ANNO PRIMO

GEORGII IV. REGIS.

****

Cap. xxxix.

An Act to enable the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, in the West Riding of the County of *York*, to make a navigable Cut or Canal from and out of the said Navigation at *Knottingley*, to communicate with the River *Ouze*, near *Goole*, with Two Collateral Branches, all in the said Riding; and to amend the Acts relating to the said Navigation. [30th *June* 1820.]

WHEREAS an Act was passed in the Tenth and Eleventh Years of the Reign of King *William* the Third, intituled *An Act for the making and keeping navigable the Rivers of* 10&11W.3.
Aire *and* Calder, *in the County of* York: And whereas an Act was passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act passed in the* 14G.3.c.96.
Tenth and Eleventh Years of the Reign of King William *the Third, intituled 'An Act for the making and keeping navigable the Rivers 'of* Aire *and* Calder, *in the County of* York;' *and for improving the Navigation of the said River* Aire *from* Weeland *to the River* Ouze, *and for making a navigable Canal from the said River* Aire, *at or near* Haddlesey, *to the River* Ouze, *at the* Old Brick Garth *at* Ouze

Gate End, *within the Township of* Selby *in the said County, and for other Purposes,* whereby the Cuts, Canal, and Works thereby authorized to be made, and the Tolls, Rates, and Duties thereby granted, were vested in certain Persons, in Trust for the Benefit of the Undertakers of the said Navigation, in Manner therein mentioned: And whereas by Surveys lately made, and Levels taken, it appears that a navigable Cut or Canal may be made from and out of the Cut belonging to the said Navigation, in the Township of *Knottingley*, in the Parish of *Pontefract*, in the West Riding of the County of *York*, to join and communicate with the River *Ouze* at or near the Outfall of the *Dutch River* in the Township of *Goole*, in the Parish of *Snaith*, in the said Riding, and also a collateral Cut or Branch, navigable and passable for Boats, Barges, and other Vessels, from and out of the said intended Cut or Canal, to join and communicate with the said River *Aire* at or near to a Place called *Bank Dole*, in the said Township of *Knottingley*, and also another navigable Cut or Branch from and out of the said last-mentioned intended Cut or Canal, at or near to a Place called *Cridling Stubbs Lane*, in the Township of *Cridling Stubbs*, in the Parishes of *Darrington* and *Womersley*, in the said Riding, to a certain Place near to the Limestone or Limestone Quarries in the Township of *Womersley*, in the said Parish of *Womersley*: And whereas the King's most Excellent Majesty, in Right of His Duchy of *Lancaster*, is Proprietor of Lands on the Line of such Cut or Canal or Branches: And whereas by the making of such navigable Cut or Canal, and Branches, a more easy, cheap, and expeditious Means will be afforded for the Conveyance of Goods, Wares, and Merchandize between the Port of *Hull* and the populous and manufacturing Towns of *Leeds*, *Wakefield*, *Bradford*, *Halifax*, and other Towns, and the Whole of the West Riding of the County of *York*, and the same will otherwise be of great public Utility; and it is expedient that some of the Provisions and Regulations of the said recited Act should be amended: 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 and may be lawful to and for the Undertakers of the said Rivers *Aire* and *Calder*, and they are hereby fully authorized and empowered, at their own Costs and Charges, by themselves and their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, from and out of the said Cut made under and by virtue of the Powers and Authorities contained in the said first-recited Act, in the Township of *Knottingley*, in the Parish of *Pontefract*, in the West Riding of the County of *York*, in, through, and into the several Parishes of *Pontefract*, *Kellington*, *Darrington*, *Womersley*, and *Snaith*, and through or into the several Townships, Hamlets, or Places of *Knottingley*, *Kellingley*, *Beal*, *Cridling Stubbs*, *Kellington*, *Whitley*, *Egbro* otherwise *Egbrough*, *Heck*, *Pollington*, *Snaith*, *Cowick*, *Rawcliffe*, *Airmin*, *Hook*, and *Goole*, all in the West Riding of the County of *York*, to join and communicate with the River *Ouze*, at or near to the Outfall of the *Dutch River* in the Township of *Goole*, in the Parish of *Snaith*, in the said West

Power to make Canal.

West Riding; together with a collateral Cut or Branch, navigable and passable for Boats, Barges, and other Vessels, from and out of the said intended Cut, to join and communicate with the said River *Aire* at or near to a Place called *Bank Dole*, in the Township of *Knottingley* aforesaid; and also another navigable Cut or Branch from and out of the said first-mentioned intended Cut or Canal, at or near to a certain Place called *Cridling Stubbs Lane*, in the Township of *Cridling Stubbs* aforesaid, to a certain Place near to the Limestone or Limestone Quarries in the Township of *Womersley* aforesaid; and also to supply the said intended Canal and Cuts at all Times, for ever, while making, and after the same shall be made, with Water from the said River *Aire*, and the Cuts and Canals belonging to the same, at or near to a Place in the Township of *Knottingley* aforesaid, marked and delineated in the Plan deposited with the Clerk of the Peace for the West Riding of the said County of *York*, and herein-after mentioned, and from such Springs, Rivulets, Ponds, Pits, and Watercourses as shall be found in digging or making the said Canal and Cuts; and also to erect, make, and maintain such Machines, and so many Feeders, Watercourses, Soughs, Tunnels, Archways, Aqueducts, and Channels, for supplying the said Canal and Cuts, and the intended Machines and Works with Water, as to the said Undertakers shall from Time to Time or at any Time hereafter seem necessary and proper; and to make such Trenches or Passages for Water, in, upon, or through the Lands or Grounds adjoining to the said proposed Canal and Cuts, as the said Undertakers shall think fit; and to make proper and convenient Soke Drains or Passages for Water on the Side or Sides of the said first-mentioned Cut or Canal, from or near to *Stubbs Lane*, in the Township of *Knottingley* aforesaid, to the said Place near to *New Bridge* aforesaid, with a proper Sluice or Tide-gate to the same, as a Substitute for the present Drain or Dyke called the *Fleet Drain*, which, from *Stubbs Lane* aforesaid to a certain Place at the Extremity of the Township of *Pollington* aforesaid, is intended to be used as Part of the Line of the said first-mentioned Cut or Canal; and for the Purposes aforesaid, or any of them, the said Undertakers, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate, whomsoever and whatsoever, and to survey and make Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said proposed Canal and the Cuts or Branches and Drains, Feeders, Bridges, Aqueducts, Towing Paths, Basins, Docks, Wharfs, Warehouses, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for effecting, preserving, completing, maintaining, and using the said Canal and Cuts or Branches, and other Works; and also to bore, dig, cut, trench, sough, excavate, get, take, or remove, carry away and lay Earth, Clay, Stone, Soil, Rubbish, Timber, and other Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Canal and Cuts or Branches, Drains, Feeders, Aqueducts, or other Works, out of or upon the Lands and Grounds of any Person or Persons adjoining or lying contiguous thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, main-

Bank Dole Branch.

Womersley Branch.

Power to enter Lands.

maintaining, or repairing the said Canal, Cuts, or Branches, Drains, and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending or maintaining such Feeders, Trenches, Tunnels, Passages, Aqueducts, and Watercourses as shall be necessary and proper to convey Water to and from the said Canal and Cuts or Branches, according to the true Intent and Meaning of this Act; and to make, build, erect, and set up in or upon the said Canal and Cuts or Branches and Drains, or either of them, or upon the Lands adjoining the same respectively, such and so many Bridges and Aqueducts, and such and so many Piers, Arches, Tunnels, Sluices, Floodgates, Stopgates, Weirs, Pens for Water, Water-tanks, Dams, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch-houses, Landing Places, Weighing Beams and Cranes, or other Machines, Docks, Dry Docks, Basins, and other Works, Ways, Roads, and Conveniences, as and where the said Undertakers shall think necessary and convenient, and also from Time to Time to alter, repair, and amend, or discontinue the same; and to divert, alter, widen, enlarge and extend any Bridges, Ways, Roads, Passages, or Conveniences for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandizes, and other Articles to and from the said Canal and Cuts or Branches, and other Works hereby authorized to be made, or either of them, or for the carrying and conveying of all Manner of Materials necessary or useful for making, erecting, altering, repairing, maintaining, amending, widening, or enlarging the said Canal and Cuts, or Branches, Bridges, and other Works; and also to place, lay, work, or manufacture the said Materials on the Grounds adjoining to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Canal and Cuts, or Branches, Drains, and other Works, or the Tunnels, Archways, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing Boats, Barges, and other Vessels passing upon the said Canal and Cuts or Branches, with Men, Horses, and Cattle, and proper Places for Boats and other Vessels navigating upon the said Canal and Cuts, or Branches, to turn, lie, or pass each other, as they the said Undertakers shall think necessary and convenient; and also to make such Roads and Ways, Culverts and Bridges as the said Undertakers shall think necessary and expedient for the Use and Accommodation of the Owners or Occupiers of any such Lands and Grounds as shall be cut through, separated, or divided, or otherwise affected by, or the Use or Occupation of which shall be obstructed or rendered inconvenient in consequence of the making the said Canal and Cuts, or Branches and Drains, or any of them; and to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for making, effecting, preserving, improving, completing, and using the said Canal, Cuts or Branches and Drains and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Undertakers, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them

Making Satisfaction for Damages.

them hereby granted, and making Satisfaction in Manner herein mentioned, to the Owners or Proprietors of and all Persons interested in the Lands, Messuages, Buildings, Tenements, and Hereditaments, Waters, Watercourses, Brooks or Streams respectively, which shall be taken and removed, diverted or prejudiced, for all the Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Undertakers, and their Deputies, Agents, Servants, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to such Provisions and Restrictions as are herein contained.

Steam Engines to consume their own Smoke.

II. And be it further enacted, That all Steam Engines which shall be made or used for the Purposes of the said Navigation, or of this Act, shall be constructed so as to consume their own Smoke.

Width of Canal and Towing Paths.

III. And be it further enacted, That the Lands or Grounds and Hereditaments to be taken and used for the said Canal, Cuts, Soke, and other Drains, and the Towing Paths and Banks thereof, and the Ditches and Fences for separating such Towing Paths and Banks from the adjoining Land, shall not exceed Sixty Yards in Breadth, measured horizontally, except in such Places where any Sluice or Weir or other Work necessarily requiring more Space shall be made, or where the said Canal, Cuts, and Drains shall be raised higher, or shall be cut more than Six Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other, or where any Warehouse, Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the Landing or Delivery of any Goods, Wares, or Merchandizes, which shall be carried or conveyed on the said Canal or Cuts, nor in of any such excepted Places more than Two hundred Yards in Breadth, except where the said Canal, Cuts, and Drains shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the said Canal, Cuts, and Drains shall pass, shall consent to the same being made wider in or through his, her, or their Lands or Grounds or Hereditaments respectively.

One Copy of Map and Book of Reference to remain with the Clerk of the Peace.

IV. And whereas a Map or Plan describing the Line or Course of the said Canal and Cuts or Branches, and the Lands or Grounds in, through, across, under, over, or upon which the same is proposed to be carried or made, together with a Book of Reference thereto, containing Lists of the Owners and Occupiers or reputed Owners and Occupiers of such Lands and Grounds, have been deposited at the Office of the Clerk of the Peace for the said West Riding of the said County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in any Manner therein shall have Liberty to inspect and peruse the same, and make Extracts from and Copies thereof at seasonable Times, on Payment of One Shilling for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy not exceeding Seventy-

two Words, the Sum of Sixpence, and so in Proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Not to deviate more than 100 Yards from the Line laid down.

V. And be it further enacted, That the said Undertakers in making the said intended Canal and Cuts or Branches, shall not deviate more than One hundred Yards of Three Feet each from the Course or Direction delineated on the said Map or Plan.

Nor to make any Reservoir not marked in the Plan.

VI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Undertakers to make any Reservoir or Reservoirs for supplying the said Canal and Cuts or Branches with Water, except such as are marked and delineated upon the said Map or Plan.

In case any Names be omitted in the Book of Reference,

VII. And be it further enacted, That the said Undertakers shall and may make the said intended Canal and Cuts or Branches, and each and every of them, into, through, across, or over any Lands or Grounds described or intended to be described on the said Map or Plan, although the Name or Names of the Owner or Owners or Occupier or Occupiers thereof is or are omitted or mis-stated in the said Book of Reference, in case it shall appear to the Satisfaction of any Two of His Majesty's Justices of the Peace for the County, Riding, or Place in which the Estates, Lands, or Grounds shall be situate, and be by them certified under their Hands, that such Omission or Mis-statement proceeded from Mistake (except Lands belonging to His Majesty in Right of His Duchy of *Lancaster*).

Houses, Gardens, &c. not to be injured except those mentioned in the Schedule.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Undertakers, or any Person or Persons employed by them, to take, use, injure, or damage any Messuage, Dwelling House, or other Building, or any Ground, which upon the First Day of *January* One thousand eight hundred and nineteen, was the Site of any Messuage, Dwelling House, or other Building, or any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House or Lawn inclosed or adjoining to a Mansion House, or ancient Fish Pond belonging to or near to any ancient Mansion House, without the Consent of the respective Owners and Occupiers thereof, other than and except the Messuages, Tenements, or Dwelling Houses, Workshops, Counting Houses, Barns, Stables, and other Buildings, Gardens, Yards, Paddocks, and other the Premises specified and contained in the Schedule to this Act annexed.

Not to make more than One Towing Path.

IX. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Undertakers to make more than One Towing Path for the Use of the said Canal, nor more than One Towing Path for each of the Cuts or Branches; and that such Towing Path for the Use of the said Canal from *Knottingley Cut* to the Road leading from *Beal* to *Cridling Stubbs* shall be on the North Side thereof, and from the said Road to *Goole* on the South Side of the same.

Small Parcels of Land separated by the Canal to be purchased if required.

