ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XCVII.

An Act to enable His Majesty, in Right of His Duchy of *Lancaster*, to make a Grant of certain Lands, for the Purpose of carrying into Execution an Act, passed in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from* Kirkby Kendal, *in the County of* Westmorland, *to* West Houghton *in the County Palatine of* Lancaster; *and also a Navigable Branch from the said intended Canal, at or near* Borwick, *to or near* Warton Cragg; *and also another Navigable Branch from, at, or near* Gale Moss *by* Chorley, *to or near* Duxbury *in the said County Palatine of* Lancaster.

[14th *May* 1796.]

WHEREAS, by an Act, made in the Thirty-second Year of His Majesty's Reign, intituled, *An Act for making and maintaining a Navigable Canal from* Kirkby Kendal *in the County of* Westmorland, *to* West Houghton *in the County Palatine of* Lancaster; *and also a Navigable Branch from the said intended Canal, at or near* Borwick, *to or near* Warton Cragg; *and also another Navigable Branch from, at, or near* Gale Moss *by* Chorley, *to or near* Duxbury *in the said County Palatine* Preamble. 32 *Geo.* III. Cap. 101, recited.

of Lancaſter; it is enacted, That the ſeveral Perſons therein named, ſpecified, or deſcribed, ſhould be united into a Company, for the carrying on, making, completing, and maintaining, the ſaid intended Navigable Canal and Branches paſſable for Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions, therein-after expreſſed, and ſhould for that Purpoſe be one Body Politick and Corporate, by the Name of *The Company of Proprietors of the Lancaſter Canal Navigation*, and by that Name ſhould have perpetual Succeſſion, and ſhould have a Common Seal, and by that Name ſhould and might have Power and Authority to purchaſe Lands to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation; and the ſaid Company of Proprietors, and their Succeſſors, were thereby authorized and empowered, from and after the Twenty-fifth Day of *June* One thouſand ſeven hundred and ninety-two, by themſelves, their Deputies, Agents, Officers, Workmen, and Servants, (amongſt other Things), to make and complete a Canal, to be called *The Lancaſter Canal*, and to be navigable and paſſable for Boats, Barges, and other Veſſels, from, at, or near *Kirkby Kendal* aforeſaid, to and through the ſeveral Pariſhes therein particularly named and mentioned; and the ſaid Company of Proprietors, their Deputies, Servants, Agents, and Workmen, were thereby authorized and empowered to enter into and upon the Lands and Grounds of the King's moſt Excellent Majeſty, or of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof as they ſhould think neceſſary and proper for the making the ſaid intended Canal; and it was thereby further enacted, (amongſt other Things), That the ſaid Company of Proprietors, in making the ſaid intended Canal, ſhould not deviate more than One hundred Yards from the Courſe or Direction delineated in the Map or Plan, and ſet forth in the Book of Reference therein reſpectively mentioned, nor cut, carry, or convey, their ſaid Canal into, through, acroſs, under, or over, any Part or Parts of the ſeveral Eſtates, Lands, or Grounds, then or late belonging, or reputed to belong, to the ſeveral and reſpective Perſons named or deſcribed in the ſaid Book of Reference, other than ſuch Part or Parts as were mentioned in the ſaid Book of Reference in that Behalf, (ſave in ſuch Inſtances only as were particularly thereby provided for), without the Approbation and Conſent in Writing, ſigned by the Perſon or Perſons for the Time being entitled to the Rents and Profits of ſuch Eſtates, Lands, or Grounds reſpectively: And whereas the ſaid Company of Proprietors find it neceſſary, for the Purpoſe of completing the Works of the ſaid Canal, to cut and make the ſame paſs through certain Lands and Grounds, Parcel of the Poſſeſſions of His Majeſty's Duchy of *Lancaſter* in the ſaid County Palatine of *Lancaſter*, according to the original Parliamentary Line mentioned or deſcribed in and by the ſaid recited Act; and alſo now find it neceſſary and expedient to alter the ſaid original Line in ſome particular Parts thereof, out of the Limits preſcribed by the ſaid Act, and in lieu thereof to cut through other Parcels of the Lands of His ſaid Majeſty, within the ſaid Duchy in the ſaid County Palatine, and are deſirous to purchaſe ſo much and ſuch Part or Parts of the ſaid Lands or Grounds as ſhall be neceſſary and ſufficient for the Purpoſe of making, deviating, and completing, the Works of the ſaid Canal in the Manner and Form aforeſaid: And whereas the King's moſt Excellent Majeſty is not, by virtue of the ſaid recited Act,

