ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

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Cap. 12.

An Act to enable the *Huddersfield* Canal Company to raise a further Sum of Money for the Discharge of their Debts, and to finish and complete the *Huddersfield* Canal; and for amending the several Acts passed for making and maintaining the said Canal. [31st *March* 1806.]

WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for making and* 34 G. 3. c. 53. *maintaining a Navigable Canal from and out of the Canal of Sir* John Ramsden *Baronet, at or near the Town of* Huddersfield, *in the West Riding of the County of* York, *to join and communicate with the Canal Navigation from* Manchester, *to or near* Ashton-under-Lyne *and* Oldham, *at or near the Town of* Ashton-under-Lyne *aforesaid in the County Palatine of* Lancaster, certain Persons and their Successors, Executors, Administrators, and Assigns, were incorporated by the Name and Style of 'The *Huddersfield* Canal Company,' for making, completing, and maintaining the said *Huddersfield* Canal, and the several other Works necessary for carrying the said Act into Execution; and the said *Huddersfield* Canal Company were thereby authorized to raise and contribute amongst themselves the Sum of One hundred and eighty-four thousand Pounds, for making and completing the said Canal and other Works by the said Act authorized to be made; and in case the said Sum should be found insufficient for making, completing, and maintaining the said Canal and the other Works by the

said Act authorized to be made, the said *Huddersfield* Canal Company were enabled to raise, by the Ways and Means in the said Act mentioned, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Ninety thousand Pounds: And whereas by an Act passed in the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, intituled *An Act for enabling the* Huddersfield *Canal Company to finish and complete the* Huddersfield *Canal, and for amending the Act passed in the Thirty-fourth Year of the Reign of His present Majesty for making and maintaining the said* Huddersfield *Canal*, the said *Huddersfield* Canal Company were authorized and empowered to make Calls for Money from the Proprietors of the said *Huddersfield* Canal, not exceeding Twenty Pounds, upon and in respect of every Share in the said Navigation and Undertaking, and also to raise by creating new or additional Shares, and by other the Ways and Means therein mentioned, such Sum or Sums of Money as should from Time to Time be found necessary for finishing, completing, and maintaining the said *Huddersfield* Canal and other Works by the said recited Act authorized to be made and done, provided the same, together with the Calls which might be made by virtue of the now reciting Act, and so much of the said Sum of One hundred and eighty-four thousand Pounds, as the said *Huddersfield* Canal Company had been or thereafter should be able to receive, should not exceed in the Whole the Sum of Two hundred and seventy-four thousand Pounds, being the Amount of the said Sums of One hundred and eighty-four thousand Pounds and Ninety thousand Pounds: And whereas the said *Huddersfield* Canal Company, in pursuance of the Powers contained in the said recited Acts, have raised by Calls from the Proprietors of Shares in the said Canal, and by the Creation of new or additional Shares, the Whole of the said Sum of Two hundred and seventy-four thousand Pounds, or nearly to that Amount, and have expended the same in the Prosecution of the Works of the said *Huddersfield* Canal, in which they have made great Progress: And whereas, from the very great Advance in the Price of Labour and all Sorts of Materials, the Expences of prosecuting the Works of the said *Huddersfield* Canal have increased very considerably beyond the Estimates originally made by the Surveyors or Engineers of the said Company; and the Difficulties which have arisen in driving and making the Tunnel on the Summit Level of the said Canal (of which a great Part still remains to be made and completed) have occasioned much greater Expences than were originally expected or could be foreseen; and it is expedient that the said *Huddersfield* Canal Company should be enabled to finish and complete the Whole of their said Works; and it is found that the Powers and Provisions of the aforesaid Acts are insufficient for that Purpose: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *Huddersfield* Canal Company, and they are hereby authorized and empowered, to raise such Sum or Sums of Money as shall from Time to Time be found necessary for finishing, completing, and maintaining the said *Huddersfield* Canal and other Works by the said recited Acts authorized to be made and done, not exceeding in the Whole the Sum of One hundred thousand Pounds (over and above the before-mentioned Sum of Two hundred and seventy-four thousand Pounds, or so much thereof as the said *Huddersfield*

39 & 40 G. 3. c. 39.