X. Provided always, and be it further enacted, That all Pieces or Parcels of Land which in making the said Canal shall be divided or separated from the several and respective Estates adjoining the *Dutch River*, and which shall lie or be between the Line of the said Canal, and the said River, shall (if the Owners of such Estates shall require it but not otherwise) be purchased and paid for by the said Undertakers, the Value thereof to be ascertained, in case of Disagreement, in the same Manner as is directed concerning Land to be taken for the Purposes of the Act; and if in making the Canal, Cuts, or Branches hereby authorized to be made any Pieces or Parcels of other Land shall be cut through and divided or separated from the other Parts of the Lands belonging to any Person or Persons, so as the same cannot be conveniently occupied by him or them without a Bridge being erected for making a Communication therewith, and so that what shall be left on each or either Side of the said Canal or Cuts respectively shall be less in Quantity than One Acre, or shall be throughout the whole Length thereof less than Fifty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Land shall not have any other Land adjoining or contiguous to what shall be so left on each or either Side of the said Canal or Cuts respectively, then and in every such Case, and if the Owner or Owners, Person or Persons entitled to the Possession or to the Rents and Profits of the same shall so require, but not otherwise, they the said Undertakers shall also take and purchase the Piece or Parcel or Pieces or Parcels of Ground so to be separated, or the Pieces or Parcels of Ground so to be left on each or either Side of the said Canal or Cuts respectively, being less than One Acre in Quantity, or less than Fifty Yards in Breadth throughout the whole Length thereof as aforesaid; the Value thereof to be ascertained, in case of Disagreement, in the same Manner as is directed concerning any Land or Ground to be cut, taken, and used for the Purposes of this Act.

Bodies Politic, &c. empowered to sell and convey Lands for the Purposes of this Act.

XI. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Canal, Cuts, Drains, and other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, (except as to such as belong to His Majesty, in right of His Duchy of *Lancaster*,) it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Persons having any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid,

aforesaid, to contract with the said Undertakers for the Sale of, and to sell and convey the same, and every Part thereof, unto the Trustees of the said Undertakers, in Trust for the Purposes of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Undertakers, and according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of Conveyance to the Undertakers.

'I of in consideration of the Sum of to me paid by the Undertakers of the *Aire* and *Calder* Navigation, do hereby grant, release, assign, and confirm unto the Trustees of the said Navigation, [*here name them*] their Heirs and Assigns, all [*describe the Premises to be conveyed,*], and all my Right, Title, and Interest to and in the same and every Part thereof; to hold unto the said their Heirs and Assigns, in Trust for the said Undertakers, for the Use of the said Navigation for ever, by virtue and according to the true Intent and Meaning of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*]. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law, to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

For settling Contracts respecting Copyhold or Customary Lands.

XII. And be it further enacted, That if any Contract, Agreement, Bargain, or Sale shall be made or entered into of or concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which Lands, Tenements, or Hereditaments shall be Copyhold or Customary, or of the Nature of Copyhold or Customary, the same shall be executed and completed by Surrender thereof, in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being, shall be willing and desirous to enfranchise the same, in which Case such Lord or Lords, Lady or Ladies is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor or Manors for a less Interest than an Estate of Inheritance in Fee Simple.

Conveyance by Lords of Manors of Lands taken from Commons to be sufficient.

XIII. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use for the Purposes of this Act any Part or Parts of any Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, which shall be charged with or subject to any Right or Rights of Common or Commons, whether of Pasture, Turbary, Estover, Piscary, or Easement, whether appendant, appurtenant, or in gross, or whether created or then subsisting

ing by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person or Persons having such and the like Estate and Interest of and in the Manor wherein such Lands, Tenements, Commons, Common or Waste Ground shall be situate, or if the same shall not be the Waste of any Manor, then having such and the like Estate or Interest of and in the Soil of such Lands, Tenements, Wastes, Commons, and Hereditaments, as the Body or Bodies Politic, Corporate, or Collegiate, or Persons who are herein-before enabled to sell and convey other Lands, Tenements and Hereditaments, shall be a good and sufficient Conveyance of the Fee Simple and Inheritance of such Waste Ground or Common, or other Lands, Tenements, or Hereditaments, for the Use of the said Navigation, as fully and effectually as if every Person having such Right or Rights of Common or Commons upon such Common or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Undertakers to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively, as a Vestry of such respective Parishes, to be convened by such Churchwardens for that Purpose, shall direct; and that in Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England*, in Manner by this Act directed (as the Case may be); provided that in Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance aforesaid, executed by Four or more of the Freeholders whose Estates have Common Right in such Common or Waste Ground, and whose said Estates amount in yearly Value, as assessed to the Poor Rates, to Three Fifths at least of the whole of the Estates which have such Common Right, to the said Trustees of the said Undertakers, their Heirs and Assigns, shall also be a good and sufficient Conveyance.

In case the Parties refuse, or are incapable to treat, the Value to be settled by a Jury.

XIV. And for settling all Differences which may arise between the said Undertakers and the several Owners of and Persons interested in the Lands and Grounds, Messuages, Mills, Buildings, Tenements, Hereditaments, Streams, Brooks, Waters, or Watercourses, which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons, so interested for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique

tuique Trusts, or of any other incapacitated Person or Persons as aforesaid, (except the King's most Excellent Majesty), shall refuse to accept such Purchase Money, Recompence, or other Compensation, as shall be offered them by the said Undertakers, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the said Undertakers, within Fourteen Days next after such Offer shall have been made; and the Party and Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in Dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons, seised or possessed of or interested in any such Lands, Messuages, Mills, or other Hereditaments as aforesaid, shall refuse to treat or shall not agree with the said Undertakers, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found, or shall not be known or discovered, or shall not produce or evince a clear Title to the Premises they may be in possession of, or to the Interest they claim therein, to the Satisfaction of the said Undertakers, or the Person or Person authorised by them as aforesaid, then and in every such Case the said Undertakers, or any Five or more of them, shall and they are hereby empowered and required, from Time to Time to issue a Warrant under their Hands and Seals to the Sheriff of the County in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in question or dispute shall arise; or in case such Sheriff or his Under Sheriff shall happen to be one of the said Undertakers, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any one of the Coroners of the same County not interested as aforesaid; or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner, or other Person, to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impannel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the County or Riding in which such Lands, Tenements or Hereditaments shall lie, or the Matter in Question or Dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden for the same County or Riding, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the County or Riding in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in Question or Dispute shall arise, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary

Witnesses to be summoned.

necessary to be examined as a Witness or Witnesses touching the Matters in Question; and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter in controversy; and such Jury upon their Oaths, or being of the Society of Persons called *Quakers* upon their solemn Affirmations, (which Oaths and solemn Affirmations as well as the Oaths and solemn Affirmations to such Person and Persons as shall be called upon to give Evidence the said Justices are hereby empowered to administer), shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Mills, Buildings, Tenements, and Hereditaments; and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said Undertakers, and which can or will be no further obviated, repaired, or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Ten Days Notice in Writing, of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Undertakers to the Party or Parties with whom any Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, Trustee or Trustees, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued or respecting which any such Question shall arise.

Jury may view.

Justices to give Judgment.

Notice of the Time and Place of Meeting to be given.

XV. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for each and every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person, so to be summoned and returned upon any such Jury as aforesaid, shall not appear without sufficient Excuse, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so to be summoned to give Evidence as aforesaid, shall not appear without sufficient Excuse, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in such Case every such Person so offending shall forfeit and pay for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any one of the said Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him, her, or them the Overplus of the Money thereby produced, after such Penalties and the Charges and Expences of such Distress and Sale shall be deducted; and in all Cases where by this Act a Jury is directed or intended to be summoned

Penalty upon Sheriffs, &c.

moned to ascertain the Value of any Land or Building, and where Bond to prosecute shall have been entered into, such Land or Building shall not be taken and used until such Jury shall have been summoned as aforesaid.

Juries to be under the same Regulations as those of the Courts of Westminster.

XVI. And be it further enacted, That every such Jury and Juryman as aforesaid, shall also be liable and subject to the same Regulations, Pains, and Penalties, as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons, who in any Examination to be taken by virtue of this Act upon their Oath, or (being of the Society of Persons called *Quakers*) upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Persons giving false Evidence subject to the Penalties of Perjury.

Expences of Jury how to be borne.

XVII. And be it further enacted, That in every Case where the Verdict of the Jury shall be given for more Money to be paid as a Recompence or Satisfaction as aforesaid than shall have been previously offered or tendered by or on Behalf of the said Undertakers, or if no such Recompence or Satisfaction shall have been tendered by them or on their Behalf to the Person or Persons competent to accept and take the same, all the Expences of giving Bond, summoning such Jury, taking such Inquest, and summoning and attendance of Witnesses, shall be defrayed by the said Undertakers; but if the Verdict of the Jury shall be given for the same Sum, or for a less Sum of Money than shall have been previously offered or tendered by or on Behalf of the said Undertakers as aforesaid, then such Expences shall be defrayed by the Person or Persons with whom the said Undertakers shall have such Controversy or Dispute; and all such Expences as aforesaid shall be settled by the said Justices, and the Expences which are herein-before directed to be paid by the Person or Persons with whom the said Undertakers shall have had any Controversy or Dispute shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever, to be a good Payment or a Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in foreign Parts or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Undertakers.

Persons requesting Juries to enter into a Bond to prosecute their Complaint and pay Expences.

XVIII. And be it further enacted, That all and every Person and Persons with whom the said Undertakers shall have any such Controversy or Dispute as aforesaid, shall, before the said Undertakers shall be obliged to issue out the Warrant or Warrants for the summoning of such Jury, first enter into a Bond to the Clerk of the said Undertakers for the Time being, in a Penalty of One hundred Pounds,

to prosecute such his, her or their Complaint, and to bear and pay the Expences of summoning such Jury and taking such Inquest, and of the summoning, and of the attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to be paid, according to the true Intent and Meaning of this Act.

No Complaint to be taken Notice of unless previous Notice has been given to the Undertakers.

XIX. And be it further enacted, That the said Undertakers shall not be obliged by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto, by or on Behalf of such Person or Persons to One of the Trustees of the said Undertakers, or to their Clerk, or left at the Office or other usual Place of Abode of such Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Value of Lands and Damages to be ascertained separately.

XX. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands, Tenements, Mills and Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Compensation Money to be apportioned.

XXI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed for, determined, and adjusted or assessed in Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts of Juries to be recorded.

XXII. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace of the said West Riding of the County of *York*, amongst the Records of the Quarter Sessions of the said West Riding, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to take or make Copies thereof, paying for each Copy after the Rate of One Shilling for every One hundred Words.

Mortgagees to convey.

XXIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements or Hereditaments to be taken or used for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months

Months Interest on the said Principal Money, by the said Trustees of the said Undertakers, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the Trustees of the said Undertakers, their Heirs and Assigns; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Undertakers or their Trustees that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Two Calendar Months, (to be computed from the Day of giving such Notice), that then at the End of the said Two Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the Trustees of the said Undertakers, their Heirs and Assigns, for the Uses and Purposes of this Act; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Undertakers shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Two Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money in like Manner as is hereinafter directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the Trustees of the said Undertakers, for the Uses and Purposes of this Act, and the said Undertakers shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprize any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments, so to be purchased as aforesaid, to the Trustees of the said Undertakers, their Heirs and Assigns, for the Uses and Purposes of this Act; and in Default of their doing so, and on Payment of such Money into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for them in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the

Trustees of the said Undertakers, for the Uses and Purposes of this Act; and the said Undertakers shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Application of Compensation amounting to or exceeding 200*l.*

XXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Tenant for Life or in Tail, or Person or Persons under any Disability or Incapacity as hereinbefore mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* 'The Trustees of the Undertakers of the *Aire* and *Calder* Navigation,' to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXV. Pro-

Where Compensation is not more than 200l. and does not exceed 20l.

XXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Undertakers or their Trustees; such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Monies, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said High Court of Chancery.

Where less than 20l.

XXVI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Undertakers shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title

XXVII. 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 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 said Undertakers; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Undertakers 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 High 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],

them]; subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereto, 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.

In case of disputed Titles the Person in Possession to be deemed lawfully entitled.

XXVIII. Provided always, and be it further enacted, That when 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 High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or 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, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order Expence of Purchases to be paid by the Undertakers.

XXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Undertakers, out of the Monies to be

be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Chancellor and Council of the Duchy of Lancaster empowered to sell and convey certain Lands to the Undertakers.

XXX. And whereas it may be expedient and proper that the Chancellor and Council of His Majesty's Duchy of *Lancaster*, on His Majesty's Behalf, should be authorized to sell and convey to the said Undertakers, or their Trustees, such Lands and Hereditaments belonging to His Majesty, in right of His said Duchy, as may be necessary to be purchased taken or used for the Purpose of making such Canal, Cuts, Drains, or other Works as aforesaid; be it therefore further enacted, That it shall and may be lawful for the Chancellor and Council of His Majesty's Duchy of *Lancaster* for the Time being, to contract and agree with the Trustees of the said Undertakers, for the Sale of any Lands and Hereditaments which by the said Undertakers shall be thought necessary to be purchased, taken, or used for the Purposes of this Act, on the Line of the said intended Canal, belonging to His Majesty, or His Heirs and Successors, in right of His said Duchy, at and for such Price or Prices, and upon such Terms and Conditions as shall be settled and agreed upon between the said Chancellor and Council and the said Undertakers; and that upon Payment of such Sum or Sums of Money as shall be so settled and determined upon, as and for the Price and Consideration for such Lands and Hereditaments, it shall and may be lawful to and for the said Chancellor and Council of the said Duchy for the Time being, by any Deed or Deeds, Writing or Writings, 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 Lands and Hereditaments, and the Fee Simple and Inheritance thereof, to the Trustees of the said Undertakers, for the Uses and Purposes of this Act; which said Deed or Deeds, Writing or Writings, under the Seal of the said Duchy, being enrolled in the Court of the Duchy Chamber of *Lancaster*, within Twelve Calendar Months from the Date thereof, shall be effectual and sufficient to vest in the Trustees of the said Undertakers the Fee Simple and Inheritance thereof for the Uses and Purposes of this Act, any thing contained in an Act passed 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 Honor and Dignity of the Crown*, or in any other Act to the contrary thereof in anywise notwithstanding; and that all and every Sum and Sums of Money to be paid as and for the Purchase or Consideration Money for the Lands or Hereditaments so to be sold and conveyed as last-mentioned, under and by virtue of this Act, shall be paid by the said Undertakers, or their Treasurer, into the Hands of the Receiver General of the said Duchy for the Time being, or his Deputy, and shall be by him paid, applied, and disposed of according to the Provisions and Regulations contained in an Act passed in the Forty-eighth Year of the Reign of His late Majesty, intituled *An Act to improve the Land Revenue of the Crown in* England, *and also of His Majesty's Duchy of* Lancaster, or any other Act or Acts now in force for that Purpose.

The Purchase Money whereof is to be paid to the Receiver General of the Duchy.

