Anno triceſimo ſecundo

# Georgii II. Regis.

An Act for diſcharging the Inhabitants of the Town of *Mancheſter*, in the County Palatine of *Lancaſter*, from the Cuſtom of grinding their Corn and Grain, except Malt, at certain Water Corn Mills in the ſaid Town, called *The School Mills*; and for making a proper Recompence to the Feoffees of ſuch Mills.

WHEREAS certain Water Corn Mills called The School Mills, ſituate and ſtanding upon the River Irk within the Town of Mancheſter, in the County Palatine of Lancaſter, were, about Two hundred and thirty five years ago, granted, conveyed, and aſſured (amongſt other Things) unto certain Feoffees in Fee Simple, in Truſt, for the Maintenance and Support of a Free Grammar School within the ſaid Town of Mancheſter, and for other charitable Uſes and Purpoſes: And whereas the ſaid Feoffees have, from immemorial Uſage or Cuſtom, claimed a Right or Privilege to grind, at the Preamble.

said Mills, all the Corn, Grain, and Malt, which should be spent or used ground by the Tenants, Inhabitants, and Reliants, of and within the said Town; and in Prosecution of such Claim, and to inforce a Submission thereto, have, at different Periods of Time, commenced and carried on divers Suits in the Duchy Court of Lancaster; in which Suits; Decrees have, from time to time, been obtained, whereby the said Right hath been in the Whole, or in Part, confirmed: And whereas the said Mills are sufficient for the grinding all Malt used ground within the said Town, but by the great Increase of Inhabitants since the Foundation of the said Charity, occasioned by the Extension of Trade and Manufactures within the said Town of Manchester, the Continuance of the said Usage or Custom, may subject the said Inhabitants to Inconveniencies and Difficulties in procuring a sufficient Quantity of Meal and Flour for their Subsistence and Consumption; and the said Feoffees and Inhabitants may not only be involved in further Suits and Differences, but the carrying on and Improvement of the said Trade and Manufactures, be greatly discouraged and obstructed: And whereas the discharging and exempting the said Tenants, Inhabitants, and Reliants, from the Custom or Duty of grinding any Sort of Corn or Grain at the said Mills (other than Malt) and securing to the said Feoffees, for the Use of the said Charity, such Satisfaction or Equivalent as is herein after mentioned, for any Deficiency which may be occasioned in the Profits of the said Mills by such Discharge or Exemption, will be to the mutual Advantage of the said Town and Charity: 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 from and after the Twenty ninth Day of September, One thousand seven hundred and fifty nine, all and every the Tenants, Inhabitants, and Reliants, or who shall be, for the future, Tenants, Inhabitants, or Reliants, of and within the said Town of Manchester, and the Limits and Precincts thereof, shall be, and they are hereby freed, discharged, and for ever exempted, of and from the aforesaid Usage, Duty, Custom, and Obligation of grinding at the said Mills, any Corn or Grain whatsoever, Malt only excepted, and such Usage or Custom, as to all Corn and Grain so to be ground (except Malt) shall from thencefoith cease and become extinguished.

Inhabitants of the Town of *Manchester* discharged from the Obligation of grinding their Corn and Grain, except Malt, at the School Mills.

And be it further enacted by the Authority aforesaid, That the said Usage, Custom, and Obligation of grinding Malt at the said School Mills, shall be, and is hereby established and confirmed, save as to the Tolls to be payable and paid for the same, and the carrying and re-carrying of such Malt; and that all and every such Tenants, Inhabitants, and Resiants, of and within the said Town of Manchester, and the Precincts and Limits thereof, shall, and they are hereby required to grind at the said Mills, called The School Mills, and not elsewhere, all the Malt which they shall spend or use ground within the said Town, or the Precincts or Limits thereof; and that every such Tenant, Inhabitant, and Resiant, do and shall pay, for the grinding of such Malt at the said Mills, and for carrying or conveying the same to and from their respective Dwelling Houses, the Sum of One Shilling, and no more, for the grinding of One Load, containing Six Bushels, or Twenty four Pecks of Malt of Winchester Measure, and so in Proportion for any greater or less Quantity, in lieu and Satisfaction of the usual and customary Toll and Multure of One Twenty fourth Part hitherto taken for the grinding of such Malt.

