for the Justices of the Peace assembled at any General Quarter Sessions for the County of *Derby* or *Chester*, as the Case might be, on Complaint to them made by any Three or more Owners or Occupiers of Mills upon any of the said Rivers or Brooks, of any Neglect of Duty or other improper Conduct by any of the Agents appointed under the Authority of the said Act for the Purpose of superintending, regulating, and keeping in repair the Works thereby authorized, (Twenty-one Days Notice of their Intention to make such Complaint being first given by such Owners or Occupiers of Mills to the said Agent or Agents, and to the Clerk of the Company of Proprietors of the *Peak Forest* Canal,) to remove such Agent or Agents, or otherwise as to such Justices should seem meet, and that such Justices should and might appoint such other Person or Persons

to be the Agent or Agents in the Room of the Person or Persons so to be removed as aforesaid as should for that Purpose be recommended to the said Justices by the said Company of Proprietors or their Clerk; and in case no such Recommendation should be then made to the said Justices, they the said Justices should and might appoint such other Person or Persons to be the Agent or Agents as aforesaid as they the said Justices might see fit and proper; and that such Justices should also order and determine by whom the Costs and Expences of such Application and Appointment should be paid; provided nevertheless, that in case of any such Appointment being made at any Quarter Sessions as aforesaid the Persons so appointed should be and be deemed and taken to be the Officers or Servants of the said Company to all Intents and Purposes whatsoever, and should be allowed and paid by them such Salary as the Justices at the said Quarter Sessions should fix and direct: And whereas it is expedient that the said recited Provision should be altered and enlarged; be it enacted, That the Powers vested in the Justices of the Peace assembled at any General Quarter Sessions for the County of *Derby* or *Chester*, by virtue of the said recited Provision, shall be and the same are hereby extended to and vested in any Two Justices of the Peace of any of the Counties of *Derby*, *Chester*, or *Lancaster* in Petty Sessions assembled; and that the said recited Provision, and every Matter and Thing therein contained, shall from and after the passing of this Act be read and construed and be of equal Force and Effect as if the said Two Justices in Petty Sessions assembled had originally been mentioned in and referred to by the said recited Provision, and as if the Name of the *Manchester, Sheffield, and Lincolnshire* Railway Company had been used therein instead of the Name of the said Company of Proprietors of the *Peak Forest* Canal, and as if the Secretary of the said Railway Company had been therein referred to instead of the Clerk of the said Company of Proprietors.

Questions as to Gauges to be settled by Arbitration.

XVI. And whereas by the said recited Act of the Thirty-fourth Year of the Reign of King *George* the Third it is enacted, that if it shall at any Time hereafter be found by Experience that the Gauges of *Todds Brook*, *Combs Brook*, and *Hockham Brook*, therein mentioned and described, or any of them, are not sufficient for the full and ample Supply of Water for the Use of the several Water Corn Mills, Cotton Factories, Printing Works, Collieries, and other Works situate and being on or near the River *Goyt* or the said Brooks respectively, then and in each such Case the said Company of Proprietors shall enlarge the said Gauges in and upon the said River and Brooks respectively so as to secure to the said Water Corn Mills, Cotton Factories, Printing Works, Collieries, and other Works the natural Streams of the said River and Brooks respectively in common Seasons, in as full and ample a Manner as before the passing of this Act, any thing therein contained to the contrary thereof in anywise notwithstanding; be it enacted, That any Question which may arise in respect of the said Gauges or any of them shall be settled by Arbitration in the Manner provided for by the Lands Clauses Consolidation Act, 1845, for settling Cases of disputed Compensation: Provided always, that it shall not be competent to the

said Arbitrators to entertain any Question affecting the legal Rights of the Parties, under the said Act or any other Act relating to the said *Peak Forest* Canal, in respect of the Quantity of Water to be supplied.

Company not to deviate from the Plan beyond Limits.