Power to enter Lands upon Pay-

XXXI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted

or

or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any Lands, Grounds, Messuages, Mills, Buildings, Tenements, Hereditaments, Streams, Brooks, Waters, or Watercourses, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein or entitled to receive such Compensation, at any Time after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of such Sum or Sums of Money into the Bank of *England*, as herein-before directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Undertakers, and their Agents, Servants, or Workmen, immediately or at any Time to enter upon such Lands, Grounds, or other Hereditaments respectively; and then and thereupon the Lands, Messuages, Mills, Buildings, Tenements, Hereditaments, Streams, Brooks, Waters, or Watercourses, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become the Property of the said Undertakers, to and for the Purposes of this Act for ever; and such Tender or Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before or until such Payment or legal Tender as aforesaid, it shall not be lawful for the said Undertakers, or any Person or Persons acting by or under their Authority, or under the Provisions of this Act, to dig or cut any Land or Ground, or to take down, remove, or alter any Messuage, Mill, Building, Tenement, or other Hereditament, for the Purpose of making the said Canal and Cuts or Branches, or any Part thereof, without the Leave or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment; and in case any Person or Persons shall enter upon any such Land, Ground, or Premises, and commit any such Offence before or until such Payment or legal Tender shall have been made, each and every such Person so offending shall forfeit and pay the Sum of Ten Pounds, for each and every Day he shall remain or be on such Land or Premises, to the Proprietor or Proprietors of the Land or Premises.

ment or Tender of Purchase.

XXXII. And be it further enacted, That all and every the Lands, Grounds, Messuages, Mills, Buildings, Tenements, Hereditaments, Streams, Brooks, Waters, and Watercourses, to be so purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, upon Payment of the Purchase Money for the same in manner by this Act directed, together with the Canal, Cuts, Drains, and other Works, hereby

Property in the Canal, Cuts, &c. to be vested to the same Uses as the Navigation.

hereby authorized to be made, and all and every the Messuages, Buildings, Warehouses, Wharfs, Quays, Tenements, and Hereditaments, which shall be erected or built or provided under the Powers of this Act, and all the Rates, Tolls, and Duties by this Act granted, shall be and stand vested in the same Trustees, their Heirs and Assigns, in the same Manner, with the like Indemnification, and upon the same Trusts, and for the like Purposes, and the Profits and Advantages to arise under this Act shall be applicable to such and the same Uses and Purposes, as the Property of the said Undertakers in the Navigation of the said Rivers *Aire* and *Calder*, and the Canals, Side Cuts, and other Works, authorized to be made by the said recited Acts, and the Tolls, Rates, and Duties thereby or by either of them granted, and the Lands, Buildings, Wharfs, Quays, Tenements, and Hereditaments erected or purchased by virtue thereof, and the Profits and Advantages arising thereby or therefrom, are or stand vested in and are applicable to and shall and may descend and be transmitted and transmissible therewith accordingly.

Undertakers empowered to resell Lands not wanted.

XXXIII. And be it further enacted, That it shall be lawful for the said Undertakers or their Trustees, by Indenture under the Hands and Seals of such Trustees, to grant and convey by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Buildings which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act, and such Conveyances from the said Trustees shall be valid and effectual, any thing in this Act contained or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands or Buildings, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Undertakers, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Buildings shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication or Non-application of such Purchase Money or any Part thereof: Provided always, that before any such Sale or Disposition of such Lands or Buildings shall be so made, the said Undertakers or their Trustees shall first offer to resell the same to the Person or Persons from whom the same shall have been purchased, or who would have been then entitled thereto, in case such Lands or Buildings had not been purchased by the said Undertakers or their Trustees, the Price at which the same shall be resold being adjusted and settled by a Jury, in like manner as the Price for any Land to be taken in pursuance of this Act is herein-before directed to be settled, in case of Difference or Dispute as to the Value thereof; and if such Person or Persons shall not agree, or shall refuse to re-purchase the same, it shall and may be lawful to and for any Person or Persons not interested in the Premises, to make an Affidavit, to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Buildings shall be situate, stating that such Offer was made

by or on behalf of the said Undertakers, and that such Person or Persons did not agree or refused to purchase such Lands or Buildings (as the Case may be); and such Affidavit shall in all Courts be sufficient Evidence and Proof, that such Offer was made and not agreed to, or was refused.

Power to borrow Money to make the Canal.

XXXIV. And in order to enable the said Undertakers to make and complete the said Canal, and Cuts or Branches and Works; be it enacted, That it shall and may be lawful for the said Undertakers to borrow and take up at Interest, of any of their own Body, or of or from any other Person or Persons, any such Sum or Sums of Money as to them shall seem fit and convenient, not exceeding in the whole the Sum of Two hundred thousand Pounds; and the said Undertakers, or the Trustees, are hereby authorized and empowered to assign and make over the Navigation of the Rivers *Aire* and *Calder*, and the Cuts or Canals and Works thereto belonging, and the Canal and Cuts or Branches and Works hereby authorized to be made, or any of them, and all the Tolls, Rates, and Duties arising or to arise on the said Navigation, Cuts and Canals, or Branches, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage, under the Hands and Seals of the said Trustees, in the Form or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act,*] We the Trustees of the Undertakers of the *Aire* and *Calder* Navigation, in the West Riding of the County of *York*, in consideration of the Sum of of lawful Money of *Great Britain*, to us paid by of do hereby bargain, sell, and assign unto the said Executors, Administrators, and Assigns, the said Navigation of the Rivers *Aire* and *Calder*, and the Cuts or Canals and Works thereto belonging, and the Canal and Cuts or Branches and Works authorized to be made by the said Act, and all and singular the Tolls, Rates, and Dues arising and payable upon the said Navigation, Cuts and Canals, and all the Estate, Right, Title, and Interest of the said Undertakers of, in, to, or out of the same respectively, or such Proportions, Parts, and Shares of the said Navigation, Cuts, Canals, Tolls, Rates, and Duties, as the Money intended to be secured thereby shall happen to bear to the said Sum of , to have and to hold unto the said Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of Pounds *per Centum per Annum*, shall be fully paid and satisfied to him or them. Given under our Hands and Seals this Day of in the Year of our Lord One thousand eight hundred and .'

Application of Money borrowed.

And all Persons to whom such Mortgages shall be made shall be equally entitled to their Proportion of the said Rates and Premises, according to their respective Sums in such Mortgages mentioned to be

be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards making, completing, and maintaining the said Canal and Cuts or Branches, and other Works hereby authorized to be made, and other the Purposes of this Act; and an Entry or Memorial of every such Mortgage, containing the Number and Date thereof, and an account of the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall be written and inserted in one or more Book or Books to be kept for that Purpose by the Clerk of the said Undertakers, which Book or Books shall and may be perused at all reasonable Times, by the Undertakers or Mortgagees of the said Navigations, or any or either of such Undertakers or Mortgagees, without Fee or Reward; and all and every Person and Persons to whom any such Mortgage shall have been made, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit therein, to any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall be made in the Form or to the Effect following; (that is to say),

A Memorial of every such Mortgage to be made by the Clerk.

Mortgages may be transferred.

Form of Transfer.

'I of in consideration of the Sum of Pounds, paid to me by of do hereby transfer the within Mortgage [*or*, a certain Mortgage made to me by the Trustees of the Undertakers of the *Aire* and *Calder* Navigation] bearing Date the Day of and the Principal Sum of Pounds thereby secured, and the Interest now due and hereafter to grow due for the same, and all my Right and Property therein, to the said Executors, Administrators, and Assigns. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .'

Memorials of Transfers to be made.

And every such Transfer shall, within Thirty Days after the Date thereof, be produced and notified to the Clerk of the said Undertakers, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Dates and Names of the Parties in the said Book or Books to be kept for entering the said original Mortgages, for which said last-mentioned Entry such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not be in the Power of any Person or Persons who shall have made such Assignment or Assignments at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof: Provided always, that no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such Assignment, either as Principal or by Proxy at any Meeting of the Undertakers, for or on

account of his or her having lent or advanced any Money on the Credit of any such Mortgage or Assignment.

The Undertakers may raise 200,000*l.* upon Promissory Notes.

XXXV. Provided always, and be it further enacted, That if the said Undertakers shall think it more expedient to borrow such aforesaid Sum of Two hundred thousand Pounds, or any Part thereof, by Promissory Notes, under the Hands of their said Trustees, it shall and may be lawful for them so to do, and that such Notes shall be made payable in such Manner and at such Time or Times, and with such legal Rate of Interest as the said Undertakers shall think proper; and the Tolls, Rates, and Duties authorized to be had and taken, and which shall arise and be received on the said Navigation and Cuts or Canals, or by virtue of this Act, and every of them, shall be a Security for any Sum or Sums of Money so to be borrowed as aforesaid, with Interest, to the Person or Persons who shall from Time to Time be entitled to such Securities, and the principal Monies and Interest thereby secured; and all Persons to whom any such Securities as aforesaid shall be given, shall be equally entitled to a Claim or Lien on the said Tolls, Rates, and Duties, in Proportion to the respective Sums mentioned thereby to be secured and advanced, as if the same were advanced upon Mortgages or Assignments of the said Rates in pursuance or by virtue of this Act, and without any Preference by reason of the Priority of the Date of any such Securities, or on any other Account whatsoever; and that the Sum so to be borrowed shall be applied for the same Purposes as if borrowed by way of Mortgage.

Not to affect any Settlement, &c.

XXXVI. And be it also further enacted, That nothing in this Act contained shall extend to revoke, annul, alter, lessen, or abridge any Will, Settlement, Mortgage, Deed, or Lease already made by any of the said Undertakers of his, her, or their respective Share or Interest in the said Navigation of the said Rivers *Aire* and *Calder*, and the Canal, Side Cuts, and other Works authorized to be made by the said recited Acts; or to injure or prejudice any Person or Persons having or claiming, by virtue of or under the Authority of any such Will, Settlement, Mortgage, Deed, or Lease, any Estate, Right, Title, Interest, or Incumbrance of, in, to, or out of the said Navigation, Canal, Cuts, and other Works, or the Tolls and Duties granted and made payable by the said recited Act of the Fourteenth Year of King *George* the Third, or any Part or Parts thereof, or any Securities thereof, or thereupon; but the Tolls, Rates, and Duties hereby granted shall be paid and applied in keeping down the Interest upon the Money to be borrowed by virtue of this Act, and in paying off, liquidating, and discharging all such Principal Money which shall be so borrowed and taken up at Interest by virtue of this Act, in preference to and before any Application shall be made for those Purposes, of the Tolls, Rates, and Duties granted by the said last recited Act.

Shares, &c. not to entitle Holders to vote.

XXXVII. Provided also, and be it further enacted, That the Property, Shares, or Interest of the said Undertakers, or any Person or Persons in the Canal and Cuts or Branches hereby authorized to be made, shall not partake of the Nature of Real Property, so far as to entitle or enable the said Undertakers or any Person or Persons to give

give a Vote or Votes in respect thereof, at any Election of a Knight or Knights of the Shire for the County of *York*, or any Coroner or Coroners for the same County, or any Riding, Wapentake, Division, or Liberty within the same.

Repealing so much of Act 14 Geo. 3. as relates to Meetings of Undertakers and making Bye Laws, &c.

XXXVIII. And be it further enacted, That so much of the said recited Act of the Fourteenth Year of the Reign of His late Majesty as prescribes or regulates the Mode of calling and holding Meetings of the said Undertakers, and of voting at such Meetings, and of appointing and holding Committees, and of making Bye Laws, and also so much of the said recited Act as relates to Exemption from Stamp Duties, shall be and the same is hereby repealed.

First and other General Assemblies of the Undertakers.

XXXIX. And be it further enacted, That the First General Assembly of the said Undertakers for putting this Act into Execution, and for the further Execution of the said recited Acts, shall be held at *Wakefield*, within Thirty Days next after the passing of this Act, of which Assembly not less than Ten clear Days Notice shall be given by public Advertisement in some Newspaper or Newspapers usually circulated in the West Riding of the County of *York*; and all future General Assemblies of the said Undertakers (except such Special General Assemblies as herein-after mentioned) shall be held upon the First *Monday* in the Month of *August* in every Year, at the Hour of Eleven, at such Place or Places as the said Undertakers at their preceding General Assemblies shall from Time to Time direct and appoint, within Ten Miles of some Part of the Navigation of the said Rivers *Aire* and *Calder*, and the Canal and Cuts thereto belonging, or of the said Canal and Cuts or Branches hereby authorized to be made; and in case no Place or Places shall have been so appointed, then such General Assembly shall be holden at the Place where the last preceding General Assembly was holden, of which future General Assemblies not less than Ten clear Days Notice shall be given by public Advertisement in such public Newspapers as herein-before mentioned, or in such other Manner as the said Undertakers at their respective General Assemblies shall direct.

Assembly may be specially convened.

XL. Provided always, and be it further enacted, That if it shall at any Time appear, that for the more effectually putting this Act or the said recited Acts into Execution, a Special General Assembly of the said Undertakers is necessary to be held, it shall be lawful for any Three or more of the said Undertakers possessed of Stock or Interest to the Amount of One thousand Pouunds *per Annum* in the whole at least in the said Navigation, Canals, and Cuts, to cause Ten Days Notice at least to be given of such Special General Assembly, by public Advertisement in one or more of the *Leeds* Newspapers, and in some other Newspaper or Newspapers usually circulated in the West Riding of the County of *York*, or in such other Manner as the said Undertakers shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special General Assembly, and the Time when and Place where the same shall be held (such Place being within Ten Miles of some Part of the Navigation of the said Rivers *Aire* and *Calder*, and the Canal and Cuts thereto belonging, or of the Canal and Cuts, or Branches,

Branches, hereby authorized to be made, and not elsewhere); and the said Undertakers are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act or the said recited Acts given to the said Undertakers, with respect to such Matters alone as shall be specified in such Notice; and all Acts and Proceedings of the Undertakers at every such Special General Assembly, shall be as valid with respect to the Matter specified in such Notice as if the same had been done at any General Assembly.

For appointing Chairman, and Manner of voting at General and Special Assemblies.

XLI. And be it further enacted, That at every such General or Special General Assembly of the said Undertakers a Chairman shall and may be elected and appointed; and at every such General or Special General Assembly the said Undertakers, and each and every of them, shall be entitled to vote either in Person or by Proxy; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any such General or Special General Assembly, shall be determined by the major Part in Value of the Undertakers present, or voting in Person or by Proxy, (such Value to be calculated or ascertained by the Amount of the Stock possessed by the Undertakers so voting in Person or by Proxy); and in case the Amount of Stock so voted for shall be equal for and against any such Question, including the Stock of the Chairman, then and in every such Case the Chairman shall have and give the decisive or casting Vote; and every or any such Undertaker or Undertakers may and is and are hereby empowered by Writing under his, her, or their Hand or Hands, to appoint some Person (being one of the said Undertakers) to act and vote as his, her, or their Proxy at any such Meeting or Meetings; and every such Appointment shall be in the Words or Form or to the Effect following;

Form of Proxy.