The Custom of grinding Malt at the said Mills confirmed, except as to the Tolls; in lieu of which, 1 s. is to be paid for every Load;

Provided nevertheless, and it is hereby further enacted by the Authority aforesaid, That if any of the said Tenants, Inhabitants, or Resiants, shall, upon Demand, decline or refuse to pay for the carrying, grinding, and re-carrying, of his, her, or their Malt, to, at, and from, the said Mills, after the Rate of One Shilling per Load as aforesaid; then and in such Case the Feoffees, their Tenants and Farmers of the said Mills, for the time being, and their Agents and Servants, shall, and they are hereby authorized and impowered, upon every such Refusal to pay the said Toll in Money, to have and take the usual Toll of One Twenty fourth Part for the grinding such Malt, or otherwise, at the Election of the said Feoffees, their Tenants or Farmers, for the time being, to detain the Malt for or in respect of the carrying, grinding, and re-carrying, whereof, such Sum or Sums shall become due and payable, for the Space of Three Days; and if the Sum or Sums to be paid for carrying, grinding, and re-carrying, shall not be paid within that Time, then to sell and dispose of the Malt so detained, or a competent Part thereof, in such Manner as the said Feoffees, their Tenants and Farmers of the said Mills, for the time being, shall think proper; and out of the Money arising by such Sale, to retain so much as shall be sufficient to answer and pay such pecuniary Toll, with the reasonable Charges attending such Sale, returning

Upon Refusal to pay the same, the usual Toll may be taken, or the Malt may be detained, and sold, and the Money for the Toll and all Charges deducted thereout.

the Overplus, if any, and the Remainder of the Malt not sold, to the Owner or Owners thereof respectively.

When the Water Corn Mills shall be incapable of grinding,

And be it further enacted by the Authority aforesaid, That during any particular Time or Times that the said Water Corn Mills shall be unfit or incapable of grinding all the Malt of the said Tenants, Inhabitants, and Resiants, of and within the said Town of Manchester, and the Limits and Precincts thereof, within the Period of Time herein limited and appointed for that Purpose, by reason of the repairing, amending, improving, or rebuilding the said Mills, or any Part of them, or from any Accident happening to the said Mills, or any of them, or from Frosts, or Want of Water, the Feoffees for the time being shall, and they are hereby authorized and required to provide One or more Horse Mill or Mills, or other proper and sufficient Mill or Mills, within the said Town of Manchester, or the Limits and Precincts thereof, for the grinding such Malt during such Time as the said Water Corn Mills shall be incapable of grinding the same as aforesaid; and the Tenants, Inhabitants, and Resiants aforesaid, and every of them, shall, during the said Time, grind their Malt at such other Mill or Mills so to be provided, and pay for the grinding thereof the like Toll or Rate per Load, as is herein before fixed and appointed to be paid at the present Water Corn Mills; and that all the Remedies, Penalties, Provisoes, and Clauses, relating to the said Water Corn Mills, and the grinding such Malt, and Payment, and recovering of the said Toll or Rate, shall be extended, and are hereby declared to be, from time to time, extended to, and be of the same Force and Effect in respect of, all and every such Mill or Mills so to be provided, during such Time as the same Mills shall be used and employed by the said Feoffees, their Tenants or Farmers of the said Mills, for the time being, for the Purpose aforesaid, and no longer, as they are hereby declared to be with respect to the said Water Corn Mills; but in case no such Horse Mill, or other Mill or Mills, shall be provided by the said Feoffees, their Farmers or Tenants, for the grinding of such Malt, during the Time aforesaid, the said Tenants, Inhabitants, and Resiants, shall, during such temporary Disability or Insufficiency of the said Water Corn Mills only, and the Want of such other Mill or Mills to answer the Emergencies aforesaid, but no longer or otherwise, be freed and exempted from the said Custom or Obligation of grinding his, her, and their Malt, at the said Water Corn Mills, and from all Forfeitures, Penalties, Suits, and Actions whatsoever, which he, she, or they,

The Feoffees are to provide other Mills for grinding Malt, &c.

and in Default, the Inhabitants, during such temporary Disability, are exempted from the Custom of grinding at the said Water Corn Mills, and from all Forfeitures on that Account.

can

can or may be subject or liable to for or in Respect of the same.