XVII. And be it enacted, That the Company, in making the said Aqueducts, Conduits, Reservoirs, and Works, shall not deviate from the Plan deposited with the Clerks of the Peace, except where Limits of Deviation are defined on the said Plan, nor to any greater Extent than so defined on such Plan, nor in any Case to a greater Distance than Ten Yards from the Line or Situation shown on such Plan as the Line or Situation of the Work, without the previous Consent in Writing of the Owner of the Land into which such Deviations shall be made, nor into the Lands of any Person not mentioned in the said Books of Reference without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided.

Limiting Period for compulsory Purchase.

XVIII. And be it enacted, That the Powers by this Act granted to the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period within which Works are to be completed.

XIX. And be it enacted, That the Reservoirs and Aqueducts hereby authorized to be made shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Power to contract with Waterworks Companies for supplying them with Water.

XX. And be it enacted, That it shall be lawful for the Company from Time to Time to contract and agree, either permanently or for a stated Period, with any Waterworks Company, Corporation, or Person authorized by Act of Parliament to supply with Water the Municipal Boroughs of *Manchester*, *Salford*, and *Stockport*, or any of them, or any Part thereof respectively, or the Inhabitants of any other Town, District, or Place requiring a Supply of Water in Bulk for Power, Trading, Business, or other Purposes, for the Supply to such Waterworks Company, Corporation, or Person of such Quantity of Water as such Waterworks Company, Corporation, or Person may agree to purchase, and to enter into and make such Terms, Stipulations, and Arrangements for effecting the Purposes, or with reference or incidental thereto, as such Waterworks Company, Corporation, or Person, and the said Company may mutually agree upon: Provided always, that nothing in this Act contained shall extend to constitute the said Company a Waterworks Company, so as to enable them to distribute Water as such to the Inhabitants of any Town, District, or Place.

Rights of certain Mill Owners not

XXI. And be it enacted, That nothing in this Act contained shall shall extend or be construed to extend to alter, vary, diminish, or take away

to be affected.

away or prejudicially affect any of the Rights, Powers, Authorities, Interests, or Remedies now vested in, or which by all or any of the said recited Acts relating to the *Peak Forest* Canal, or any Act therein referred to, are given or secured to the Owners and Occupiers of Mills and Works on the *Todds Brook*, or *Comb's Brook*, or *Hockham Brook*, or River *Goyt* respectively.

Saving the Rights of the Crown.

XXII. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the said Company to purchase, enter upon, take, or use any Lands, Soil, or Mines, or any Manorial Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, which Consent the said Commissioners are hereby empowered to give, and until the Price or Compensation to be paid by the said Company in respect of such Lands and Premises shall have been settled and agreed upon between the said Commissioners or any Two of them, on behalf of Her Majesty, and the said Company, and until such Price shall have been paid by the said Company into the Bank of *England* to the Account of the said Commissioners, and the necessary Conveyances of the said Lands and Premises to the said Company shall have been duly executed, enrolled, and perfected.

Authorizing Sale of Lands belonging to the Duchy of Lancaster, and providing for Application of Purchase Money.

XXIII. And whereas Part of the Lands which may be required for the Purposes of this Act belongs to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*; be it enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being to agree with the said Company for the absolute Sale in Fee Simple of the Lands, or any Part thereof, of or belonging to Her said Majesty in right of Her said Duchy, which shall be required for the Purposes of this Act, at or for such Price or Compensation in Money and upon such Terms and Conditions as shall be settled and agreed upon between the said Chancellor and Council and the said Company; and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey the same Lands, and the Fee Simple and Inheritance thereof, to the said Company, their Successors and Assigns, for the Purposes of this Act; and the Purchase Money or Consideration for the same Lands shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same either shall and may be invested in the Purchase of Bank Annuities, according to the Powers and Provisions contained or referred to in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in* England, *and also of His Majesty's Duchy of* Lancaster, with respect to the Purchase Money to be paid for Property belonging to the Crown within the Survey and Receipt of the said Duchy, under the therein-recited Acts, or the