'I of one of the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, do hereby nominate, constitute, and appoint of being one of the said Undertakers, in my Name and in my Absence, to vote or give my Assent or Dissent to any Business, Matter, or Thing relating to the Navigation of the Rivers *Aire* and *Calder*, and the Canal and Cuts thereto belonging, and the Canal and Cuts or Branches authorized to be made by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], which shall be proposed at any General or Special General Assembly of the said Undertakers, or any Adjournment thereof, at all Times hereafter, until I shall revoke the Appointment by Notice in Writing under my Hand to the Clerk to the said Undertakers. In witness whereof I have hereunto set my Hand this Day of .'

Power of General Assemblies.

XLII. And be it further enacted, That the said Undertakers shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been nominated a Director or Directors by virtue of this Act, in Manner herein-after directed, and from Time to Time nominate and appoint another

Person or Persons duly qualified, in his or their Room or Stead; and that it shall and may be lawful to and for the said Undertakers, at any General Assembly, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper, for the good Government of the said Undertakers, and of their Directors, Treasurers, Receivers, Collectors, Clerks, Officers, Servants, Agents and Workmen, and for the whole, complete, and total Superintendance, Regulation, and Management of the said Navigation, Canals, and Cuts or Branches, Tunnels, Locks, Sluices, Weirs, Aqueducts, Railways, Rollers, Feeders, Wells, Trenches, Levels, Reservoirs, Stanks, Dams, Docks, Basins, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Gates, Bridges, Culverts, Engines, and other Works thereto belonging, and of the Bargemen, Watermen, Boatmen, and others, who shall convey any Goods, Wares, or any other Article or Thing, upon any Part of the said Navigation, Canals and Cuts or Branches, and of the Men, Horses, or Cattle hauling any Boat, Barge, or other Vessel upon or along the same, or any of them, and for regulating the Commencement, Continuance, Suspension, Cessation, Turn, and Order of the passing and repassing, and navigating of all Vessels, Boats, and Barges through Locks and otherwise, and for so far regulating the Structure and Manner of Building of all such Vessels, Boats, and Barges, as shall from Time to Time be used upon the said Navigation, Canals and Cuts or Branches, as to prevent them damaging or injuring the Works thereof, or damaging or injuring other Vessels, Boats or Barges navigating thereon; and for regulating the Construction and Form of the Bars, Poles, Stowers, Wheels, Engines, and other Implements to be used alone or with the same respectively; and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and make others, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against such Rules, Orders, or Bye Laws, or any of them, as they shall think meet, not exceeding the Sum of Ten Pounds for any one Offence; and all Rules, Orders, and Bye Laws so to be made as aforesaid, being reduced into Writing under the Hands and Seals of any Five or more of the said Undertakers, of which said Number Two or more of the said Trustees for the Time being of the said Undertakers shall form Part, shall be binding upon and observed by all Parties using or in any way concerned in the said Navigation, Canals, Cuts, or Branches, and other Works thereto belonging, or any of them, or any Part thereof, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, any thing in the said recited Acts or this Act contained to the contrary notwithstanding; provided that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or any of the express Directions and Provisions of this Act, or the said recited Acts, or either of them; and provided that Copies of such Rules, Orders, and Bye Laws, so far as the same may be requisite to be made public, shall be printed and kept constantly affixed on such conspicuous Places near or adjoining to the said Navigation, Canals, and Cuts or Branches, as the said General Assembly shall direct; and all such Rules, Orders, and Bye Laws shall

Bye Laws not to be repugnant to the Laws of England.

Subject to Appeal.

shall be subject to Appeal in manner herein-after directed; and that all Accounts of Money received, laid out, and disbursed on Account of the said Navigation, Canals, Cuts, or Branches, and Works thereto belonging, by the Treasurers, Receivers, or Collectors of the Rates, and other Officers appointed by the said Undertakers, or by any other Person or Persons whomsoever, employed by or concerned for or under them, in and about the said Navigation, Canals, Cuts, or Branches, or other Works thereto belonging, shall be laid before the said General Assembly to be audited and settled.

Bye Laws not to be made to restrain certain Vessels from using the Navigation.

XLIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to enable the said Undertakers to make any Bye Laws to prevent any narrow Vessels, as usually constructed (being properly and securely guarded and protected from doing any Injury to the Works of the said Navigation, Canals and Cuts or Branches, or the Boats, Barges, and Vessels navigating thereon), and navigated upon other Canals or Navigations, from navigating or passing upon the said Navigation, Canals and Cuts or Branches hereby authorized to be made, any thing herein-before contained to the contrary notwithstanding.

General Assembly to appoint Officers;

and take Security from them.

XLIV. And be it further enacted, That it shall be lawful for the said Undertakers at any General Assembly, and they are hereby authorized and empowered from Time to Time to nominate and appoint a Treasurer or Treasurers, and One or more Collector or Collectors of the Rates and Tolls hereby or by the said recited Acts allowed to be demanded and taken, and also One or more Clerk or Clerks to the said Undertakers, and such other Officers as to them shall seem meet; and to grant or allow to such Officers respectively such Salary or Allowance as they the said Undertakers shall think proper; and the said Undertakers shall take Security from their Treasurers, Receivers, or Collectors, for the faithful Execution of their respective Offices, and may also take such Security from any other of their Officers as they shall think proper: Provided always, that all the present Officers of the said Undertakers, shall continue in their respective Offices until they shall be respectively removed, or until others shall be appointed in their Places by virtue of this Act, except that the Offices of Clerk and Treasurer shall not be held by the same Person, or by any Person or Persons being Partner or Partners as herein-after mentioned.

Same Person not to act as Clerk and Treasurer.

XLV. Provided always, and be it further enacted, That it shall not be lawful for the said Undertakers to continue or appoint the Person who is or may be appointed to act as their Clerk in the Execution of this Act or the said recited Acts, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act or the said recited Acts, nor to continue or appoint the Person who is or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Undertakers; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act or the said recited Acts, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act or the said recited Acts, every

Person

Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Officers, &c. to account.

XLVI. And be it further enacted, That every such Treasurer, Engineer, Clerk, Collector, and all other Officers and Persons to be appointed by virtue of this Act, shall under their Hands, at such Time and Times and in such Manner as the said Undertakers or their Directors shall direct, deliver to the said Undertakers, or to the said Directors, or to such Person or Persons as they shall respectively appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act or the said recited Acts; and also of all the Monies which shall have been by such Treasurer, Engineer, Clerk, Collector, Officer or Officers, and Person or Persons respectively received by virtue and for the Purposes of this Act or the said recited Acts, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Undertakers, or to the said Directors, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Engineer, Clerk, Collector, Officer or Person, shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Undertakers, or to the said Directors, or to such Person or Persons as they respectively shall appoint, within Twenty-one Days after being thereunto required by the said Undertakers, or by the said Directors, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act or the said recited Acts, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Undertakers, or to the said Directors, or as they shall respectively direct or appoint; then and in any of the Cases aforesaid, the said Undertakers may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Undertakers, or by the said Directors, or by such Person or Persons as they shall respectively appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County, Riding, or Place wherein the said Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justices may and they are hereby authorized and required by a Warrant or Warrants under their Hands and Seals, to cause the Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons so refusing or neglecting, to be brought before them, and upon his, her, or their appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party or Parties, or by the Testimony of any credible Witness upon Oath, it shall

appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act or the said recited Acts, shall be in the Hands of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons, such Justices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same; or if such Officer or Officers, Person or Persons shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Undertakers, or to the said Directors, or as they shall respectively appoint; then and in any of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol for such County, Riding, or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Undertakers, or with the said Directors, and shall have paid such Composition in such Manner as they shall respectively appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Undertakers, or to the said Directors: Provided always, that no Treasurer or Engineer, Clerk, Collector, Officer, or Person, so committed for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space than Three Calendar Months.

Undertakers to sue and be sued in the Names or Name of their Trustees or Clerk.

XLVII. And be it further enacted, That the said Undertakers upon all Occasions and in all Matters and Concerns wherein or whereby they are or may be interested or affected, shall and may sue and be sued in the Names or Name of their said Trustees or of their Clerk for the Time being, and that no Action or Suit that shall be brought or commenced by or against the said Undertakers, or any of them, in the Names or Name of their said Trustees or Clerk, shall abate or be discontinued by any Change in the Numbers or Persons of the said Undertakers, or by the Death or Removal of the said Trustees or Clerk, or any of them, or by the Election of any other Persons or Person to be Trustees or Trustee or Clerk, or by the Act of such Trustees or Clerk, but the said Trustees or Clerk for the Time being shall always be deemed Plaintiffs or Plaintiff and Defendants or Defendant in such Action or Suit (as the Case shall be); and that in all Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state generally that the Matter, Article, or Thing, for and in respect of which such Actions and Proceedings shall be brought and preferred, is or are the Property of the Undertakers of the Navigation of the Rivers of *Aire* and *Calder* in the County of *York*, without naming all or any of the said Undertakers; and that in all Civil and Criminal Proceedings whatsoever relating to the said Navigation, Cuts, Canals, and Works, and in all Disputes, Suits, or Litigations touching or in anywise relating to the Tolls, Rates, and Duties in and by the said recited Acts and this Act granted, no Person

or, Persons shall be incompetent to give Testimony or Evidence therein by reason only of his being a Trustee or Trustees, Collector of the Tolls, Clerk, Engineer, Surveyor, or other Officer or Servant employed by or under the said Undertakers; provided that the said Trustees and Clerk in whose Names or Name or against whom any such Action or Suit shall be brought, and all and every other Persons or Person against whom any Action or Suit shall be brought for any Matter or Thing done by them or in their Names, or in the Names of any of them, in Execution of this Act, or by reason of their or his having acted in obedience to the Order of the said Undertakers or of their Committee, at any of their Meetings, shall be always indemnified and reimbursed, and paid out of the Monies to be raised by virtue of the said recited Acts or this Act, all such Costs, Charges, and Expences as they, he, or any of them shall be put unto or become charged and chargeable with by reason of their or his being made Plaintiffs or Plaintiff, Defendants or Defendant in any such Action or Suit.

Trustees and Clerk to be indemnified.

Committee of Directors.

XLVIII. And be it further enacted, That the said Undertakers shall at their said first General Assembly, or at some Adjournment thereof, nominate and appoint Twelve Persons of and out of the said Undertakers, who, with the Trustees of the said Navigation, shall be and constitute a Committee of Directors for managing and conducting the Affairs, Concerns, and Business of the Navigation of the Rivers *Aire* and *Calder*, and the Canal, Cuts, and Works thereto belonging, and of the Canal and Cuts, or Branches and Works hereby authorized to be made: Provided always, that no Person holding any Office, Employment, or Contract under the said Undertakers, shall be capable of being chosen, or acting as a Director during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract; and in case any Person or Persons, nominated and appointed to be Directors as aforesaid, shall die or refuse to act, or cease to be possessed of Stock or Interest in the said Navigation, Canals, and Cuts, or any of them, or shall hold any Office, Employment, or Contract under the said Undertakers, then and in any of such Cases, it shall be lawful for the said Undertakers, at a General or Special General Assembly of the said Undertakers, to nominate and appoint from and out of the said Undertakers some Person or Persons to be a Director or Directors in the Room or Stead of the Director or Directors so dying, refusing to act, ceasing to be qualified, or holding any Place, Office, Employment, or Contract under the said Undertakers; and every Person or Persons so nominated and appointed shall have the like Powers and Authorities for acting as a Director or Directors, and shall be subject to the like Rules, Orders, Regulations, and Restrictions as the Person or Persons in whose Room or Stead he or they shall be so nominated and appointed.

Powers and Duties of the Directors.

XLIX. And be it further enacted, That the said Committee of Directors shall have Power and Authority to contract for the Purchase of Messuages, Lands, Tenements and Hereditaments, and Materials for the Use of the said Navigation, Cuts, Canals, and the Works thereunto belonging, and to make all other Contracts and Bargains touching the said Navigation, Canals, Cuts, and Works, and to sell

such Lands or Buildings as shall not be wanted for the Use thereof; and to direct the Workmen, and to suspend or remove any Treasurer, Engineer, Clerk, Collector, Officer or Servant of the said Undertakers, for any Neglect, Misconduct, or Inability, and to appoint some other Person in their respective Places, and also to fill up the Vacancies that may occur by Death, Resignation, or otherwise (such new Appointment to continue only until the next General or Special General Assembly of the said Undertakers, when the Appointment of such Person shall either be confirmed, or such other fit Person shall be appointed to succeed to such Office, as the said Undertakers at such General or Special General Assembly shall think proper), and to do, execute, and perform all other Matters and Things whatsoever necessary and expedient to be done in and about the said Navigations and Undertakings, and which the said Undertakers are by this Act or the said recited Acts empowered to do; save and except such only as are hereby directed to be done by the Undertakers at their General Assemblies as herein mentioned; and the said Committee of Directors shall and may (subject nevertheless at all Times to the Orders and Directions of the General Assemblies of the Undertakers) meet at such Times and Places, and from Time to Time adjourn to such other Place or Places as they shall think fit; and all the Powers and Authorities hereby vested in or directed or authorized to be exercised by the said Directors may be done and exercised by the Majority of them present at their respective Meetings, the whole Number present not being less than Five, and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the said Committee of Directors, shall be determined by the Members of the Committee present in Person, and each Member present shall be entitled to One Vote; and at all such Meetings a Chairman shall be chosen, who in case of an Equality of Votes (including the Vote of the Chairman) upon any Question agitated in the said Committee of Directors, shall have and give a Second or the casting Vote; and such Directors shall from Time to Time make Reports of their Proceedings to the General Assemblies of the Undertakers, and shall obey their Orders and Directions; and the said Directors shall by their Clerk or Clerks, Accountant or Accountants, keep a full and true Account of all Money disbursed and Payments made, and of all and every Sum and Sums of Money which shall be received belonging to the said Undertakers, by or from any Person or Persons whomsoever employed in the said Navigation, Cuts or Canals, or any Part thereof, or having any Concerns, Dealings, or Transactions with the said Undertakers relating to the same; and cause to be regularly entered in a Book or Books, to be from Time to Time provided for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of their Orders and Proceedings; which Book or Books shall be deposited with and kept by the Clerk to the said Undertakers, and every Undertaker shall have free Access thereto, and shall be at Liberty at all Times to inspect the same.