Enabling the Company to raise 100,000*l.* in addition to the several Sums they are authorized to raise by the said Acts.

dersfield Canal Company have been or shall be able to get in and receive, and notwithstanding that the same last mentioned Sum hath not been wholly raised and received as aforesaid); any thing in the said Acts or either of them contained to the contrary thereof notwithstanding.

Prescribing the Mode of raising the 100,000*l.*

II. And be it further enacted, That the said Sum of One hundred thousand Pounds, or any Part thereof, shall and may be raised by the said *Huddersfield* Canal Company, by all or any of the Ways and Means by which the said *Huddersfield* Canal Company are or were authorized to raise any Money by virtue of the said recited Acts or either of them, or by raising, paying, and contributing amongst themselves, proportionably and rateably, according to the Amount of the Sums of Money already advanced and paid, or which they are liable to pay, in respect of their several Shares in the said Navigation, by or under the said recited Acts; and that it shall be lawful for the said *Huddersfield* Canal Company, and they are hereby authorized and empowered, at any General or Special Assembly to be held or convened in the Manner and agreeably to the Directions contained in the said recited Acts or either of them, or for their Committee for the Time being, from Time to Time, to make any Call or Calls for Money from the Proprietor or Proprietors of a Share or Shares in the said Canal Navigation, in order to raise the said Sum of One hundred thousand Pounds, or so much thereof as shall be deemed requisite, in the Manner and subject to the Regulations herein-after mentioned; so that no one Call shall exceed the Sum of Two Pounds for each Share in the said Navigation; and no Calls shall be made at a less Distance than Three Calendar Months from each other; which Money so to be called for, shall be paid to such Person or Persons, and in such Manner as the said General or Special Assembly or Committee shall from Time to Time direct and appoint; and all and every the Owners and Owner of one or more Share or Shares in the said Undertaking shall pay his, her, and their Share and Shares or Proportion of the Monies to be called for as aforesaid, at such Time and Place, and in such Manner, as shall be appointed as aforesaid, and of which Time and Place Thirty Days Notice shall be given, by publishing the same in some Two Newspapers usually or then circulating in the Country through which the said *Huddersfield* Canal passes, or in such other Manner as the said *Huddersfield* Canal Company shall at any General Assembly direct or appoint; and such Sum or Sums of Money as shall be paid in respect of every Share in the said Undertaking shall be and the same is and are hereby declared to be consolidated with every such Share, and shall entitle the respective Owners thereof to a proportionably increased Share of the Profits and Advantages of the said Undertaking; and every Share in the said Undertaking shall for all Purposes whatsoever be considered as so much Stock in the said Undertaking as shall from Time to Time be the Quotient arising from a Division of the whole Money which hath been or shall be raised under and by virtue of the said recited Acts and this Act, by the whole Number of Shares in the said Undertaking; and all Executors and Administrators shall be and are hereby empowered to pay their respective Proportions of the said Money to be called for as aforesaid, in respect of the Share or Shares of their Testators and Intestates respectively, and charge the same to the Accounts of such Persons Estates and Effects.

III. And,

Manner of enforcing Payment of Calls.

III. And, for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, and who shall not have given Notice in Manner in this Act directed, of his, her, or their Intention of relinquishing any such Share or Shares, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Six Calendar Months after such Call or Calls shall have been made and published as aforesaid, then and in such Case all and every the Share and Shares of such Person or Persons so refusing or neglecting as aforesaid shall be vested in the said *Huddersfield* Canal Company, their Successors, Executors, Administrators, and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Navigation shall vest in or accrue to the said Company until Notice in Writing thereof be given, by the Treasurer or Clerk of the said Company, to the Owner or Owners of or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered or entered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, Thirty Days at least before such Accruer shall take place, or until Notice shall be published Three Times in the *London Gazette*, and in Two Newspapers usually or then circulating in the Country through which the said *Huddersfield* Canal passes; and in which Notice shall be contained a Statement and Account of how much Money is due from such Owner or Owners, Person or Persons, for his, her, or their Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking; and that such Share or Shares shall not be vested in the said *Huddersfield* Canal Company if the Owner or Owners thereof, or such Person or Persons, shall pay up what shall appear by such Statements to be due, together with Interest on the same, and all Expences attending the applying for the same, within the Time specified in such Notice; any thing contained in the said recited Acts or either of them, or this Act, to the contrary notwithstanding.