And it is hereby further enacted by the Authority aforesaid, That if any Tenant, Inhabitant, or Resiant, of or within the said Town of Manchester, or the Precincts and Limits thereof, shall think him, her, or themselves aggrieved by any Damage done to the said Malt whilst the same is at the said Mills, or by the bad grinding thereof, or by not carrying, grinding, and re-carrying the same, within Twenty Six Hours from the Time of making Application for those Purposes, or by any other Matter or Cause whatsoever concerning the same, or by the taking a greater Toll than One Twenty fourth Part for the grinding any Wheat, Rye, or Barley, at the said Mills erected, or to be erected, as herein mentioned, during such Time as the same shall be kept up and supported as Publick Mills for the Use of the said Inhabitants, as hereafter is required and directed; then, and and in any of the said Cases, and from time to time as it shall so happen, it shall and may be lawful to and for every or any such Person or Persons so aggrieved as aforesaid, to exhibit his, her, or their Complaint in Writing, within Five Days next after the Cause thereof shall arise, to and before any One or more of His Majesty's Justices of the Peace residing in or near the said Town of Manchester, who is and are hereby authorized and required to inquire into the Matter of the said Complaint, and thereupon to summon the Miller, Carrier, or other Person or Persons, against whom such Complaint shall be made, to appear before him or them, and upon such Appearance, or in Default thereof (Oath being made of the Service of such Summons) to examine into the said Complaint on Oath (which Oath, as well as the Oath of the Service of the said Summons, such Justice or Justices is and are hereby impowered and required to administer) and thereupon to award, by Writing under his or their Hand or Hands, such Satisfaction in Money to be made and paid to the Person or Persons making such Complaint as aforesaid, as such Justice or Justices shall judge to be adequate to the Damage so sustained, together with such Costs as he or they shall think reasonable, not exceeding the Sum of Five Shillings; and the Money and Charges so to be awarded, shall be paid upon Demand by the Party or Parties against whom such Complaint shall be exhibited, and Award made, to the Person or Persons producing such Award so to be made as aforesaid; and in case such Party or Parties shall refuse or neglect to pay the same within Three Days after Demand thereof made, and

Persons aggrieved by any Damage or Delay owing to the Publick Mills,

may exhibit their Complaint to the Justices for the Town; who are to inquire into the Matter thereof;

and award Satisfaction, with Costs;

and on the Party's refusing to pay,

and producing such Award as aforesaid, such Justice or Justices shall, and he and they is and are hereby authorized and required, by Warrant under his and their Hand and Seal, or Hands and Seals, to levy, or cause the same to be levied and raised, by Distress and Sale of the Goods and Chattles of the Person or Persons so neglecting or refusing to pay as aforesaid, returning the Overplus (if any) after Payment of such Damage, and the Charges attending such Distress and Sale, to the Owner or Owners thereof respectively.

may levy the same by Distress and Sale.

Feoffees impowered to repair or rebuild the said Public Mills, &c.

And be it further enacted by the Authority aforesaid, That the said Feoffees for the time being shall, and they are hereby authorized, impowered, and required, from time to time, as they shall find it necessary and convenient, well and sufficiently to repair, support, sustain, maintain, amend, and keep, the said Water Corn Mills already erected, or any other good and sufficient Water Corn Mills to be erected in pursuance of this Act, and all and every the Appurtenances thereto belonging, in, by, and with, all and all Manner of needful and necessary Reparations and Amendments whatsoever; and from time to time to rebuild, alter, or vary, any Part, or the Whole, of the said Water Corn Mills, so as that the same Mills may and shall at all Times be sufficient to grind all the Malt spent or used ground by the Tenants, Resiants, or Inhabitants, of and within the said Town of Manchester, and the Limits and Precincts thereof; and that the same Mills shall and may be used and employed as Publick Mills, so, and in such Manner, that the Inhabitants of the said Town, and the Limits and Precincts thereof, in Preference to the Tenants, Farmers, and Occupiers of the said Mills, for the time being, being Dealers in Flour, and their, or any of their Agents and Servants, and all other Person and Persons whatsoever not being Inhabitants of the said Town, and Limits and Precincts thereof, shall and may have the Use and Convenience of grinding their Wheat, Barley, and Rye, at the said Mills, if they shall find it necessary and convenient, for the usual or customary Toll of One Twenty fourth Part thereof, or such Rate or Price in Money, in lieu of the said customary Toll for the grinding thereof, as shall, from time to time, be agreed upon between the said Feoffees, their Tenants or Farmers of the said Mills for the time being, and the said Inhabitants of the said Town, and the Limits and Precincts thereof, or any of them, who shall chuse to grind their Wheat, Barley, and Rye, at the said Mills as aforesaid; but so as the said Feoffees shall not be compellable or compelled to provide

and the Inhabitants of the Town to have the Preference in grinding Corn, &c. thereat,

at the customary Toll or Price agreed upon;

vide or keep up more Mills for the grinding of such Wheat, Barley, and Rye, than the Soak Toll Multure, and other Profits to arise or accrue from the said Mills, will be sufficient to maintain and support.