Power to appoint Sub-Committee.

L. And be it further enacted, That it shall be lawful for the General Committee of Directors, at any of their Meetings, to nominate and appoint a Sub-committee, to consist of Three or more of the Undertakers of the said Navigation; and such Sub-committee shall have

have full Power and Authority to do, execute, and perform all Acts, Matters, and Things whatsoever, in and about the Execution of this Act and the said recited Acts, which the said General Committee of Directors is by this Act empowered to execute or exercise, and which such Committee of Directors shall from Time to Time entrust to the Management of such Sub-committee; and such Sub-committee shall meet at such Times and Places as they shall think proper; and such Sub-committee shall from Time to Time make Reports and send Copies of their Proceedings to the General Committee of Directors, if required; and shall at all Times be subject to the Controul of the said General Committee, and shall obey all their Orders and Directions in and about the Affairs of the said Undertakers, so that such Orders and Directions be not contrary to the express Directions, Regulations, and Provisions contained in this Act.

Proceedings, &c. to be entered in Books and to be Evidence.

LI. And be it further enacted, That a Book or Books shall be provided by or at the Expence of the said Undertakers, and shall be kept by their Clerk or Clerks, who shall enter therein all Acts and Proceedings of the said Undertakers in the Execution of this Act and the said recited Acts, or relating thereto; and all such Entries of such Acts and Proceedings shall be signed by the Chairman of the Meeting at which the same shall be made; and all Orders and Proceedings of the said Undertakers, at their several and respective General or Special General Assemblies, or of their Committee of Directors at their several Meetings, which shall be entered in any such Book or Books, and signed respectively by the Chairman of such General or Special General Assembly, or by the Chairman of such Committee of Directors, shall be deemed and taken to be Originals, and shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Names of Proprietors and the Number of their Shares to be entered in a Book.

Certificate of Shares to be delivered to the Proprietors; which shall be Evidence of their Title.

LII. And be it further enacted, That the said Undertakers shall and they are hereby required as soon as conveniently may be, to cause or order the Names and proper Additions of the several Persons entitled to any Share or Shares, Interest or Interests in the said Navigation, Cuts, and Canal, with the Amount of Dividends thereon, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk to the said Undertakers; and after such Entry made the Clerk to the said Undertakers shall, upon Request for that Purpose made, deliver to each of the said Undertakers a Certificate of such Entry of the same, under the Hand of him the said Clerk; which Certificate shall be admitted in all Courts whatsoever and whereso-ever as Evidence of the Title of such Person, his, her, or their Heirs or Assigns, to the Amount of the Share or Shares, Interest or Interests therein specified; and in case any such Certificate shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Certificate shall be made out and delivered by the said Clerk to the Undertaker or Undertakers so requiring the same, and such Clerk shall be paid the Sum of Three Shillings and Sixpence for every such Certificate.

Persons whose Names stand

LIII. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Names shall at

at any Time hereafter stand in the said Register Book or List of Proprietors of Stock in the said Navigation, as possessing any Share or Interest in the said Navigation, shall be deemed and taken to be the Proprietors and Owners of the Share and Shares, Interest and Interests standing in the said Book in their respective Names, and shall be subject and liable to all Actions, Suits, Forfeitures, and Penalties, to which the Undertakers of the said Navigation are subject and liable.

in the Register Book shall be deemed the Proprietors of the Shares standing in their Names.

LIV. And be it further enacted, That upon any Sale or Disposition of any Share or Shares, Interest or Interests in the said Navigation, Cuts, Canals, and Works, the Deed of Conveyance being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares, Interest or Interests, shall be produced to the Clerk to the said Undertakers, who shall enter a Minute thereof or Extract therefrom in a proper Book or Books to be kept for that Purpose, and the Purchaser or Purchasers, or Person or Persons to whom such Share or Shares, Interest or Interests shall be conveyed, shall be entitled to have a Certificate of such Entry indorsed or marked upon such Conveyance signed by the said Clerk, for which no more than Three Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry, and give such Certificate accordingly; and until such Entry shall have been made as above directed such Purchaser or Purchasers, Person or Persons shall have no Part or Share of the Profits of the said Navigations, nor a Vote as an Undertaker or Undertakers in respect thereof.

Conveyances of Shares to be entered in a Book.

LV. And be it further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Navigation, Cuts, Canals, and other Works, in Right of Marriage, shall be entitled to receive the same, an Affidavit containing the Copy of the Register of such Marriage, shall be made and sworn to by some credible Person before a Master in Chancery or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Undertakers, who shall file the same and make an Entry thereof in the said Book or Books which shall be kept by the said Clerk for the Entry of Conveyances and Dispositions of Shares and Interests in the said Navigation; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Navigation, Cuts, and Canals by virtue of any Devise or Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the Will or a Probate Copy thereof, or the Letters of Administration shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the said Share or Shares, Interest or Interests of the Testator shall be made and sworn to by the Executor or Executors, Devisee or Legatee, Devisees or Legatees, before a Master in Chancery or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk, who shall enter the same in the Manner herein-before mentioned; and that in all Cases, other than as herein-before mentioned, where the Right and Property in any Share or Shares, Interest or Interests in the said Navigation, Cuts, and Canals, shall pass from the original Proprietor thereof

Acquisition of Shares by Marriage.

By Devise.

thereof to any Person or Persons by any other legal Means than a Conveyance thereof, an Affidavit shall be made and sworn to by Two credible Persons before a Master in Chancery, a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares, Interest or Interests, hath or have passed to such other Person or Persons; and such Affidavit shall be transmitted to the Clerk of the said Undertakers, who shall thereupon enter and register the Name or Names of such new Undertaker or Proprietor, Undertakers or Proprietors; and that for each and every of such Entries the said Clerk shall be paid the Sum of Two Shillings and Sixpence.

Buildings, &c. of Undertakers how to be rated.

LVI. And be it further enacted, That all and every the Lands, Dwellings, Houses, Wharfs, Warehouses, Lock Houses, and other Houses of and belonging to the said Undertakers, purchased, taken, erected, made, or built under the Authority of this Act, shall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the several Townships where they are respectively situated, the Lands according to the Quantity and Quality, and the Dwelling Houses, Wharfs, Quays, Warehouses, Lock Houses, and other Houses, according to the Nature and respective Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and as Dwelling Houses, Wharfs, Quays, Warehouses, Lock Houses, and other Houses of a like and similar Size, Nature, Dimension, or Description in the respective Townships where the same shall be situate, are or shall be assessed and charged; and that all and every the Rates and Duties by this Act granted, and Personal Property of the said Undertakers acquired or created under or by this Act, liable to be rated to the Poor or other Parochial Taxes in any such Townships, shall be rated and assessed in like Manner and in the same Proportion as Personal Property rateable in the said Townships respectively shall be rated and assessed, and according to the Length of the Line of the said Canal and Cuts hereby authorized to be made in such respective Townships, and not otherwise, or in any other Manner; provided that before such Tolls, Rates, or Duties shall be rated, Thirty Days Notice shall be given in Writing to the Clerk to the said Undertakers by the respective Overseers of the Poor of such Townships of their Intention so to do.

The Undertakers empowered to demand Rates for Goods conveyed upon the Canal.

LVII. And be it further enacted, That it shall be lawful for the said Undertakers, from Time to Time and at all Times hereafter, to ask, demand, take, and recover to and for their own proper Use and Behoof, the several Rates herein-after mentioned, for Tonnage of the several Articles, Matters, and Things which shall be carried or conveyed upon the said Canal and Cuts or Branches hereby authorized to be made, and each and any of them; (that is to say),

For every Ton of Dung or Stable Manure, Coals, Cinders, Slack, Culm, and Charcoal, any Sum not exceeding One Halfpenny *per* Mile:

For every Ton of Pigeons Dung and Rape Dust, any Sum not exceeding One Penny *per* Mile:

For

For every Ton of Lime if carried upon the said Canal and Cuts, or any of them, any Sum not exceeding the Sum of Three Farthings *per* Mile:

For every Ton of Wool and dried Pelts or Spetches, not exceeding the Sum of Two-pence Halfpenny *per* Mile:

For every Ton of Wheat, Rye, Beans, Oats, Barley, and other Grain, Malt, Rape Seed, Mustard Seed, and Line Seed, not exceeding the Sum of One Penny Halfpenny *per* Mile:

For every Ton of Apples, Pears, Onions, and Potatoes, not exceeding the Sum of One Penny Farthing *per* Mile:

For every Ton of Chalk, Fullers Earth, Pig Iron, Kelp, Flints, Pipe Clay, Callice Sand and other Sand, Stone, Bricks, Whiting, Rags, and Old Ropes, Lead, Plaister, Alum, Slate, Old Iron, Tiles, Straw, Hay, and *British* Timber, not exceeding the Sum of One Penny Farthing *per* Mile:

For every Ton of Fir Timber, Deals, Battains, Pipe Staves, Foreign Oak, Mahogany and Beech Logs, not exceeding the Sum of One Penny Halfpenny *per* Mile:

For every Ton of Flour, and every Ton of Copperas, Woad, Tallow, and Ashes, not exceeding the Sum of One Penny Three Farthings *per* Mile:

For every Ton of bad Butter, commonly called Grease, not exceeding the Sum of One Penny Three Farthings *per* Mile:

For every Ton of Soap, not exceeding the Sum of Two-pence Farthing *per* Mile:

For every Ton of Cheese, not exceeding the Sum of Two-pence Halfpenny *per* Mile.

For every Ton of Bar Iron, not exceeding the Sum of Two-pence Farthing *per* Mile:

For every Ton of Powder Sugar, not exceeding the Sum of Two-pence *per* Mile:

For every Ton of Currants, not exceeding the Sum of Two-pence *per* Mile:

For every Ton of Prunes, not exceeding the Sum of Two-pence *per* Mile:

For every Ton of Brass and Copper, not exceeding the Sum of Two-pence *per* Mile:

For every Ton of Treacle, not exceeding the Sum of Two-pence Halfpenny *per* Mile:

For every Ton of Madder, not exceeding the Sum of Two-pence Halfpenny *per* Mile:

For every Ton of Argoll or Tartar, not exceeding the Sum of Two-pence *per* Mile:

For every Ton of Cloth and Bales, and all other Goods, Wares, and Merchandizes, not exceeding the Sum of Three-pence *per* Mile:

And so in proportion for any greater or less Quantity of the several Articles before enumerated than a Ton.

Exemptions.

LVIII. Provided always, That no Toll or Duty whatsoever shall be charged or payable for any Dung or Stable Manure carried upon the Canal and Cuts hereby authorized to be made, unless such Dung or Stable Manure shall pass and be carried through One or more of the Locks to be erected upon the said Canal or Cuts authorized to be made by this Act.

LIX. And

Fractions of a Quarter of a Mile in the Distance how to be charged.

LIX. And be it further enacted, That in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said Canal and Cuts or Branches, or either of them, hereby authorized to be made, such Fraction shall, in ascertaining the Rates to be taken, be deemed and charged as and for a whole Quarter of a Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of the whole Lading, or any Article liable to the same Rate, in any Boat, Barge, or other Vessel which shall be so navigated, a Proportion of the said Rates shall be demanded and taken by the said Undertakers for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered a whole Quarter of a Ton.

Fractions of a Ton how to be charged.

Regulating Tolls on empty Boats.

LX. And be it further enacted, That all Boats, Barges, or other Vessels belonging to the Town of *Knottingley*, or any other Town or Place situate, lying, or being on the Banks of the River *Aire*, between the said Town of *Knottingley* and the Place where the *Aire* falls into the River *Ouze*, laden with Lime only, exempted by the said first recited Act, on returning empty after delivering of such Lading, from any Duty for passing through any Locks to be erected by the Authority of the said Act, below *Knottingley* Mill Dam, situate upon the said River of *Aire*, shall, in case the same shall so pass along and through any Lock upon the Cut or Canals hereby authorized to be made, be subject and liable to pay the Toll or Duty granted by this Act, the same as if such Boats, Barges, or Vessels respectively carried a Lading of Thirty Tons; (that is to say), Two Shillings and Sixpence *per* Mile for every Mile the same shall pass or navigate upon the Canal, Cuts, or Branches hereby authorized to be made; provided always, that nothing herein contained shall extend to alter or affect any Exemption granted by the said recited Acts, for any Boats, Barges, or other Vessels to return Toll-free through any Lock on the Navigation of the River *Aire*.

Mode of ascertaining Weight of Goods.

LXI. And be it further enacted, That the Tonnage of all Goods, Merchandize, Articles, and other Things whatsoever, conveyed upon and along the said Canal and Cuts or Branches, or any of them, shall be ascertained and charged as follows; Forty Feet of Oak Timber, or Fifty Feet of Fir, Ash, or Elm Timber, Deal, Baulk, Poplar, or other Timber Wood, shall be deemed, rated, estimated, and charged as and for One Ton Weight; and that Ten Yards of Flags or Paving Stone, between One Inch and Two Inches and Three Quarters of One Inch in Thickness, shall be deemed, taken, and charged as and for One Ton Weight of such Flags and Paving Stone; Seven Packs, Sheets, or Bags, containing Three hundred and twelve Pounds Weight each, to be accounted and charged as a Ton of Wool, and dried Pelts or Spetches; Seven Quarters of Eight Bushels each, Winchester Measure, to be accounted and charged as a Ton of Wheat, Rye, Beans, Oats, Barley, and other Grain, Malt, Rape Seed, Mustard Seed, and Line Seed; and that One hundred and twenty-eight Pecks shall be accounted and charged as a Ton of Apples, Pears, and Potatoes; and as to all other Goods, Wares, and Merchandize, One hundred and twelve Pounds Weight Avoirdupois shall be deemed,

taken, and charged as and for One Hundred Weight; and that Twenty of such Hundred Weights shall be deemed a Ton Weight, according to the true Intent and Meaning of this Act.

Tolls may be reduced, &c.

LXII. And be it further enacted, That it shall be lawful for the said Undertakers from Time to Time to lower and reduce all or any of the Rates, Tolls, and Duties by this Act authorized to be taken, and afterwards from Time to Time again to advance and raise all or any of the said Rates, Tolls, and Duties, which shall have been so lowered or reduced: Provided always, that the Rates, Tolls, and Duties so to be advanced or raised as aforesaid, shall not in any case exceed the respective Sums herein limited or appointed.

Evading Tolls.