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

IV. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become vested in the said *Huddersfield* Canal Company as aforesaid, then and in every such Case it shall be lawful for the said *Huddersfield* Canal Company, or their Committee for the Time being, and they are hereby empowered to sell, or cause to be sold, by public Auction to the best Bidder, at such Time and Place as the said *Huddersfield* Canal Company or their Committee shall direct (of which Sale Twenty Days Notice at the least shall be given, by publishing the same in the *London Gazette*, and in Two Newspapers usually or then circulating in the Country through which the said *Huddersfield* Canal passes); it shall be lawful for the said *Huddersfield* Canal Company, or their Committee, to assign and transfer the Share or Shares of such Defaulter or Defaulters, or such and so many of the said Share or Shares as the said *Huddersfield* Canal Company or their Committee shall from Time to Time find necessary and direct, in order to make good the Deficiency and Deficiencies of such Defaulter or Defaulters as shall not pay his, her, or their Call or Calls, pursuant to the Directions of

of this Act, unto such Person or Persons as shall become the Purchaser or Purchasers of such Share or Shares, his, her, or their Executors, Administrators, or Assigns, and to receive and give Receipts for the Money agreed to be paid or given for such Share or Shares; and such Assignment and Transfer shall be good, valid, and effectual, against the Owner and Owners of every such Share or Shares so vested in the said *Huddersfield* Canal Company, and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by Sale of any such Share or Shares shall be more than sufficient to pay such Arrears as aforesaid; the Surplus arising from such Sale, after Payment of all Arrears of Money due thereon, and the Expences attending such Sale, shall be paid on Demand to the Person or Persons to whom such Share or Shares shall have belonged; provided also, that no such Share or Shares shall be sold or advertised for Sale until the Expiration of One Calendar Month next after Notice in Writing shall have been given by the Treasurer or Clerk to the said *Huddersfield* Canal Company, to the Owner or Owners thereof, or Person or Persons in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered or entered in the Books of the said *Huddersfield* Canal Company, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, or until such Notice shall have been published Three Times in the *London Gazette*, and in Two Newspapers usually or then circulating in the Country through which the said *Huddersfield* Canal passes; in which Notice shall be contained a Statement and Account how much Money is due from such Owner or Owners, Person or Persons, for his, her, or their Call or Calls in respect of his, her, or their Share or Shares in the said Undertaking; provided likewise that the said *Huddersfield* Canal Company, or their Committee, shall not by virtue of this Act, at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears of Calls of such Defaulter or Defaulters, and the Interest and Expences attending the same; and from and after Payment of all and every the Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said *Huddersfield* Canal Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares had before belonged, in such Manner as if the Calls had been duly and regularly paid.

Shares may be relinquished and sold after Notice.

V. Provided nevertheless, and be it further enacted, That if any Proprietor or Proprietors of any such Share or Shares, or the Executors, Administrators, Guardians, or Trustees of any such Proprietors, or any Mortgagee of such Shares, shall within Six Calendar Months next after the passing of this Act give Notice in Writing to the Treasurer or Law Clerk or Law Clerks of the said *Huddersfield* Canal Company, of his, her, or their Intention of relinquishing any such Share or Shares, then and in such Case such Shares shall not be forfeited or vested in the said *Huddersfield* Canal Company by the Non-payment of any Call, but such Shares shall within One Calendar Month after such Notice be sold by public Auction to the highest Bidder, in Manner aforesaid; and the Monies arising from such Sale, after deducting the necessary Charges and Expences attending the same, and the Arrears of Calls before that Time

made, shall be paid to the Person or Persons to whom the Share or Shares so sold shall have belonged.