Inhabitants grinding their Malt at other than the School Mills,

And be it further enacted by the Authority aforesaid, That in case any Tenant, Inhabitant, or Resiant, of or within the said Town of Manchester, or the Precincts and Limits thereof, shall grind, or cause or procure to be ground, his, her, or their Malt at any Mill or Mills, other than the said School Mills, or such other Mill or Mills as shall be provided by the said Feoffees, their Tenants, or Farmers of the said Mills for the time being, in Manner, and for the Purposes, in this Act mentioned; or shall spend or use within the said Town of Manchester, or the Precincts or Limits thereof, any Malt ground at any Mill or Mills, other than and except as before-mentioned; then, and, from time to time, as often as the Case shall so happen, it shall and may be lawful to and for the said Feoffees, their Tenants or Farmers of the said Mills for the time being, or any of them, or any Agent or Servant employed by them, or any of them, to exhibit his or their Complaint in Writing unto and before any One or more Justice or Justices of the Peace residing in or near the said Town of Manchester; and such Justice or Justices is and are hereby authorized and required to inquire into the Matter of the said Complaint, and thereupon to summon the Person or Persons, against whom such Complaint shall be made, to appear before him or them; and upon such his, her, or their Appearance, or in Default thereof (Oath being made of the Service of such Summons) to examine into the said Complaint upon Oath) which Oath, as well as the Oath of the Service of the said Summons, such Justice or Justices is and are hereby impowered to administer) and thereupon to order or award, by Writing under his or their Hand or Hands, such Satisfaction in Money to be made by the Person or Persons so offending or complained against as aforesaid, to, or to the Use of, the said Feoffees, their Tenants or Farmers for the time being, as such Justice or Justices shall think proper, not exceeding Treble the Damages sustained, together with such Costs as he or they shall think reasonable, not exceeding the Sum of Five Shillings: And in case such Person or Persons shall neglect or refuse to pay the same on producing such Order or Award, within Three Days after Demand thereof made, such Justice or Justices shall, and he and they is and are hereby authorized and required, by Warrant under his and their Hand and Seal, or Hands and Seals, to levy, or cause the same to be levied and raised, by

or using Malt not ground there,

liable to Complaint,

and to pay Damages and Costs;

which may be levied by Distress and Sale.

Distress and Sale of the Goods and Chattles of the Person or Persons so neglecting or refusing to pay the same, returning the Overplus (if any) after Payment of such Damages, and the Charges attending such Distress and Sale, to the Owner or Owners thereof respectively.

But where a frivolous or vexatious Complaint shall be exhibited,

And be it further enacted by the Authority aforesaid, That, for the preventing any frivolous and veratious Complaints, either by or on the Behalf of the Feoffees, their Tenants or Farmers of the said Mills for the time being, or the Tenants, Inhabitants, or Resiants, of or within the said Town of Manchester, or the Precincts or Limits thereof, touching, or any ways relating to, the grinding of Malt at the said Mills as aforesaid; it shall and may be lawful to and for the said Justice or Justices, to or before whom such Complaint or Complaints shall be exhibited, to award such Costs and Charges, to and for the Party and Parties against whom any such frivolous or veratious Complaint shall be made, as to the said Justice or Justices shall seem reasonable, not exceeding the Sum of Five Shillings; to be recovered and levied in such Manner as Damages and Costs to be awarded against the Party or Parties complained against, are herein before directed to be recovered and levied.

the Complainant liable to Costs, not exceeding 5s.

Parties aggrieved by the Award of any Justice, may appeal to the General Quarter Sessions.

Provided always, and be it further enacted and declared by the Authority aforesaid, That in case the Feoffees, their Tenants or Agents of the said Mills for the time being, or any Tenant, Inhabitant, or Resiant, of or within the said Town of Manchester, or the Precincts or Limits thereof, or any of them respectively, shall think him, her, or themselves aggrieved by any Award or Determination of any Justice or Justices of the Peace, in pursuance of this Act, it shall and may be lawful to and for any such Person or Persons to appeal to the Justices of the Peace of the said County Palatine of Lancaster, at any General Quarter Sessions of the Peace to be held in and for the said County Palatine, within Four Calendar Months next after such Award shall be made and produced, and the Money to be awarded shall be demanded, as before is mentioned; who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved, in a summary Way, and give such Costs to either Party, as they shall think reasonable; but the Person or Persons so appealing shall,