LXIII. And be it further enacted, That in case any Person or Persons navigating or intrusted with the Care of any Boat, Barge, or other Vessel upon the said Canal, and Cuts or Branches, or any of them, or any Part thereof, shall, with Intent to avoid or evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load or unload or take into and upon any such Boat, Barge, or other Vessel, any Goods, Wares, Merchandize, or Commodities whatsoever liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than at the public or private Wharfs, Staiths, or Quays upon or belonging to the said Canal or Cuts, without having previously obtained Permission for that Purpose, from some One of the Agents to the said Undertakers, or One of their Collectors of the said Tolls; or in case any Person or Persons shall do any other Act with Intent fraudulently to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay to the said Undertakers the Sum of Ten Pounds.

For Recovery of Rates and Tolls.

LXIV. And be it further enacted, That all and every the several and respective Rates for Tonnage, herein-before directed to be taken, shall be respectively paid to such Collector or Collectors, or Person or Persons, at such Place or Places, in such Manner and under such Regulations as the said Undertakers shall from Time to Time appoint or direct; and in case of Refusal or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Collector or Collectors, or Person or Persons appointed to receive the same as aforesaid, the said Undertakers, or the Collector or Collectors, Wharfinger or Wharfingers, or other Person or Persons to whom the same respectively ought to have been paid, shall and may seize and distrain and detain the Goods or other Things for or in respect whereof any such Rates for Tonnage ought to have been paid, and the Boat, Barge, or other Vessel laden therewith, or which was laden there with or returning from the Voyage, or any other Boat or Vessel of or belonging to the Person or Persons so neglecting or refusing to pay such Rates of Tonnage, and detain the same until Payment thereof shall be made, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in case of Distress for Rent.

Canal, &c. to be free, on Payment of Tolls.

LXV. And be it further enacted, That all and every Person or Persons shall have free liberty to use with Horses, Cattle, and Carriages the private Roads and Ways belonging to the said Undertakers (except the Towing Paths) for the conveying any Goods, Wares, Merchandize, or other Things to and from the said intended Canal and Cuts or Branches, and Wharfs, Quays, and Landing Places belonging thereto; and also with Boats, Barges, and other Vessels to navigate, pass, repass, and use the said Canal and Cuts or Branches for the Purposes of conveying any Goods, Wares, Merchandize, or Commodities whatsoever thereon respectively; and also to use the said Wharfs, Staiths, Quays, and Landing-places for the loading and unloading of any Goods or other Things, and the said Towing Paths for the hauling and drawing of such Boats, Barges, and other Vessels, upon Payment of such Rates, Tolls, and Duties for the same respectively as shall be demanded by the said Undertakers, not exceeding the several Rates, Tolls, and Duties herein-before mentioned; and subject always to the Rules, Orders, Bye Laws, and Regulations, which shall from Time to Time be made by the said Undertakers under and by virtue of the Powers in this Act contained.

Masters of Boats, &c. to give Account of Lading.

LXVI. And be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel navigating upon the said Canal, Cuts, or Branches, or any Part thereof, shall from Time to Time give in a just and true Account in Writing, signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, and Commodities contained in every such Boat, Barge, or other Vessel, and of the Place from whence brought, and where intended to be landed or carried; and also the Quantities, Qualities, and Weight of such Goods, Wares, Merchandize, or Commodities as shall have been discharged or taken out of such Boat, Barge, or other Vessel, within the Limits of the said Canal, and Cuts or Branches, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandize, or Commodities shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of each Rate, and shall produce his Invoice or Bills of Lading to the Collector or Collectors on Demand; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bills of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods, at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Undertakers a Sum not exceeding the Sum of Ten Pounds for every such Offence, over and above all the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities.

In case of any Dispute respecting the Weight

LXVII. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other

Vessel, or the Owner of any Goods, Wares, Merchandize, or other Commodities on board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandize, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged all such Goods, Wares, Merchandize, and Commodities as shall be therein contained; and in case the same shall upon such weighing, measuring, and gauging appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandize, and Commodities shall appear to be of the same Weight and Quantity, or of less Weight and Quantity than the said Master, Owner, or other Person declared the same to be, then the said Undertakers shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to one or more of His Majesty's Justices acting in and for the said West Riding of the County of *York*, on the Oath of any credible Witness or Witnesses, to have arisen from such Detention; but in case it shall at any Time be made to appear to such Justice or Justices upon the Complaint of the said Undertakers or any of their Officers, and upon the like Oath of any credible Witness or Witnesses, that such Stoppage and Detention, and weighing, measuring, and gauging was without reasonable Ground or Belief, or vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to such Justice or Justices, on the Oath of any credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by the said Undertakers or by such Collector (as the Case may be) the same shall be recovered from the said Undertakers or the said Collector (as the Case may be) by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, or otherwise, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

of Goods, Collectors may weigh, &c.

Costs of weighing, &c. how to be paid.

LXVIII. And be it further enacted, That in case any Dispute or Disputes shall arise between the Collectors of the Tolls, Rates, or Duties, and the Masters of Boats or other Vessels, liable to the Payment of any such Tolls, Rates, or Duties, respecting the Distance which any Boat shall have passed upon the said intended Canal and Cuts, or respecting the Proportion of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall and may be heard and determined by some Justice of the Peace for the County, Riding, or Place where the Cause of Dispute shall arise, who, upon Application made to him, shall examine the Matter upon Oath

Power for Justices in case of Disputes to settle Rates.

of

of the Parties or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer), and shall determine the Amount of Toll due, and other Matters aforesaid in Dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Officers, &c. to give Possession of Houses, &c. when removed.

LXIX. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant of the said Undertakers, occupying any House, Offices, or Buildings belonging to the said Undertakers, without paying Rent for the same, shall be discharged from his Office, by or by the Order of the said Undertakers, or the Committee of Directors, 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 Undertakers, in his Custody, Power, or Possession, within Twenty-one Days next after Notice of such Discharge shall have been given him, or left at such House, Offices, or Buildings; or if the Wife or Family of any such Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant, who shall happen to die while in the Service of the said Undertakers, 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 Undertakers, in his, her, or their Custody, Power, or Possession, within Twenty-one Days 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 County, Riding, or Place, where such House, Offices, and Buildings shall be, and he is hereby required, by Warrant 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 Daytime, 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 Undertakers 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 Undertakers, to the new appointed Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant, or to such other Person or Persons as the said Undertakers or their Committee shall appoint to receive the same.

Pleasure Boats and Boats for the Purposes of Husbandry

LXX. Provided always, and be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal and Cuts or Branches, hereby authorized to be made, or either or any of them, to use thereon any Pleasure Boats, or any Boats

Boats for the Purposes of conveying the Produce of the Soil or Cattle, or any other Effects, from one Farm or Part of a Farm or Lands to any other Farm or Lands of the same Owner or Occupier, (not passing through any Lock) without any Interruption from the said Undertakers, and without paying any Rate or Duty for the same, so as the same be not made use of for carrying any Goods, Wares, or Merchandizes to Market or for Sale, or for any Person or Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said Canal and Cuts or Branches or the Towing Paths thereof. may be used free of Toll.

LXXI. And be it further enacted, That in all Cases where it shall be found necessary for the Purposes of this Act, to take or use any Carriage Road or Horse Road or Footway, either public or private, or any Part thereof, so as to render the same unpassable, unsafe, or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Undertakers shall at their own Expence make or complete and put into good Repair a new Road or Way, of a Width not less than the former, and when such new Road or Way shall be so made or completed and put into good Repair, the same shall be for ever thereafter repaired and kept in Repair by such Person or Persons as ought by Law to repair the old Road or Way, in case such Alteration or Diversion was not made; and the Part of the old Road or Way so to be altered or diverted, taken or used, shall thereupon be and become the Property of the said Undertakers, and such Part thereof as shall not be wanted for the Purposes of this Act, shall or may be sold or disposed of as any other Land purchased by virtue of this Act, and not wanted for the Purposes thereof, may under the Provisions of this Act be sold or disposed of, but the first Offer of the Purchase of such Piece of old Road or Way shall be made to the Owner of the Land which shall be taken and used for the Purpose of making such new Road or Way; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Way, and shall not agree with the said Undertakers or their Trustees, for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled and ascertained, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Clerk of the said Undertakers, and Tender of the Conveyance of such old Road or Way, the same shall and may be recovered by the said Undertakers, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase any such old Road or Way, it shall and may be lawful for any Person or Persons not interested in the Premises, to make an Affidavit to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said West Riding of the County of *York*, stating that such Offer has been made by or on the Behalf of the said Undertakers, and that such Owner has not agreed or hath refused to purchase such old Road, (as the Case may be); and such Affidavit shall in all Courts what- New Roads to be made where any present Roads are diverted or injured.

soever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road or Way as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road or Way as is lying immediately adjoining to his, her, or their Land respectively, in Manner aforesaid.

For altering a certain Footpath on Lord Downe's Estate near the Canal.

LXXII. And whereas by the making of the said Canals, Cuts, or Branches,, a certain Footpath leading from the Western Part of the Village of *Cowick* to the Eastern Part of the same Village, through the Park or Grounds in Front of the Mansion of the Right Honourable Lord Viscount *Downe*, will be more generally used than it has heretofore been, and thereby the Grounds and Premises of the said Lord *Downe* will be subject to frequent Trespasses and Nuisances, and the said Footpath may be conveniently diverted into a Highway leading from and to the Places aforesaid, without Prejudice to Persons having Occasion to use the said Footpath, or to the Public; be it therefore further enacted, That it shall be lawful for the said Undertakers, and the said Lord *Downe*, or the Owner or Owners for the Time being of the said Park or Grounds and Mansion, having first obtained an Order from any Two or more Justices of the Peace acting in and for the West Riding of the said County of *York* (which such Two or more of the said Justices are hereby authorized and empowered to make), for diverting and turning and for shutting up of the said Footpath, to give Notice of the same, which Notice shall be in the Form or to the Effect following;

Form of Notice.

'NOTICE is hereby given, That on the Day of last, an Order was signed by and of His Majesty's Justices of the Peace for the West Riding of the County of *York*, for [*here state the Order and describe the Road ordered to be turned, diverted, or stopped up*], and that the said Order will be lodged with the Clerk of the Peace for the said Riding, at the General Quarter Sessions of the Peace to be holden at in and for the said Riding, on the Day of next; and also that the said Order will at the said Quarter Sessions be confirmed and enrolled, unless an Appeal against the same, to be then made, it be otherwise determined.'

And which Notice shall be in Writing and shall be affixed at some conspicuous Place or Places by the Sides of the said Footpath, and shall also be advertised in One or more Newspaper or Newspapers published and generally circulated in the West Riding of the said County, for Three successive Weeks after the Date of such Order; and a like Notice shall be affixed to the Door of the Church or Chapel of the Parish or Township in which the said Footpath shall lie or be situate, on Three successive *Sundays* subsequent to the making of such Order; and the said several Notices having been so affixed and published, the said Order shall at the Quarter Sessions next after the Expiration of Four Weeks from the first Day on which such Notices shall have been published as aforesaid, be returned to the Clerk of the Peace in open Court and lodged with him; and the said Order shall

shall at such Quarter Sessions be confirmed, and the same shall, by the Clerk of the Peace for the said Riding, be enrolled amongst the Records of the said Court of Quarter Sessions; and from and immediately after such Confirmation of the said Order, such Footpath shall be diverted into the said Highway accordingly: Provided always, that if any Person or Persons whomsoever shall think that such intended Diversion of the said Footpath into the said Highway will be injurious or a Grievance to him, her, or them, it shall and may be lawful for such Person or Persons to make his, her, or their Complaint thereof to the Justices of the Peace at the said Quarter Sessions, upon giving Ten Days Notice in Writing of such Appeal to the Surveyor of the Highways of the Parish, Township, or Place wherein such Footpath shall be situated, and also affixing a like Notice to the Door of the Church or Chapel of such Parish, Township, or Place; and the Justices at the said Quarter Sessions are hereby authorized and empowered to hear and finally determine the Matter of such Appeal: Provided also, that if no such Appeal be made, or being made, such Order and Proceedings shall be confirmed by the said Court, the said Footpath shall and may be stopped up and inclosed, and the Proceedings thereon shall be binding and conclusive to and upon all Persons whomsoever; and the Soil of the Footpath or Way so stopped up, shall be and become vested in the Owner or Owners for the Time being of the Park or Ground and Mansion aforesaid, and such Owner or Owners shall and may erect such Fence or Fences upon or across such former Footpath or Way as he or they shall think fit, any Law, Right, Usage, or Custom to the contrary notwithstanding.

Bridges or Arches to made where the Canal, &c. crosses Roads.

LXXIII. And be it further enacted, That the said Undertakers shall at their own Costs and Charges make, erect, or set up and complete, and from Time to Time maintain and support a good and sufficient Bridge or Bridges, Arch or Arches, or Passage or Passages, across the Canal, Cuts, or Branches and Drains and Watercourses, hereby authorized or intended to be made, in all Places where the same shall cross any Carriage Road or Horse Road or Footway, either public or private, for the Use of the Public or of the Persons entitled to use such Roads or Ways respectively; and shall also at their like Costs and Charges make, erect, and set up, and from Time to Time maintain and support such and so many other convenient Roads, Bridges, Arches, or Passages over or across the said Canal, Cuts, or Branches and Drains or Watercourses in such Places, and in such Manner as the Justices of the Peace of the said Riding, shall at their General Quarter Sessions from Time to Time judge necessary and appoint for the use of the Owners and Occupiers of the Lands and Grounds, Mills, and Hereditaments adjoining to such Canal, Cuts, or Branches, Drains and other Works, or any of them respectively, and for preserving the Communication between the said River called *The Dutch River* and the Lands adjoining thereto, where such Communication shall be cut off by the said intended Canal.

Roads, &c. to be made, or temporary Passages

LXXIV. Provided always, and be it further enacted, That the said Undertakers shall not make the said Canal, Cuts, or Branches, and Drains, or any Part thereof, or any Trench or Watercourse belonging to

provided before making Canal.

to the same, in or across any common Highway, public Bridleway, or Footpath, until they shall have made and completed a new Carriage Road, Bridleway, or Footpath in lieu thereof, and a sufficient Bridge, Arch, or Passage as aforesaid, or until they shall at their own Costs and Charges have made and provided a good and sufficient temporary Road, Bridleway, Footpath, Bridge, Arch or Passage, over or across the said Highway, public Bridleway, or Footpath.

Ascent to Bridges and Fences thereon.