empowered to ſell and convey, or otherwiſe grant and aſſure, to the ſaid Company of Proprietors, any Land in Fee, for the Purpoſe of carrying on the Works of the ſaid Canal: And whereas it is conceived that the propoſed Line of the ſaid intended Canal, and the cutting and carrying thereof into and through the ſaid Lands and Grounds, will prove beneficial to the ſaid Eſtate, as well as of general Utility; and it may be therefore proper that the Chancellor and Council of His Majeſty's ſaid Duchy, on His Majeſty's Behalf, ſhould be authorized and empowered to ſell and convey to the ſaid Company of Proprietors, ſo much of the ſaid Lands or Grounds as ſhall be neceſſary and ſufficient for the Purpoſe aforeſaid: Be it therefore 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 and may be lawful to and for the Chancellor and Council of His Majeſty's Duchy of *Lancaſter* for the Time being, to contract for, ſell, and diſpoſe of, and thereupon to grant and aſſure in the Name of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, under the Seal of the ſaid Duchy, unto the Uſe of the ſaid Company of Proprietors, ſo much of the ſaid Lands and Grounds as ſhall be neceſſary and expedient for the Purpoſes aforeſaid, and which ſhall be ſet out for the Purpoſes aforeſaid by the ſaid Company of Proprietors, with the Aſſent of the Chancellor and Council of the ſaid Duchy, in purſuance or by virtue of the Directions, Powers, and Authorities, in that Behalf given or provided in and by the ſaid Act of the Thirty-ſecond Year of His Majeſty's Reign, and ſubject and under the Proviſions, Regulations, and Reſtrictions, therein mentioned, (ſave and except ſo far as the ſame are deviated from or altered by this preſent Act), at or for ſuch Price or Prices, or Sum or Sums of Money, and upon or under ſuch Terms or Conditions, as the ſaid Chancellor and Council ſhall adjudge to be fair and reaſonable; and that upon Payment by the ſaid Company of Proprietors of ſuch Sum or Sums of Money as ſhall be ſettled or determined upon as or for the Price or Conſideration of or for the Land or Ground, for or concerning the Sale thereof, it ſhall and may be lawful to and for the Chancellor of the ſaid Duchy for the Time being, by any Deed or Writing under the Seal of the ſaid Duchy, for and in the Name of His Majeſty, His Heirs and Succeſſors, to grant and convey the ſame Land or Ground, unto the ſaid Company of Proprietors, their Succeſſors and Aſſigns for ever, for the Purpoſes aforeſaid, and ſubject to the Conditions before mentioned, which ſaid Deed or Writing, under the Seal of the ſaid Duchy, being inrolled in the Court of the Duchy Chamber of *Lancaſter*, within Twelve Calendar Months from the Date thereof, ſhall be good, valid, and effectual, and ſufficient to veſt in the ſaid Company of Proprietors the Inheritance and Fee Simple thereof, notwithſtanding the Act, made in the Firſt Year of the Reign of Queen *Anne*, intituled, *An Act for the better Support of Her Majeſty's Houſehold, and of the Honour and Dignity of the Crown*; or any other Act to the contrary notwithſtanding.

Chancellor and Council of the Duchy empowered to diſpoſe of Land, Parcel of the Duchy.

II. And be it further enacted by the Authority aforeſaid, That all and every Sums or Sum of Money to be paid by the ſaid Company of Proprietors, as or for the Purchaſe or Conſideration Money of or for the Land or Ground to be ſold under or by virtue of this Act, ſhall be paid by the ſaid Company of Proprietors, into the Hands of the Receiver-general

Purchaſe Money to be paid to the Receiver-general of the Duchy.

neral of the Revenues of the ſaid Duchy for the Time being, and ſhall be by him paid, applied, and diſpoſed of, as the ſaid Chancellor and Council, in Court of Revenue of the ſaid Duchy, ſhall from Time to Time order, direct, and appoint, according to the Proviſions and Regulations contained in an Act, made and paſſed in the Nineteenth Year of His Majeſty's Reign, intituled, *An Act to enable the Chancellor and Council of the Duchy of* Lancaſter *to ſell and diſpoſe of certain Fee Farm Rents, and other Rents, and to enfranchiſe Copyhold and Cuſtomary Tenements within their Survey, and to encourage the Growth of Timber on Lands held of the ſaid Duchy.*

III. Saving always to all and every Perſon or Perſons, and Body or Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (except the King's moſt Excellent Majeſty, His Heirs and Succeſſors, in Right of His Duchy of *Lancaſter*), all ſuch Eſtate, Right, Title, and Intereſt, which they, or any of them, could or ought to have had and enjoyed into or out of the Lands and Grounds hereby authorized to be granted to the ſaid Company of Proprietors, in caſe this Act had not been made,

Publick Act. IV, And be it further enacted, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame,

FINIS.