The Company not to sue for Calls on forfeited Shares.

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

Company empowered to purchase Wharf Land.

VII. And whereas by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty the said *Huddersfield* Canal Company are authorized and empowered to purchase and hold Lands and Hereditaments in Manner therein mentioned, and to make, build, set up, and erect, upon the Lands adjoining or near to the said Canal, amongst various other Matters and Things therein mentioned, such and so many Wharfs, Warehouses, and other necessary Buildings, as and where the said *Huddersfield* Canal Company shall think necessary and convenient for the Purposes of the said Navigation: And whereas the said *Huddersfield* Canal unites with the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, at the Distance of Six Miles or thereabouts from *Manchester*, and the principal Source of Trade upon the said *Huddersfield* Canal is derived from the Conveyance of Goods, Wares, and Merchandize, Flags, Stone, and other Articles, Matters, and Things, to and from *Manchester* aforesaid; and to facilitate the carrying on such Trade the said *Huddersfield* Canal Company find it expedient and necessary to establish Wharfs, Warehouses, and other Buildings, in *Manchester* aforesaid, and may also hereafter find it expedient and necessary to establish other Wharfs, Warehouses, and other Buildings, for the Purposes aforesaid, in other Situations; and it is found that the Powers and Provisions of the said recited Acts are insufficient for those Purposes; be it therefore further enacted, That it shall be lawful for the said *Huddersfield* Canal Company, and they are hereby authorized, to purchase and hold any Lands, Tenements, and Hereditaments, which shall or may be found convenient or necessary for the Purposes aforesaid, and to make, erect, and build such Wharfs, Warehouses, and other Buildings accordingly as aforesaid, in such and the same Manner as in and by the said recited Acts or either of them is directed or authorized, with respect to such Lands, Tenements, and Hereditaments as have been or shall or may be purchased for the Use of the said *Huddersfield* Canal Company, under and by virtue of the same Acts, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, together also with all and every such other Powers and Authorities as are given by this Act, or by the said recited Acts or either of them, in respect of all or any of such Lands, Tenements, and Hereditaments as aforesaid; and also that it shall be lawful for the said *Huddersfield* Canal Company to resell in Fee, or to demise for a Term or Terms of Years, on Chief or other Rents, and also to sell and dispose of, by way of absolute Sale, for a Consideration in Money, or

in Exchange for other Lands, Tenements, or Hereditaments, such Part or Parts of the said Lands, Tenements, and Hereditaments to be purchased under and by virtue of this Act, and the Edifices, Erections, and Buildings, thereon or to be thereon erected and built, as shall not be wanted for the Purpose of the said *Huddersfield* Canal Navigation and Works; and likewise to sell all or any Part or Parts of the same Chief or other Rents: Provided always nevertheless, that no such Purchase of any such Lands, Tenements, or Hereditaments, shall be made by virtue or under the Authority of this Act without the Consent of the Owner or Owners, Proprietor or Proprietors of such Lands, Tenements, or Hereditaments; and such Lands to be purchased by virtue or under the Authority of this Act for such Wharfs and Buildings, shall not exceed Ten Statute Acres in the Whole; any thing in the said recited Acts, or either of them, or in this Act, contained to the contrary thereof in anywise notwithstanding.

Additional Rate of 1*s.*6*d.* per Boat to be collected for passing the Tunnel on the Summit Level.