Notice to be given of Appeal;

and they are hereby respectively directed, to give Notice in Writing to the Person or Persons against whom such Appeal shall be made, of such his, her, or their Intention of bringing or prosecuting any Appeal, Ten Days at

at least before the said General Quarter Sessions; and shall within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace of the said County Palatine of Lancaster, with One or more sufficient Surety or Sureties, with Condition to prosecute such Appeal, at the General Quarter Sessions of the Peace which shall be held in or for the said County Palatine, next and immediately after bringing such Appeal; and also in case such Appeal shall be dismissed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; which Determination shall be binding and conclusive to all Intents and Purposes whatsoever, and shall not be removed or removeable into any other Court or Courts by Certiorari, or any other Writ or Process whatsoever.

and Recognizance to be enter'd into.

Order of the Court to be binding and conclusive, and not removeable.

Provided always, and it is hereby declared, That if any Tenant, Inhabitant, or Resiant, of or within the said Town of Manchester, or the Precincts or Limits thereof, shall, by any Engine or Engines, or other Means or Device whatsoever, crush or bruise his, her, or their Malt, to be spent or used within the said Town of Manchester, or the Precincts or Limits thereof, in order to avoid grinding the same at the School Mills, whereby the Toll or Rate to be paid or taken for the grinding thereof at such Mills, shall or may be impaired or avoided, such crushing or bruising the said Malt, shall be deemed and taken to be a grinding, within the true Intent and Meaning of this Act, and shall subject the Party or Parties so offending, to such and the like Damages, and to the like Remedies for Recovery thereof, as are herein before provided for or in respect of the grinding such Malt at any Mill or Mills, other than the said School Mills, and such other Mill or Mills as shall be provided by the said Feoffees, their Tenants or Farmers for the time being, as aforesaid.

Inhabitants crushing or bruising their Malt, to avoid grinding at the School Mills,

liable to pay Damages as for grinding at other Mills.

Provided always, and it is hereby enacted, That it shall and may be lawful to and for the said Feoffees, their Heir and Assigns, and their Tenants or Farmers of the said Mills for the time being, and every or any of them, to prosecute or pursue such or the like Remedies either at Law, or in Equity, against any Tenant, Inhabitant, or Resiant, of or within the said Town of Manchester, or the Limits or Precincts thereof, for any Breach or Non-performance of the said Custom, so far, and in such Manner, as the same is hereby established and confirmed, with respect to the grinding of Malt at the said School Mills already erected, or hereafter to be erected or provided as aforesaid, which they the said Feoffees, their

Feoffees have their Remedy at Law or Equity for Breach and Non-performance of the Custom of grinding Malt at the said Mills.

their Tenants or Farmers of the said Mills, had, or were intitled unto, or might have prosecuted or pursued for any Breach or Non-performance of the Custom or Usage of grinding at the said School Mills, at any Time before the passing of this Act; any thing herein contained to the contrary notwithstanding.

Feoffees impowered to vary or unite the Heads of Water, and alter the Site of the Mills,

Provided always, and it is hereby further enacted, That in case it shall be thought proper to vary or unite the Heads or Falls of Water, and to alter the Site of the said Mills, or any of them, between any Lands or Hereditaments belonging to the said Feoffees, as Part of the Trust Estate lying above the Highest or Upper Mill, and the River Irwell, and to convey the Water by Trenches or Tunnels, through any of the Lands adjoining or near to the River Irk, and to set or erect such new Mill or Mills upon any Part of the said adjoining Lands; and to agree with the Proprietors of Lands necessary for that Purpose, for their Interest therein;

it shall and may be lawful to and for the Feoffees for the time being, to agree with the Owners or Proprietors of, and Persons interested in, such adjoining Lands, for the Purchase or Hire of such Part or Parts thereof respectively, or for such Rights, Liberties, and Privileges, as shall be necessary or proper for all or any of the Purposes aforesaid, for a Sum in gross, or an annual Rent, for the same; and to accept and take Conveyances of the Inheritance thereof, or of any Term, Estate, or Interest therein; and it shall be lawful for all Bodies Politick, and Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for and on Behalf of themselves, or their Cestuique Trusts, whether Infants, or Issue unborn, Lunaticks, Ideots, or Femes Covert, and to and for all and every other Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in, any such adjoining Lands or Hereditaments, necessary or convenient to be had, taken, or used, for any the Purposes aforesaid; and they are hereby authorized and impowered either to demise or lease the same, or any Part thereof, for any Term or Number of Years, at a certain yearly Rent, or otherwise to contract for, sell, and convey, for a Sum in gross, the Inheritance in Fee Simple, or such their Estate and Interest of and in all or any such Lands or Hereditaments, unto the said Feoffees for the time being, and their Heirs, to the Use of, or in Trust for them, their Heirs, and Assigns; and that the Consideration for such Lands, Hereditaments, and Premisses, whether by Way of Annuity, or yearly Rentcharge, or Sum in gross, shall be charged and chargeable upon the said Mills, Lands, and Premisses, and the Tolls,

the said Persons impowered to sell or demise the same.