48 G. 3. c. 73.

the same or any Part thereof may, either without any previous Investment or after such, and either alone or together with any other Monies which shall for the Time being have arisen or shall hereafter arise from the Sale of Lands and Hereditaments, Part of the Possessions of the said Duchy, be laid out, according to the Provisions of an Act passed in the Fifty-seventh Year of His said Majesty King *George* the Third, intituled *An Act for ratifying Articles of Agreement entered into by the Right Honourable* Henry Hale *Viscount* Gage *and the Commissioners of His Majesty's Woods and Forests and Land Revenues, and for the better Management and Improvement of the Land Revenues of the Crown;* or the said Monies, and also any such other Monies, whether previously invested or not, or any Part thereof respectively, may be laid out in the Purchase of Lands which in the Judgment of the said Chancellor and Council shall be deemed convenient to be held with any Possession of the said Duchy, as the Chancellor and Council for the Time being of the said Duchy shall direct by any Order or Orders in that Behalf; and the said Chancellor and Council shall for the Purposes of this Act have and be entitled to all such Powers and Provisions in reference to the Monies (if any) so invested in Bank Annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the Fifty-seventh Year of King *George* the Third they are entitled to concerning any Sums or Funds of or belonging to the Duchy of *Lancaster* in the same Act particularly mentioned or referred to; and the Lands and Hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall be conveyed and assured to the Use of Her Majesty, Her Heirs and Successors, in right of Her said Duchy of *Lancaster*, and shall vest in Her said Majesty, Her Heirs and Successors, in the same Right and as fully and effectually as the Lands to be conveyed to the said Company were vested in Her immediately before such Conveyance, and be held with the like Incidents and be subject to the same Application, to all Intents and Purposes, as the said Lands so to be conveyed to the said Company were held by Her immediately before such Conveyance; and every such Conveyance to the Use of Her Majesty, Her Heirs and Successors, may be in the Form comprised in the Schedule to this Act annexed, or as near thereto as may be. 57 G. 3. c. 97.

Authorizing the Enfranchisement of Copyhold Lands belonging to the Duchy of Lancaster.

XXIV. And whereas Part of the Lands which may be required for the Purposes of this Act are held by Copy of Court Roll or other Customary Tenure of Honors, Manors, or Lordships belonging to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster;* be it enacted, That it shall be lawful for the Chancellor and Council for the Time being of Her Majesty's Duchy of *Lancaster* to agree with the said Company for the Enfranchisement, subject nevertheless and without Prejudice to any Lease which may be for the Time being subsisting of any such Manor, Honor, or Lordship, of any such Copyhold or Customary Lands, and for the Release and Discharge of the same Lands of and from all or any of the Rents, Suits, and Services which by the Custom of such Manors, Honors, or Lordships the same Lands may be charged with or liable to, at or for such Price or Compensation in Money, and upon such Terms and

Conditions, and with such Reservations as shall be settled and agreed upon between the said Chancellor and Council and the said Company; and in case the same Lands shall be subject and liable jointly with any other Lands to any such Rents, Suits, or Services, it shall be lawful for the said Chancellor and Council to agree, as well with the Company as also with the Tenant or Proprietor of such other Lands, for the Release or Apportionment of such Rents, Suits, and Services, either with or without any Consideration being paid for the same; and upon any such Agreement for Enfranchisement, Release, or Apportionment it shall be lawful for the said Chancellor and Council, by any Deed or Writing under the Seal of the said Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to release the Lands so to be enfranchised or released, as the Case may be, from all Customary Fines, Rents, Suits, and Services, or such of them or such Part or Parts thereof as shall be agreed to be released, to the said Company and their Successors for ever, to be holden by the said Company and their Successors, as of the Honor or Manor whereof they are or were Parcel, in Free and Common Socage; and the Purchase Money or Compensation for every such Enfranchisement and also (if any) for every such Release shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same shall be applied and disposed of in the Manner and for the Purposes herein directed of and concerning any other Monies which shall come to his Hands by virtue of this Act; and every such Release of Lands as aforesaid, if the same shall be made previously to the Purchase or Acquisition by the Company of the Estate and Interest of the Copyhold or Customary Tenant of such Lands, shall, after such Purchase or Acquisition, operate and take effect as if the Company had been in possession of the Lands at the Time of the Execution of such Release: Provided always, that the Enfranchisement of any such Copyhold or Customary Lands shall not in other respects affect any Custom by or under which any other Copyhold or Customary Lands not required for the Purposes of this Act shall be holden; and wherever any such Release shall be made as aforesaid the other Lands subject to such Rent, and not required for the Purposes of this Act, shall thenceforth be subject to the whole of such Rents, Suits, and Services, or to a proportionate Part thereof, (as the Case may be,) in the same Manner in all respects as the Entirety of the said Lands so previously subject to such Rent would have continued subject to the whole thereof if such Release had not been made; and all the Powers, Remedies, and Conditions subsisting previously to such Release, for Recovery of the said Rents, Suits, and Services, shall, except as against the Lands so released, at all Times thereafter remain, continue, and be good, valid, and effectual in the Law to all Intents and Purposes for the whole or the proportionate Part of such Rents, Suits, and Services, (as the Case may be,) as if the Lands not so released as aforesaid had been originally alone subject to the same Rent or proportionate Part respectively.