LXXV. And be it further enacted, That in all Places where the Line of the said Canal, Cuts, or Drains, by this Act directed to be made, shall cross any public Carriage Road, the Ascent of every Bridge to be made over the said Canal, Cuts or Drains, for the Purpose of such Road, shall be not more than One Foot in Thirteen, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge, and that such Bridges and Fences shall be built of Brick or Stone.

For fencing off Canal Towing Paths, &c.

LXXVI. And be it further enacted, That the said Undertakers shall, at their own proper Costs and Charges, within Three Calendar Months after the said Canal and Cuts or Branches and Drains, and Works to be made by virtue of this Act, shall be dug out and formed, divide and separate, and shall keep constantly divided and separated, the Towing Paths on the Side of the same Canal and Cuts, or such Part or Parts thereof respectively as shall be declared necessary by any Two Justices of the Peace for the said Riding, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Walls, Ditches, Trenches, Banks, or other sufficient Fences, to be set out and made on the Lands or Grounds which shall be purchased by virtue of this Act; and the said Undertakers shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, so set up and made as aforesaid; and shall also at their like Costs and Charges make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, within such Time and in such Manner as the Justices of the Peace of the said Riding shall at their General Quarter Sessions from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills and Hereditaments adjoining to such Canal and Cuts or Branches, Drains and other Works, or any of them respectively.

If Undertakers do not fence off Towing-paths, make Bridges, &c. Land Owners may do it at the Undertakers Expence.

LXXVII. And be it further enacted, That in case the said Undertakers, or their Agents, shall neglect or refuse to divide and separate, and keep divided and separated, the said Towing Paths in Manner herein-before directed, or to make, erect, and set up such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, or other Passages as herein directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments adjoining or near to the said Canal and Cuts, or Branches and Drains hereby directed to be made; or

or after the same shall be made and completed, shall neglect or refuse to maintain and support such Fences, Gates, Stiles, Bridges, Arches, and Passages, within the Time and in Manner aforesaid, or for the Space of Thirty Days next after Notice shall have been given by or on Behalf of the Owners or Occupiers of any such Lands, Mills, and other Hereditaments, who shall find themselves aggrieved by any such Fences, Gates, Stiles, Bridges, Arches, or Passages, not being kept in good Repair and Condition, to the Clerk of the said Undertakers; then and in every such Case it shall and may be lawful for every or any of the Owners or Occupiers of the adjacent Lands, Grounds, Mills, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up or repair all such Fences, Gates, Stiles, Bridges, Arches, or Passages, and other Conveniences as shall be necessary, and shall have been before directed and appointed by the said Justices to be made, erected, and set up by the said Undertakers as aforesaid, and to maintain, repair, and support any such Works from Time to Time as Occasion shall require; so that in making and maintaining such Works the said Navigation and Cuts, or Branches and Drains, and the Banks thereof, or the Fences or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Undertakers; and the said Owners or Occupiers, upon Refusal or Neglect of the said Undertakers to pay the said Costs and Charges as aforesaid, for the Space of Ten Days after Demand thereof made upon the said Undertakers or upon their Clerk, such Costs and Charges shall or may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Undertakers, by Warrant under the Hands and Seals of the said Justices, rendering to the said Undertakers the Overplus, after Payment of such Costs and Charges, and the reasonable Expences of such Warrant, Distress, and Sale, and which Warrant such Justices are hereby empowered to grant.

Undertakers not to repair Approaches to Bridges after having made the same.

LXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to make the said Undertakers liable to repair or amend any Part of the Roads over the Approaches to any of the Bridges to be made over the said Canal, Cuts or Branches, and Drains, exceeding One hundred Yards from the Spring of the Arch of the said respective Bridges, after the Roads over such Approaches shall have been first made and put in good Repair by or at the Expence of the said Undertakers.

If the Undertakers take any Soil, Sand, Clay, Gravel, or Stone, Satisfaction to be made.

LXXIX. And be it further enacted, That from Time to Time as the said Undertakers, their Agents and Servants, shall by virtue of the Powers in this Act contained, dig, cut, or carry away any Soil, Sand, Clay, Gravel or Stone, for making, carrying on, and completing, maintaining, or keeping in Repair the said Canal, Cuts, or Branches, Drains,

Drains, Bridges, Arches, and other Works hereby authorized to be made, in or from the Grounds of any Person or Persons whomsoever adjoining or contiguous thereto, the said Undertakers shall make a reasonable Satisfaction for the same from Time to Time, within Three Calendar Months after such Materials shall be got or dug; and the Damages done to such Lands or Grounds, in case of any Difference about the same, shall be ascertained on Application being made by the respective Owners for that Purpose to the said Undertakers by a Jury, in such Manner as is by this Act directed in respect of any other Satisfaction to be made by the said Undertakers.

Tunnels, &c. to be made for passing Warping Drains.

LXXX. And whereas in executing the Canal hereby authorized to be made, it will be necessary to cut across several Drains communicating by Means of Sluices with the *Dutch River*, and now used for the Purposes of warping or draining of Lands; be it therefore enacted, That the said Undertakers shall make or cause to be made, at their own proper Costs and Charges, good and sufficient Tunnels or Culverts for passing the Water under the said Canal, wherever it shall intersect any of the said Drains now used, or capable of being used for either of the Purposes aforesaid, so that no Interruption to the Warping or Drainage of the Lands may be occasioned; and the Area of the Waterway of every such Tunnel or Culvert shall, in the narrowest Part thereof, be at least One Fifth greater than the Area of the Waterway of the Sluice connecting such Drain with the said *Dutch River*.

Other Regulations respecting Tunnels for passing Warping Drains.

LXXXI. Provided always, and be it further enacted, That in case the Owner or Owners of any Lands or Grounds, now having or using Drains and Sluices connected with the said *Dutch River*, either for the Purposes of draining or warping the same, shall, previous to the commencing of the Tunnels or Culverts last herein-before mentioned, be desirous to reduce the present Number of such Drains and Sluices, and shall agree with the said Undertakers respecting the same, in Writing under their Hands, then and in every such Case, it shall be lawful for the said Undertakers to make, build, erect, and set up such reduced Number of Sluices, with proper Tunnels or Culverts under the Canal, for conveying the Water to or from the same, in such Place or Places as shall be agreed upon between them and the Owner or Owners of such Lands or Grounds; and the said Undertakers shall not, after such reduced Number of Sluices or any of them shall be began to be made, be called upon or required to make any greater Number of such Sluices than shall have been so agreed upon, provided the united Areas of the Waterway of the reduced Number of Sluices agreed to by the said Owner or Owners of the Lands or Grounds, shall not be less than the united Areas of the Waterway of the Sluices in lieu of which they are to be built; and the said Undertakers shall at their own Costs and Charges also make such Alterations in the Drains leading to the new Sluices, and the Banks on the Sides thereof, as may be rendered necessary in consequence of any Alteration in the Situation or Reduction of the Number of Sluices, provided such Alterations in the said Drains and Banks are not made or extended in or upon any other than the Lands or Grounds of the Parties interested, or shall not extend to a greater Distance from the End or Termination

tion of the said Culverts for passing the Water under the Canal than One hundred Yards.

For preserving the Barrier Bank.

LXXXII. And whereas the Barrier Bank which has been raised to prevent the Water in Times of Flood from passing out of the Township of *Rawcliffe* over the Grounds in the Township of *Airmin*, will have to be cut through in executing the Canal hereby authorized to be made; be it therefore enacted, That the said Undertakers shall, so soon as that Part of the Canal is completed, at their own proper Costs and Charges, put the said Barrier Bank (so far as the same may have been affected or injured by making the said Canal) in as good and effectual a State of Repair as it now is; and also join and unite the said Barrier Bank into the North Bank of the said Canal, which said North Bank of the said Canal shall be made and maintained of at least an equal Height and Strength as the said Barrier Bank; or the said Undertakers shall, at their own proper Costs and Charges, make, erect, and maintain a good and sufficient Stop or Flood Gate in and across the said Canal at the Intersection of the said Barrier Bank, and unite the said Barrier Bank with the said Stop or Flood Gate in the most complete and effectual Manner, the Top of which said Stop or Flood Gate shall be at least as high as the Top of the said Barrier Bank, so that the Township of *Airmin* may be as effectually preserved from the Floods as it now is or has been by the present Barrier Bank.

If warping is prejudiced Satisfaction to be made.

LXXXIII. Provided always, and be it further enacted, That if during the making of the said Canal, or the Tunnels or Culverts under the same, or in altering and making new Sluices as herein-before specified, the warping of any Lands or Grounds shall be thereby interrupted or suspended, then and in every such Case the said Undertakers shall make Compensation to the Owner or Owners of such Lands or Grounds, the warping of which shall be so interrupted or suspended; and in case the Undertakers and the Owner or Owners of such Lands or Grounds shall not agree respecting the Amount of such Compensation, then the same shall be ascertained and settled in like Manner as herein-before directed, in respect of any other Satisfaction for Damages to be made by the said Undertakers.

Undertakers to maintain the Tunnels.

LXXXIV. Provided always, and be it further enacted, That the said Undertakers shall for ever maintain and keep in good and effectual Repair, the Tunnels or Culverts herein-before directed to be made for passing the Water under the said Canal, so that there may be no Interruption to the warping or drainage of the Lands or Grounds with which the said Drains communicating with the said *Dutch River* are connected; and in case at any Time or Times after Twenty Days previous Notice in Writing shall be given by or on Behalf of the Owner or Owners of such Lands or Grounds as aforesaid, to the said Undertakers, that the said Tunnels or Culverts are out of Repair, the same shall not be effectually repaired and maintained, it shall and may be lawful for such Owner or Owners of the adjoining Lands or Grounds to repair the same, and the reasonable Expences thereof shall be defrayed by the said Undertakers; and in case of Neglect or Refusal to pay and satisfy the same within Ten Days after Demand thereof made upon them, such Expences shall and may be recovered

vered by Distress and Sale of the Goods and Chattels of the said Undertakers, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said West Riding, (who are hereby empowered on Application made to them for the Purpose to issue such Warrant), rendering to the said Undertakers the Overplus, after Payment of such Costs and Charges, and the reasonable Expences of such Warrant, Distress, and Sale.

Drains to be made in lieu of the Fleet Drain.

LXXXV. And be it further enacted, That the said Undertakers shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made a Drain on each Side of and parallel with the said Canal from *Stubbs Lane* in the Township of *Knottingley*, to near the Eastern Extremity of the Township of *Pollington*, in lieu of that Part of the said *Fleet Drain* which will be so destroyed; and at the last-mentioned Place the Water from the North Drain shall be passed under the Canal by Means of a Culvert, and conveyed, together with the Water in the South Drain, along the South Side of the Canal by a sufficient Drain to the River *Dun*, at or near to *New Bridge*, where a proper Sluice or Tide Gate shall be erected, the Area of the Waterway of which shall be not less than Fifty-four square Feet: Provided always, that the said Drains at their Commencement at *Stubbs Lane* aforesaid shall be at least Twelve Inches deeper than the present Drain at that Place.

The Undertakers to make sufficient Drains, &c. to carry Water off from Lands.

LXXXVI. And be it further enacted, That the said Undertakers shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Culverts, Drains, or other Passages, over, under, by the Side of, or into the said Canal, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal, without obstructing or impounding the same; and likewise to make or cause to be made such Back Drain or Drains as may be necessary and sufficient to carry away any Water which may ooze or pass through any of the Banks of the said Canal, to the Prejudice of any of the Lands or Grounds contiguous or near thereto; and also to make Watering Places for Cattle in all Cases where by means of the said Canal the Cattle of any Person or Persons occupying Lands adjacent to the said Canal, shall be deprived of their ancient Watering Place, and to supply the same at all Times with Water; and that all such Arches, Tunnels, Culverts, Drains, Back Drains, and other Passages, shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Undertakers; and if at any Time after Twenty Days Notice in Writing shall, by or on Behalf of any Owner or Occupier of Land adjoining or lying near to the said Canal, be given to the said Undertakers, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Two or more of the Justices of the Peace for the said West Riding of the County of

York, from Time to Time, as often as there shall be Occasion, (and the said Justices are hereby authorized and empowered at their Discretion to make and grant such Order as aforesaid) enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly; and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Undertakers; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof made upon the said Undertakers, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Undertakers, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered from the said Undertakers: Provided nevertheless, that nothing herein contained shall extend to enforce or authorize the admitting of any Water arising from Floods into the said Canal, which may injure the said Navigation.

A Culvert to drain Lands of Lord Downe, &c.

LXXXVII. And be it further enacted, That the said Undertakers shall make or cause to be made a good and sufficient Culvert under the said Canal, for passing the Water now flowing, as well from Lands belonging to His Majesty in Right of His Duchy of *Lancaster*, situate within His Manors of *Snaith* and *Cowick*, as from other Lands belonging to the Right Honourable Viscount *Downe*, *Henry Yarburgh* Esquire, and several other Persons, situate in the said Townships of *Snaith*, *Cowick*, and *Pollington*, into the River *Dun*, or *Dutch* River, at or near *New Bridge*, together with such extra Quantity of Water as may be produced or be occasioned by the making the said Canal, with a proper Sluice or Tide Gate at the End of the same; the Area of the Waterway of such Culvert and Sluice to be determined and fixed by *Joseph Thackray* of *Hatfield*, in the County of *York*, Engineer, (the Expence of whose Survey shall be borne and discharged by the said Undertakers), and upon whose Death or ceasing to act, his Successor shall be named jointly by the said Viscount *Downe* and his Heirs, and by the said Undertakers; and which said Culvert and Sluice shall for ever after the making thereof be supported and kept in Repair by the said Undertakers.

LandOwners, &c. to erect Wharfs and Warehouses upon their own Lands:

LXXXVIII. And be it further enacted, That it shall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands or Grounds through which the said intended Canal shall be made, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds, adjoining or near to the said Canal; and to make and lay out proper Ways and Roads to the same, across any Lands belonging to the said Undertakers, and to land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal and Cuts or Branches; and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in, and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Navigation of the said Canal and Cuts or

Branches, or the Passage on the Towing Paths thereof; and that all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, as shall be erected by such Lord or Lords. Owner or Owners, for the Use of the Public, not exceeding the Rates herein-after limited for Wharfage, shall be and the same are hereby accordingly vested in such Lord or Lords, Owner or Owners who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses as aforesaid, and his, her, or their respective Heirs and Assigns.

If they refuse Undertakers may erect.