Consideration Money chargable upon the Mills and Premisses &c.

8

Tolls, and other Profits thereof, and also upon the Lands and Hereditaments to be leased or purchased for or in respect whereof such Rent shall be reserved, or Sum in gross become payable as aforesaid; and that from and after such Conveyance, the Lands, Privileges, and Hereditaments, to be purchased and conveyed as aforesaid, shall be subject to such and the same Trusts for which the said Mills were originally granted; and that all such Contracts, Agreements, Bargains, Sales, Leases, and Conveyances, shall be inrolled with the Clerk of the Peace for the said County Palatine of Lancaster for the time being; and after such Inrolment thereof, shall be good and valid in the Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Title, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants born, or to be born, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and all claiming, or to claim, by, from, or under them; and all Persons so demising, leasing, or conveying, as aforesaid, shall be, and are hereby declared to be, indemnified for what they, or any of them, shall lawfully do, or cause to be done, by virtue and in pursuance of this Act; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding.

The Lands to be subject to the same Trusts; and the Contracts, &c. to be inrolled.

Persons indemnified for what they shall so do.

And be it further enacted and declared, That true Copies of the Inrolments of such Leases, Contracts, Sales, and Conveyances, so to be made and inrolled as aforesaid, attested or signed by the Clerk of the Peace for the time being, shall be deemed and taken to be good Evidence thereof, and as such may be read and given in Evidence in all or any Court or Courts of Law or Equity, or elsewhere.

Attested Copies of the Inrolments of Leases and Contracts, &c. admitted as Evidence.

Provided always, That nothing in this Act shall extend to impower the Feoffees, or any Person or Persons acting under them, to do any thing that may prejudice or affect any ancient Mill or Mills upon the River Irk, either by depriving such Mill or Mills of their Water, or any Part thereof, or by occasioning such Mill or Mills to be sooner put in Back Water.

The Ancient Mills upon the River *Irk*, not to be prejudiced.

And be it further enacted by the Authority aforesaid, That for the better enabling the Feoffees for the time being, to repair, rebuild, and improve the said Mills, or any Part of the said Trust Estate, it shall and may be lawful to and for the said Feoffees, with the Consent of the President of Corpus Christi College in Oxford, the Warden of the Collegiate Church in Manchester, and the

Money may be borrowed for repairing or rebuilding the Mills.

High Master of the said Free School for the time being, at any Time or Times, to borrow and take up at Interest any Sum or Sums of Money, not exceeding the Sum of One thousand five hundred Pounds in the Whole at any One Time, and from time to time to demise or mortgage any Part or Parts of the said Trust Estate, to any Person or Persons whomsoever, for any Term or Number of Years, for securing the Repayment thereof, with Interest for the same; but so as there be not at any One Time more than the Sum of One thousand five hundred Pounds in the Whole, charged on the said Trust Estate, or any Part thereof.

the Trust Estate not to be charged with more than 1500 *l.* at any One Time.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Feoffees for the time being, by and with the Consent and Approbation of the President of Corpus Christi College in the University of Oxford, the Warden of the Collegiate Church in Manchester aforesaid, and the High Master of the said Free School for the time being, in Writing first had and obtained for that Purpose, to sell and dispose of, or to convey in Exchange, in lieu of other Messuages, Lands, Tenements, and Hereditaments, all or any Part or Parts of the said Trust Estate (the said Water Corn Mills with the Appurtenances excepted) to any Person or Persons whatsoever, either together or in Parcels, for such Price or Prices in Money, or any other Equivalent, as to them shall seem reasonable; and that when any of the Premisses (except as aforesaid) shall be sold and disposed of, or conveyed in Exchange, for or in lieu of other Lands or Hereditaments, the Fee Simple and Inheritance of such other Lands or Hereditaments shall be conveyed to, and vested in, the Feoffees for the time being, who are hereby enabled to accept and take such Grant and Conveyance thereof; and that the Money for which the said Premisses, or any Part thereof, shall be absolutely sold as aforesaid, shall be paid to the said Feoffees for the time being, who shall sign and give Receipts for the same; which Receipts shall be a sufficient Discharge to any such Purchaser or Purchasers, for the Purchase-money for which the same shall be so sold, or so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Purchaser and Purchasers shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application, of such Purchase-money; and when any of the Premisses (except as aforesaid) shall be sold for a valuable Consideration in Money, and such Receipts shall be given for the Purchase-money as aforesaid, and also when any of the Premisses

The whole, or any Part of the said Estate, (except the Mills) may be sold or exchanged.