For the Conveyance of Waste Lands

XXV. And whereas Part of the Lands which may be required for the Purposes of this Act are Waste or Common Lands the Right to the

the Soil whereof belongs to the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster* (subject to Rights of Common or other Rights or Easements); be it enacted, That it shall be lawful for the Chancellor and Council for the Time being of Her Majesty's Duchy of *Lancaster* to agree with the Company for the absolute Sale in Fee Simple of the Estate, Right, and Interest of Her said Majesty in the Soil of the said Waste or Common Lands which may be so required for the Purposes of this Act, at or for such Price or Compensation and upon such Terms and Conditions as shall be agreed upon between the said Chancellor and Council and the said Company, and upon Payment of such Price or Compensation, by any Deed or Writing under the Seal of the Duchy, in the Name of Her said Majesty, Her Heirs and Successors, to convey such Estate, Right, and Interest to the said Company, their Successors and Assigns, for the Purposes of this Act; and the Purchase or Compensation Money for the same shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same shall be by him applied and disposed of in the like Manner and for the like Intents and Purposes as are in and by this Act directed and provided of and concerning any other Monies which shall come to his Hands by virtue of this Act.

belonging to the Duchy of Lancaster.

Concerning the Sale and working of Mines belonging to the Duchy of Lancaster.

XXVI. And whereas the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster* is entitled, either in possession or subject to Leases granted by the said Duchy, to the Mines, Minerals, and Quarries lying and being in or under Part of the Lands required for the Purposes of this Act or in the Neighbourhood thereof; be it therefore enacted, That it shall be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster*, either before or after the making of the Railway or any Part thereof, to agree with the said Company for the absolute Sale of the said Mines, Minerals, and Quarries, or any Part or Parts thereof, subject nevertheless and without Prejudice to the Lease or Leases (if any) for the Time being subsisting thereof, at or for such Price or Consideration in Money, and upon such Terms and Conditions, and with such Reservations, Exceptions, and Restrictions, in all respects, as may be agreed upon between the said Chancellor and Council and the said Company, and it shall be lawful for the said Chancellor and Council also to enter into any Arrangement or Agreement with the said Company concerning the working by Her said Majesty, Her Successors and Assigns, of the said Mines, Minerals, or Quarries, or any of them, or any Part or Parts thereof, whether the same may be under or upon the Line of the Railway or in the Neighbourhood thereof; and the Purchase or Consideration Money for the same Mines, Minerals, or Quarries, or any Part or Parts thereof, shall be paid into the Hands of the Receiver General of the Revenues of the said Duchy, and Receipts and Acquittances shall be given by him for the same, and the same shall be paid and applied by him in the Manner and for the Purposes in and by this Act directed and provided concerning any Monies which shall come to his Hands by virtue of this Act: Provided always, that nothing in this Act contained shall extend to prevent or hinder Her said Majesty,