VIII. And whereas on account of the extraordinary Expences which the said *Huddersfield* Canal Company have incurred, and will incur and sustain, in making and completing the said Tunnel on the Summit Level of the said *Huddersfield* Canal, it is expedient that the said *Huddersfield* Canal Company should be authorized to take and receive an additional Sum of Money for all Boats which may pass through or along the said Tunnel (except Boats carrying Lime or Limestone); be it therefore enacted, That it shall be lawful for the said *Huddersfield* Canal Company, from Time to Time and at all Times hereafter, to ask, demand, take, and receive to and for the Use and Benefit of the said *Huddersfield* Canal Company, the Sum of One Shilling and Sixpence for each Boat which shall be navigated or pass through or along the said Tunnel (except Boats carrying Lime or Limestone), over and above the Rates of Tonnage which the said *Huddersfield* Canal Company are authorized and empowered to take and receive by virtue of the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty; and that such additional Sum of One Shilling and Sixpence for each such Boat (except as aforesaid) shall and may be collected, levied, and recovered by such and the like Ways and Means, and shall be subject to such and the like Powers of reducing and afterwards advancing the same, as the Rates of Tonnage granted and made payable to the said *Huddersfield* Canal Company, in and by the said last mentioned Act, are thereby directed to be collected, levied, recovered, and are subjected to; and that the said additional Sum of One Shilling and Sixpence for each such Boat hereby granted, shall be applicable and applied to such and the like Purposes, and shall be liable to and charged with all such Charges, Payments, Rents, Debts, Dues, and Sums of Money, as the said Rates granted by the said last mentioned Act are applicable or liable to or charged with by virtue of the said recited Acts or either of them, or are or shall be by Law applicable or liable to or charged with, in the same Manner as if the said additional Sum of One Shilling and Sixpence *per* Boat (except as aforesaid) was Part of the said original Rates, and the Whole thereof had been granted or made payable by the said recited Acts or either of them.

Altering the Mode of ascertainingthe Tonnage of Timber and other Goods.

IX. And whereas in and by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty, it is enacted, That for the better ascertaining the Tonnage of Timber and other Goods to be charged with

with the Payment of the Rates thereby granted, Forty Cubic Feet of Oak, Ash, Elm, or Beech Timber, or Fifty Cubic Feet of Fir or Deal, Poplar, or other Timber or Wood not cut into Scantlings, should for the Purposes of the same Act be deemed, rated, or estimated as and for One Ton Weight; and that One hundred and twenty Pounds Weight Avoirdupois should for the Purposes of the same Act be deemed, rated, or estimated as and for One hundred Weight: And whereas such Mode of ascertaining the Tonnage of Timber and of computing the Hundred Weight is found inconvenient, and it is expedient that the Tonnage of Timber should be ascertained in the same Manner as is prescribed by the same Act for ascertaining the Tonnage of all other Goods, Wares, Merchandize, and Commodities navigated, carried or conveyed upon the said *Huddersfield* Canal, and that the Hundred Weight should be computed after the Rate of One hundred and twelve Pounds Avoirdupois, instead of One hundred and twenty Pounds; be it therefore further enacted, That so much of the said Act of the Thirty-fourth Year of the Reign of His present Majesty, as enacts that Forty Cubic Feet of Oak, Ash, Elm, or Beech Timber, or Fifty Cubic Feet of Fir or Deal, Poplar, or other Timber or Wood not cut into Scantlings, shall for the Purposes of the same Act be deemed, rated, or estimated as and for One Ton Weight; and that One hundred and twenty Pounds Weight Avoirdupois, shall for the Purposes of the same Act be deemed, rated, or estimated as and for One hundred Weight, shall be and the same is hereby repealed.

Fixing the Hundred Weight at 112lb.

X. And be it further enacted, That from and after the passing of this Act One hundred and twelve Pounds Weight Avoirdupois, shall, for the Purpose of ascertaining the Tonnage as well of Timber as of all other Goods, be deemed, rated, or estimated as and for One hundred Weight; any thing in the said Acts or either of them, or any Usage of rating or estimating the same, to the contrary notwithstanding.

If an Agent or a Toll Collector, &c. who is discharged, refuses to deliver up Possession of the House, &c. the Justices may by Warrant order him to be removed with his Goods.