The Lands taken in Exchange, to vest in the Feoffees, &c.

misses (except as aforesaid) shall be sold or disposed of, or conveyed, in Exchange for, or in lieu of, other Lands and Hereditaments, and the Fee Simple and Inheritance of such other Lands or Hereditaments, shall be vested in the said Feoffees for the time being (who are hereby impowered to accept and take a Grant or Conveyance thereof) all and every the Messuages, Tenements, Lands, and Hereditaments, so sold, disposed of, and conveyed, pursuant to this present Power, shall be, and remain for ever thenceforth, freed and absolutely discharged of and from all and every the Uses and Trusts of the said Charity, and shall enure, as to so much of the Premisses as shall be so respectively sold and disposed of or conveyed, to the only Use and Behoof of such Purchaser or Purchasers, or other Person or Persons, to whom the same shall be so respectively sold, disposed of, or conveyed, and of his and their Heirs respectively for ever.

and the Lands exchanged or sold, are discharged from the Uses and Trusts of the Charity.

Provided always, and it is hereby further enacted and declared, That when any of the Premisses (except as aforesaid) shall be sold for a valuable Consideration, in pursuance of this Act, all and every the Sum and Sums of Money which shall arise by such Sale or Sales, shall, with all convenient Speed, be applied (with such Consent as aforesaid) in the Improvement of the Residue of the said Trust Estate, or otherwise be laid out or disposed of by the said Feoffees for the time being (by and with such Consent and Approbation as aforesaid) in the Purchase of other Lands, Tenements, and Hereditaments, in Fee Simple, in Possession, in the Counties of Lancaster or Chester, of a clear indefeasible Estate of Inheritance of as good Value, in the Judgement of the said Feoffees, President, and Warden, for the time being, as the Messuages, Tenements, Lands, and Hereditaments, hereby made saleable, and as well the said Messuages, Tenements, Lands, and Hereditaments, so to be purchased, as also all and every the Messuages, Lands, and Hereditaments, which shall be vested in the Feoffees for the time being, their Heirs and Assigns, in exchange for, and in lieu of, any other Messuages, Lands, or Hereditaments, which they shall have disposed of, or conveyed, by virtue of this Act, shall be settled and conveyed to the same Uses, and upon the same Trusts, and to and for such and the same Ends, Intents, and Purposes, for which the said Charity was originally founded; and that until the Money arising by such Sale or Sales as aforesaid, shall be invested in Purchases, in Manner before directed,

The Money arising by Sale of any of the Premisses, to be applied in the Improvement of the Residue of the Trust Estate,

or in making other Purchases, to be settled to the same Uses, together with the Lands, &c. taken in Exchange;

till Purchases can be made, the Money to be placed out at Interest.

rected, the same shall be placed out upon Government or Real Securities, at Interest, by the said Feoffees for the time being, with such Approbation and Consent as aforesaid; and that the Interest and Proceed of the Money so invested in Securities, shall be paid and applied to and for such Uses, Intents, and Purposes, and in such Manner, as the Rents and Profits of the Messuages, Lands, and Hereditaments, so to be purchased therewith, would go or be payable, or applicable unto, in case such Purchases were then made.

Mills may be let or demised for any Term, not exceeding 21 Years, in Possession,

And it it is hereby further enacted by the Authority aforesaid, That it shall be lawful to and for the Feoffees for the time being, at any Time or Times, to let and demise the said Mills, and all or any Part of the Lands, Tenements, or Hereditaments, with the Appurtenances now vested in them, upon the Trusts, and for the Purposes before-mentioned, or which they shall at any Time be in Possession of, by virtue of, and under this Act, or any of the Powers thereby granted, by One or more Lease or Leases, to any Person or Persons whomsoever, for any Term or Terms, or Number of Years, not exceeding Thirty one Years, in Possession, but not in Reversion, or by Way of future Interest; so as there be reserved on every such Lease or Leases to continue payable Half-yearly, during the Continuance of the Term and Terms thereby to be granted, the best and most improved yearly Rent or Rents, that can be reasonably had or gotten for the same, without any Fine or Income to be had or taken in respect of any such Lease or Leases; and so as no such Lease be made dispunishable of Waste, and so as in all and every such Lease and Leases there be a Power or Condition of Re-entry, in case of Nonpayment of the Rent thereby reserved within a reasonable Time therein to be limited, and so as Counterparts of all and every such Lease and Leases be made and duly executed by all and every such Lessee and Lessees.