or Her Lessees from working, but, on the contrary, it shall be lawful for Her said Majesty and Her Lessees to work, as well before as after the making of the Railway, any such Mines, Minerals, or Quarries, or any Part or Parts thereof, whether the same shall be situate in, under, or upon the Line of the said Railway, or in the Neighbourhood thereof, nor to make Her said Majesty, Her Heirs or Successors, in any way liable for any Damage which may be done to or on the Railway by the working of any such Mines, Minerals, or Quarries, unless the said Chancellor and Council shall have expressly agreed in Writing with the said Company that the said Duchy shall become so liable, and then to the Extent (if any) only and in the Manner in such Agreement specified and provided: Provided also, that it shall not be lawful for the Company, by reason of any such Conveyance, to work, get, or use any such Mines, Minerals, or Quarries, (except so far as may be necessary in making the Railway,) unless they shall in the Conveyance or Assurance thereof be expressly authorized by the said Chancellor and Council so to do, and then to the Extent only which shall be so authorized.

For Enrolment of all Deeds of Conveyance of Land belonging to the Duchy of Lancaster.

XXVII. And be it enacted, That every Deed or Writing whereby any Lands, Hereditaments, Estate, Right, or Interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of *Lancaster*, by virtue of the Powers of this Act, being inrolled in the Court of the Duchy Chamber of *Lancaster* within Twelve Calendar Months from the Date thereof, shall be effectual to vest in the said Company the Lands, Hereditaments, and Premises thereby expressed to be granted, conveyed, or assured, any thing contained in the Act passed in the First Year of Her Majesty Queen *Anne*, intituled *An Act for the better Support of Her Majesty's Household, and the Honour and Dignity of the Crown*, or in any other Act, to the contrary in anywise notwithstanding.

13 W. 3. & 1 Ann. c. 7.

Saving Rights of the Crown and of the Duchy of Lancaster.

XXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Saving Rights of the Duke of Bridgewater's Trustees and North Staffordshire Railway.

XXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed to extend to extinguish, abridge, or prejudice the Right, if any, to Water, or other Properties, Rights, Easements, and Privileges, if any, now belonging to or enjoyed by the Devisees in Trust of the late Duke of *Bridgewater*, or now belonging to or enjoyed by the *North Staffordshire* Railway Company.

Navigation of Canals not to be prejudiced.

XXX. And be it enacted, That nothing in this Act contained shall prejudice or affect the Liability of the Company to maintain the Navigation of the *Peak Forest* Canal and *Macclesfield* Canal, as required by the first-recited Act for vesting such Canals in the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company.

XXXI. And

Interest not to be paid on Calls paid up.

XXXI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

XXXII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway to be subject to Proviions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXXIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two Acts were passed in the last Session of Parliament, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said *Manchester, Sheffield, and Lincolnshire* Railway from the Provisions of the said several Acts respectively, but that such Provisions shall be in force with respect to the said Railway so far as the same shall be applicable thereto.

Interpretation of Act.

XXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "the Company" shall mean "The *Manchester, Sheffield, and Lincolnshire* Railway Company:"

The Word "Person" shall extend to Commissioners, and to Corporations, whether aggregate or sole.

Expences of this Act.

XXXV. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company, in preference to all other Payments whatsoever.

Public Act.

XXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULE referred to in the foregoing Act.

Conveyance to Her Majesty in right of Her Duchy of Lancaster.

THESE are to witness, That in consideration of the Sum of paid to *A. B.* of by *C. D.*, the Receiver General of the Revenues of the Duchy of Lancaster, on behalf of Her Majesty, he the said *A. B.* doth by these Presents grant, convey, and assure unto the said *C. D.*, his Heirs and Assigns, all that to have and to hold the same unto the said *C. D.*, his Heirs and Assigns, to the Use of Her said Majesty, Her Heirs and Successors, in right of Her said Duchy.

In witness, *&c.*

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