XI. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, or other Servant of the said *Huddersfield* Canal Company, occupying any House, Offices, or Buildings belonging to the said *Huddersfield* Canal Company, without paying any Rent for the same, shall be discharged from his Office by or by the Order of the said *Huddersfield* Canal Company or their Committee, and shall not deliver up the Possession of such House, Offices, Buildings, and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the said *Huddersfield* Canal Company, in his Custody, Power, or Possession, within One Calendar Month after Notice of such his Discharge shall be given to him, or left at such House, Office, or Building; or if the Wife or Family of any such Agent, Toll Collector, Wharfinger, or other Servant, who shall happen to die while in the Service of the said *Huddersfield* Canal Company, shall refuse to deliver up the Possession of such House, Offices, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said *Huddersfield* Canal Company, in her or their Custody, Power, or Possession, within One Calendar Month after another Person shall have been appointed in the Place and Stead of the Person so dying, then and in either of the said Cases it shall be lawful for any Justice of the Peace for the Limit where such House, Offices, and Buildings shall be, by Warrant under

under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings, in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels out of such House, Offices, and Buildings, and to take Possession of all the Books, Papers, Matters, and Things belonging to the said *Huddersfield* Canal Company which shall be found therein, and to deliver Possession of such House, Offices, and Buildings, together with the Books, Papers, Matters, and Things found therein, belonging to the said *Huddersfield* Canal Company, to the new-appointed Agent, Toll Collector, Wharfinger, or other Servant, or to such other Person or Persons as the said *Huddersfield* Canal Company or their Committee shall appoint to receive the same.

Authorizing the Company to purchase Waste Lands used for Reservoirs, getting Stone, &c.

XII. And whereas the said *Huddersfield* Canal Company have found it necessary in carrying into effect the Powers of the said recited Acts, and in proceeding in the Execution of the Works thereby authorized to be made and done, to sink Pits or Shafts, set up Engines and Machines, erect Buildings, make Reservoirs for Water, cut and make Channels and Watercourses, and get Stone, in and upon the Moors, Commons, and Waste Lands in the Manors or reputed Manors of *Saddleworth cum Quick* and *Marsden*, in the County of *York*, and may also hereafter find it necessary to take and use other Parts of the said Moors, Commons, and Waste Lands for the Purposes aforesaid, and for other the Purposes of the said recited Acts and this Act; and it is desirable that the said *Huddersfield* Canal Company should be enabled to purchase certain Parts of such Moors, Commons, and Waste Lands; be it therefore further enacted, That it shall be lawful for the said *Huddersfield* Canal Company and they are hereby authorized to purchase and hold any Part or Parts of such Moors, Commons, or Waste Lands which shall or may be found necessary for the Purposes aforesaid, in such and the same Manner as in and by the said recited Acts or either of them is directed or authorized with respect to such Lands, Tenements, and Hereditaments as have been or shall or may be purchased for the Use of the said *Huddersfield* Canal by virtue of the same Acts or either of them, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, together also with all and every such other Powers and Authorities as are given by this Act or by the said recited Acts or either of them, in respect of all or any such Lands, Tenements, and Hereditaments as aforesaid; and also that it shall be lawful for the said *Huddersfield* Canal Company to resell in Fee, or to demise for a Term or Terms of Years on Chief or other Rents, and also to sell and dispose of by way of absolute Sale, for a Consideration in Money, or in Exchange for other Lands, Tenements, or Hereditaments, such Part or Parts of the said Moors, Commons, or Waste Lands to be purchased under and by virtue of this Act, and the Edifices, Erections, Machinery, and Buildings thereon, or to be thereon erected and built, as shall not be wanted for the Purposes of the said *Huddersfield* Canal and Works, and likewise to sell all or any Part or Parts of the same Chief or other Rents: Provided always, nevertheless, that no such Purchase of any such Moors, Commons, or Waste Lands shall be made by virtue or under the Authority of this Act, without the Consent of the Lord or Lady, Lords or Ladies of the Manor to which the same are appurtenant; and such Moors, Commons, or Waste Lands to be purchased as aforesaid, shall not exceed One hundred and ten Statute Acres in the Whole; any thing

in the said recited Acts or either of them, or in this Act contained to the contrary thereof in anywise notwithstanding.