at the best and most improved Rent, without Fine;

and on the other Conditions here mentioned.

Trust Estate discharged of all Parochial Taxes, &c.

And be it further enacted and declared, That the said Water Corn Mills already erected, or hereafter to be erected as aforesaid, and all other Buildings and Conveniencies to be hereafter made or erected upon any Part of the said Trust Estate, for the Use, Enjoyment, or better Occupation of the said Mills, and also all other the Messuages, Tenements, Lands, and Hereditaments, with their respective Appurtenances, now belonging to, or vested in, the said Feoffees, as Part of the said Trust Estate, situate, lying, and being in Manchester aforesaid, and the Tolls, Rates, and other Profits, to arise or accrue from the same respectively, shall, from and after the

said

said Twenty ninth Day of September, One thousand seven hundred and fifty nine, be discharged and exempted from the Payment of all Taxes, Rates, Levies, Charges, Assessments, and Impositions whatsoever, which are now or shall be assessed or imposed upon the same (the Land Tax, and the Rates or Duties on Houses, Windows, and Lights, and all future Aids or Taxes to the Government, only excepted) any Law or Statute to the contrary notwithstanding. Public Taxes excepted.

Provided always, That nothing herein contained shall extend, or be construed to extend, to discharge or exempt any Messuages, Dwelling-houses, or other Buildings whatsoever hereafter to be erected upon new Foundations upon any Part of the said Trust Estate in Manchester aforesaid, other than and except as aforesaid, from any Taxes, Rates, Charges, Assessments, and Impositions whatsoever; any thing herein before contained to the contrary notwithstanding. Messuages erected on new Foundations not exempted. Exception.

Provided always, and be it further enacted by the Authority aforesaid, That no Summons, Order, Determination, Warrant, Contract, Agreement, or other Writing whatsoever, under the Hands and Seals of any Justice or Justices of the Peace, or any other Person or Persons whatsoever, in pursuance of, or in relation to, the Execution of this Act, shall be charged or chargeable with any Stamp or Duty whatsoever; and that no Proceedings to be had or taken in pursuance of this Act, shall be quashed or vacated for want of Form. Writings to be without Stamps. Proceedings not to be quashed for want of Form.

Provided always, and it is hereby further enacted and declared, That nothing in this Act contained shall extend, or be deemed or construed to extend, to defeat, vary, or affect, the determining of any Suit or Suits already commenced, prosecuted, or depending, in the Duchy Court for the said County Palatine of Lancaster, wherein the said Feoffees or Trustees, and William Dawson, George Bramhall, and Thomas Hatfield, or any of them respectively, are Parties, touching or any Ways relating to any Breach of the Custom of grinding at the said School Mills; but such Suit or Suits shall and may be prosecuted, defended, and determined, in such and the same Manner, and the Party or Parties in such Suit or Suits, shall and may be intitled to have and recover such and the same Satisfaction for Damages, as they, or any of them, might have been intitled to have and recover in case this Act had not been made; nor shall this Act, or any thing herein contained, be given in Evidence upon any Hearing of such Suit or Suits, or any Issue or Trial to be had or directed relating thereto. This Act not to affect any Suit depending in the Duchy Court, touching Breach of Custom of grinding at the said Mills; not to be given in Evidence therein.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or in Execution of any of the Powers, Authorities, Orders, or Directions, made, given, or directed, in, by, or under this Act, unless such Action, Suit, or Information, shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of Lancaster, and not elsewhere; and the Defendant or Defendants in such

General Issue.

Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done; or if any such Action, Suit, or Information, shall be commenced or brought after the Time before limited in that Behalf, or shall be brought in any other Court or Place than as aforesaid; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall become Nonsuit, or forbear Prosecution, or discontinue his, her, or their, Action or Actions, Suit or Suits, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defend-

Treble Costs.

ant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as when Costs by Law are awarded.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same, except as is herein before mentioned.

FINIS.