Altering the Mode of drawing Water from the Reservoirs, in certain Cases.

XIII. And whereas it is directed in and by the said Act passed in the Thirty-fourth Year of the Reign of His present Majesty, that the Reservoirs thereby directed to be made should be supplied with Water, and the Water from them should be taken and used for the Purposes of the said *Huddersfield* Canal in the Manner therein after mentioned; and after reciting in the same Act that it would be convenient to the said *Huddersfield* Canal Company, and greatly advantageous to the Owners and Occupiers of Mills situate between any of the Reservoirs and the said *Huddersfield* Canal, if the Water of each Reservoir, when drawn off for the Supply of the Canal, be drawn down the common Channel of the River or Brook on which such Reservoir should be situated, so as to be useful to such Mills, as might be below such Reservoir and above the Level of the said *Huddersfield* Canal; it was therefore enacted, that proper, substantial, and permanent Gauge Weirs, with necessary Dams, Stanks, and Sluices thereto, should be fixed under the Directions of the Engineers therein appointed to ascertain the natural Streams of the Rivers and Brooks therein mentioned, one of which Gauge Weirs should be fixed where the Water should be drawn off from each Reservoir into the River or Brook below, and a similar one at the Place where the Water should be taken out of such River or Brook into the said *Huddersfield* Canal; and that when the Water should be drawn off from any Reservoir it should be caused to pass through the Gauge fixed for that Purpose into the Brook, by one of Four Agents appointed as therein directed for regulating the said Gauge Weirs, in whose District such Reservoir should be situate; and that such Agent should regulate the Sluices and Gauge Weirs below, so that the same regular Stream which should pass out of such Reservoir into the River or Brook, and no more, might pass out of the said River or Brook respectively into the said *Huddersfield* Canal, during the Time such Water should be drawn from such Reservoir, and no longer, and so that the natural Stream of such River or Brook might not be diminished thereby; and that no Water should be taken from any Reservoir into the said *Huddersfield* Canal until such permanent Gauge Weirs should be erected and finished as last aforesaid: And whereas the said *Huddersfield* Canal Company, in exercise of the Powers granted to them in and by the said recited Act, have expended very considerable Sums of Money, and may also have occasion to incur further Expences in making Reservoirs on the said Moors, Commons, or Waste Lands, and Feeders or Channels for conducting the Water therefrom to the Pits or Shafts which the said *Huddersfield* Canal Company have sunk in or upon the said Moors, Commons, or Waste Lands, for the Purpose of making and executing the Tunnel on the Summit Level of the said Canal; and the said *Huddersfield* Canal Company have also made other Reservoirs upon the said Moors, Commons, or Waste Lands, for supplying the said *Huddersfield* Canal with Water, in Situations where there are no Mills below such Reservoirs, and above the Summit Level of the said *Huddersfield* Canal; and it is expedient that the said *Huddersfield* Canal Company should (subject to the Restrictions hereinafter contained) be enabled to take and use Water from the said Reservoirs for the Purposes of the said *Huddersfield* Canal without taking such Water down the Brooks on which such Reservoirs are situate, in the Manner directed in and by the said recited Act; and it is found that the

Powers

Powers and Provisions of the said recited Act are insufficient for that Purpose; be it therefore further enacted, That it shall and may be lawful to and for the said *Huddersfield* Canal Company, and they are hereby authorized and empowered in all Cases where there is not any Mill below any Reservoir, and above the Summit Level of the said Canal, at their own Will and Pleasure, and where there is or are any such Mill or Mills, then with the Consent of the Owner or Owners thereof, to take and use Water from any Reservoir for the Purposes of the said *Huddersfield* Canal, without drawing such Water down the Common Channel of the River or Brook on which any such Reservoir is or shall be situated; any thing in the said recited Acts, or either of them, contained to the contrary thereof notwithstanding: Provided nevertheless, that nothing herein contained shall authorize or empower, or shall be construed to authorize or empower, the said *Huddersfield* Canal Company to make any Channel, Watercourse, or Feeder from any such Reservoir to the said *Huddersfield* Canal, through any other Lands or Grounds than such as now belong to the said *Huddersfield* Canal Company, or as they shall purchase by virtue of this Act; any thing herein contained to the contrary thereof notwithstanding.

One Part of an Assignment of Shares to be sufficient.

XIV. And whereas in and by the said recited Act of the Thirty-fourth Year of the Reign of His present Majesty it is enacted, that it should be lawful for the several Proprietors of any Share or Shares of the said *Huddersfield* Canal and Undertaking to sell and dispose of any such Share or Shares which he, she, or they should or might be entitled to therein, in Manner and subject to the Rules and Conditions therein mentioned, and that any such Purchaser or Purchasers should for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Assignment or Conveyance made to him, her, or them, and executed by such Person or Persons from whom he, she, or they should purchase the same, and also by the Purchaser or Purchasers, One Part whereof so executed should be delivered to the said Committee, or to their Clerk or Clerks, to be filed and kept for the Use of the said Company, and that an Entry thereof should be made in a Book or Books to be kept by the said Clerk or Clerks for that Purpose; and the said Clerk or Clerks was and were thereby required to make such Entry accordingly; and that until such Duplicate of such Deed should be so delivered unto the said Committee or Clerk as aforesaid, such Purchaser or Purchasers should have no Part or Share of the Profits of the said Navigation or Undertaking, nor any Interest paid to him, her, or them, for his, her, or their Share so purchased, or be entitled to a Vote as Proprietor or Proprietors of the said Navigation and Undertaking: And whereas the Expences of Duplicates of such Deeds of Assignment or Conveyance tend greatly to hinder the Sale of Shares in the said Undertaking; be it therefore further enacted, That it shall not be necessary that a Duplicate or Duplicates of the Deed of Assignment or Conveyance of any Share or Shares in the said Undertaking shall be executed as in the said recited Acts is directed, but that One Part only of any such Deed of Assignment or Transfer, in case the Purchaser or Purchasers shall be satisfied therewith, shall be sufficient, such Part being delivered to the said Committee, or to their Clerk or Clerks, to be filed and kept for the Use of the said Company; and all such Purchases as have been or shall be made

made of any Share or Shares in the said Undertaking, and for which One Part only of the Deed of Assignment or Conveyance hath been or shall be executed, shall be and the same are hereby declared to be as valid and effectual, to all Intents and Purposes, as if a Duplicate of the Deed of Assignment or Conveyance had been executed and delivered unto the Committee of the said Company, or their Clerk or Clerks, as in the said recited Act is directed; any thing in the same Act contained to the contrary notwithstanding.

Proprietors to have a Vote for every Share not exceeding 20 in Person and 20 by Proxy.

XV. And be it further enacted, That at all General and Special Assemblies to be held after the passing of this Act, in the Manner appointed by the said recited Acts or either of them, for carrying on the said Undertaking, every Proprietor of a Share or Shares in the said *Huddersfield* Canal shall have a Vote in respect of every such Share, not exceeding Twenty Votes in his or her own Right, nor Twenty other Votes as Proxy for any other Proprietor or Proprietors; any thing in the said Acts or either of them contained to the contrary thereof notwithstanding.

Powers of former Acts to extend to this Act.

XVI. And be it further enacted, That the said recited Acts, and all and every the Clauses, Articles, Provisions, Matters, and Things therein contained, shall extend and be applicable to this Act, and the Powers, Provisions, and Directions thereof, so far as the same are compatible herewith.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, &c,

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

Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

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

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

Expences of obtaining this Act how to be paid.

XX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said *Huddersfield* Canal Company, by and out of the Money already received, and the first Money that shall come to their Hands by virtue of the said recited Acts or of this Act.

Public Act.

XXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without being specially pleaded.

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