LXXXIX. And be it further enacted, That if any such Lord or Lords, Owner or Owners shall not within the Space of Three Calendar Months next after Notice in Writing shall be given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, under the Hand of the Clerk of the said Undertakers, on Behalf of the said Undertakers, stating that any Part or Parts of his, her, or their Wastes, Lands, or Grounds, is or are necessary or proper for erecting and making any public Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, give Notice in Writing to the said Clerk of his, her, or their Intention to erect and make, and shall not forthwith proceed to erect and make, and within Six Calendar Months from the Date of such last-mentioned Notice make, erect, and lay out, and afterwards from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses for the Use of the Public, on the respective Part or Parts of the Wastes, Lands, or Grounds to be described in such Notice, then and in such Case it shall be lawful for the said Undertakers, and they are hereby authorized and empowered to take and use such Part or Parts of such Wastes, Lands, or Grounds, for erecting and building proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses, agreeably to such Notice so given by the said Clerk as aforesaid, they the said Undertakers first making Satisfaction for the same in such Manner as is herein-before directed with respect to any Lands or Grounds which shall be taken or used by the said Undertakers for the Purposes of this Act.

Private Wharfs not to be used by Undertakers without Consent.

XC. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Undertakers, or any Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, which shall be made, erected, and set up by the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds, adjoining or near to the said intended Canal, and Cuts or Branches, for his, her, or their own private Use only; or to erect or set up any Cranes or Weighing Machines in or upon any such private Wharfs, Quays, or Landing Places, without the Consent in Writing of such Lord or Lords, Owner or Owners.

Regulations respecting Rates of Wharfage.

XCI. And be it further enacted, That it shall and may be lawful for the said Undertakers, or any Lord or Lords, Land Owner or Land

Land Owners, or other Person or Persons, who shall at any Time hereafter make, erect, build, or be possessed of, any Wharfs, Quays, or Warehouses on any Part of the said Canal, Cuts, or Branches, hereby authorized to be made for public Use, from Time to Time and all Times, to ask, demand, take and recover, to and for their own proper Use and Behoof, for every Ton of Coal, Stone, Lime, Sand, or Brick, which shall be loaded from or landed upon any of the said Wharfs, Quays, or Warehouses, and which shall lie in or remain thereupon for any longer Time than Six Hours, the Sum of One Penny Halfpenny; and for every Ton of Goods, Wares, or Merchandize, which shall lie in or shall remain thereupon for any longer Space of Time than Six Days, the Sum of Three-pence; and that the Owners of the said Wharfs and Quays for the Time being shall erect and provide at all Times proper and sufficient Cranes or Weighing Beams at their respective Wharfs and Quays, for the more convenient loading, unloading, and weighing of Coal and other Goods.

Goods not to be removed till Wharfage paid.

XCII. Provided always, and be it further enacted, That in case any Person or Persons whosoever shall remove or take away any Goods, Wares, or Merchandize, for which any Money for Wharfage shall become due as aforesaid, from any Wharf, Quay, or Warehouse, without the Consent of the Owner or Owners of such Wharf, Quay, or Warehouse, or Person chiefly entrusted with the Care thereof, and without Payment of such Rate or Sum for Wharfage as shall be due for the same, under the Provisions of this Act, that then and in every such Case the Person or Persons so offending, and being thereof convicted before one or more Justice or Justices of the Peace for the Riding or Place where such Offence shall be committed, by the Confession of the Party offending, or on the Oath of one or more credible Witness or Witnesses, shall forfeit and pay unto the Owner of the Wharf, Quay, or Warehouse from whence such Goods, Wares, or Merchandize shall be removed, any Sum not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted; and over and besides such Penalty the Owner of such Wharf, Quay, or Warehouse shall have and be entitled to receive of the Owner or Owners of the Goods so removed or taken away, or of the Person who landed or deposited the same therein, by Action of Debt or upon the Case, all and every Sum or Sums of Money due for such Wharfage, with full Costs of Suit.

Regulations for Vessels passing Locks.

XCIII. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel, which shall pass through any Lock to be made upon the said intended Canal, Cuts, or Branches, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel to pass through the same; and that every such Boatman or other Person as aforesaid, on going down the said Canal, Cuts, or Branches from the higher to the lower Levels thereof, shall previously to his bringing his Boat, Barge, or other Vessel into any Lock, shut the lower Gates of such Lock and the Sluices thereto belonging, before he shall draw the Sluices of the upper Gates thereof, and after he shall have brought his Boat, Barge, or other Vessel into the said Lock,

Lock, he shall then shut the upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the lower Gates thereof; and in going up the said Canal, Cuts, or Branches, towards a higher Level thereof, such Boatman or other Person shall, so soon as his Boat, Barge, or other Vessel shall have entered the said Lock, shut the lower Gates thereof and the Sluices thereto belonging, before he shall draw the Sluices belonging to the upper Gates thereof; and as soon as he shall have passed with his Boat, Barge, or other Vessel out of the said Lock, shut up the upper Gates thereof and the Sluices thereto belonging, and afterwards draw the Sluices of the lower Gates thereof, unless there shall be then a Boat, Barge, or other Vessel within Four hundred Yards above the said Lock, (at which Distance a Post or Mark shall be set up or made for ascertaining the same) coming down the said Canal, Cuts, or Branches, in which Case the lower Gates of the said Lock, and the Sluices thereof shall be left shut, and the upper Gates shall be left open; and at all Times the Vessels going down the said Canal, Cuts, or Branches, if there shall be any Vessel coming up within a Distance not exceeding Four hundred Yards below any Lock, (at which Distance a Post or Mark shall be set up or made for ascertaining the same), the Vessel coming down shall wait until the Vessel coming up shall pass through such Lock, and then the Vessel above such Lock shall come down; and if there shall be more Vessels than one below and above any Lock at the same Time, within the Distance aforesaid, such Vessels shall go up and come down through such Lock by Turns as aforesaid, until all the Vessels going up and coming down shall have passed the same, in order that One Lock full of Water may serve Two Vessels; and every Person who shall offend in any of these Particulars shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

The Names of the Owners of Boats, &c. to be painted on the Outside.

XCIV. And for the better regulating of the Masters or Owners of Boats and other Vessels, and the Bargemen and others employed by or under them respectively, and for the more easy detecting of any thing to be done by them contrary to the Directions of this Act; be it further enacted, That every Owner, Master, or Person having the Charge or Command of any Boat, Barge, or other Vessel navigating and passing upon the said intended Canal, Cuts, or Branches, shall cause the Name of such Owner, Master, or other Person as aforesaid, and the Name or Number of such Boat, Barge, or other Vessel, to be painted on a Black Ground in large White Capital Letters and Figures, Four Inches high at least, and of a proportionable Breadth, on the Outside of the Stern of every such Boat, Barge, or other Vessel, so high that no Part of such Letters or Figures shall be under Water when any such Boat, Barge, or other Vessel shall be full laden; and that every Owner, Master, or Person, having the Charge or Command of any such Boat, Barge, or other Vessel, shall from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Undertakers; and shall also at his, her, and their own Costs and Charges, fix or cause to be fixed on each Side of every such Boat, Barge, or other Vessel, Two Indexes of Copper, Lead or other Metal, of such graduated Figures denoting the Weight

Boats, &c. to be gauged when required by the Undertakers.

Graduated Indexes to be affixed to Vessels.

or Tonnage, at such Distances and under such Regulations as the said Undertakers shall from Time to Time direct and appoint, so that the true Weight of the Lading of every such Boat, Barge, or other Vessel may at all Times clearly appear; and that every Owner, Master, or other Person, having the Charge or Command of any Boat, Barge, or other Vessel, who shall navigate the same upon the said Canal, Cuts, or Branches, without having such Names, Marks, and Figures thereon as herein-before directed, or who shall refuse or neglect to put and renew the same, as often as may be thought necessary and be ordered by the said Undertakers, or shall alter, erase, deface, or destroy the same, or any Part thereof, or shall put any false Names, Marks or Figures on such Boat, Barge, or other Vessel, or who shall refuse to permit any such Boat, Barge, or other Vessel to be gauged and measured as aforesaid; and also every Owner, Master, or other Person who shall have the Charge or Command of any Boat, Barge, or Vessel, who shall navigate the same upon the said Canal, Cuts, or Branches, or who shall cause or permit such Boat, Barge, or Vessel to be at any Time unloaded, without Planks or a Stage being laid from the Side of such Boat, Barge, or Vessel, to the Bank of the said Canal, Cuts, or Branches, so as to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Boats obstructing the Navigation.

XCV. And be it further enacted, That if any Boat, Barge, or other Vessel shall be placed in any Part of the said intended Canal, Cuts, or Branches, or of the Trenches, Sluices, or Passages belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat, Barge, or Vessel, shall not immediately remove the same or alter the Position thereof, upon Request made for that Purpose, by any Collector, Agent, or Servant of the said Undertakers, or other Person or Persons, he shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, and shall moreover forfeit and pay a Sum not exceeding Five Shillings, for every Hour during which such Obstruction shall continue after such Request for Removal thereof shall be made as aforesaid, and that it shall be lawful for any of the Collectors, Agents, or Servants of the said Undertakers, to cause any such Boat, Barge, or Vessel to be unladen, if necessary, and to be removed, in such manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Boat, Barge, or Vessel, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties and the Charges of such unloading or removal shall be paid; and that if any Boat, Barge, or Vessel, shall be sunk in any Part of the said Canal, Cuts, or Branches, and the Owner or Owners or Persons having the Care thereof shall not, without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Undertakers, or any of them, to cause such Boat, Barge, or Vessel to be weighed and drawn up, and detain and keep the same until Payment shall be made of all Expences thereby necessarily incurred or occasioned.

Boats, &c. sunk to be weighed up.

Penalty on Persons floating Timber

XCVI. And be it further enacted, That if any Person or Persons shall float any Timber upon the said intended Canal, Cuts or Branches and

on Canal, or in any Manner obstructing the Navigation;

and Drains, or shall navigate on the said Canal, Cuts, or Branches, any Boat or Vessel laden with Timber, which shall lie over the Sides of such Boat or Vessel, in such a way as to obstruct the Passage of any other Boat or Vessel, and shall not immediately upon Notice given by any Collector, Agent, or Servant of the said Undertakers of such Obstruction, haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same, so as to make a free Passage for other Boats or Vessels; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Canal, Cuts, or Branches or Drains, or into any Trenches, Sluices, or Passages for Water, to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw or cause to be opened or drawn any Lock, Paddle, Valve or Sluice, belonging to the said Canal, Cuts, or Branches; or shall wilfully flush or draw off or cause to be flushed or drawn off the Water from any Part of the said Canal, Cuts, or Branches; or shall leave any of the Gates or Sluices of any Lock open after any Boat or Vessel shall have passed through the same (except in such Cases as herein-before otherwise ordered); or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

or throwing Ballast, &c. into Canal;

unnecessarily opening Locks;

wasting the Water;

or hindering the Execution of the Act.

Punishment of Persons wilfully destroying Works.

XCVII. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Canal, Cuts, or Branches or Works, break, throw down, or destroy any Bridge or Bridges, Bank or Banks, Lock or Locks, Erections or Buildings, or other Works to be erected and made by virtue of this Act, every Person so offending, being lawfully convicted, shall be transported as Felons are directed to be transported by the Laws and Statutes of this Realm, for a Term not exceeding Fourteen Years; or otherwise the Court before whom such Person shall be convicted may, in Mitigation of such Punishment, (if they shall think fit), award any such other Punishment as the Law directs in Cases of Petit Larceny.

Penalty on Persons leaving open Draw-bridges;

XCVIII. And be it further enacted, That if any Swivelbridge or Drawbridge shall be made and erected for the Accommodation of any Owner or Occupier of Lands parted by the said Canal, Cuts, or Branches, or any Trenches or Passages for Water to be made by virtue of this Act, all and every Person and Persons opening any such Swivelbridge or Drawbridge for the Passage of any Boat or other Vessel, shall from Time to Time as soon as such Boat or other Vessel shall have passed such Bridge, shut and fasten the same, and every Person neglecting so to do, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; and in case any such Bridge shall be left open longer than necessary for the Passage of any Boat or other Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Boat or Vessel, then the Master or Owner of such Boat or Vessel shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person or Persons shall wilfully open any such Swivelbridge or Drawbridge when no Vessel is to pass through the same, every Person so

or unnecessarily opening the same.

offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; all which said Penalties or Forfeitures shall go and be applied, One Moiety to the Informer, and the other Moiety to the Poor of the Parish, Township, or Place where the Offence shall be committed.

Penalty on Bargemen, &c. carrying Nets or Guns for killing Fish or Game.

XCIX. And be it further enacted, That if any Person or Persons navigating or working, or being on board any Boat, Barge, or Vessel upon the said Canal or Cuts, shall carry with him or them, or have on board any Boat, Barge, or Vessel, any Fishing Net, Gun, Engine or other Instrument for taking or destroying Fish or Game, (not being qualified by Law so to do), such Person or Persons shall for every such Offence, being convicted thereof before any One Justice of the Peace, on the Confession of the Party offending, or on the Oath of One or more credible Witness or Witnesses, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Rule or Command of any Boat, Barge, or Vessel, shall knowingly suffer or permit any Person or Persons, (not being duly qualified so to do), to have, carry on board, or make use of any Fishing Net, Gun, Engine or other Instrument for taking or destroying any Fish or Game, every such Master or Person shall for every such Offence, being in manner aforesaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

To prevent Horses, &c. trespassing on Lands adjoining Towing Paths.

C. And be it further enacted, That in case any Person or Persons employed in the haling of any Boat, Barge, or other Vessel upon the said Canal, Cuts, or Branches, shall permit or suffer any Horse or Horses used in the haling of any such Boat, Barge, or other Vessel, to trespass upon the Lands or Grounds adjoining or near to the Haling or Towing Paths so to be set out as aforesaid; or if any such Person or Persons using such Haling or Towing Paths shall leave any of the Gates or Dropstiles upon such Haling or Towing Paths open, after having passed through the same, or shall, after having haled such Boat, Barge, or other Vessel, return back with the Horse or Horses employed therein, along, across, or over the Lands or Grounds adjoining to any such Haling or Towing Path, not being the public Highway; or shall permit or suffer any Horse to be loose upon the said Haling or Towing Paths, without some Person being with the said Horse to take care of it, and prevent its straying or trespassing upon the Lands adjoining, or shall commit any wilful Trespass or Damage in the Lands adjoining or near to the said Navigation, or by anchoring or mooring his Boat, Barge, or other Vessel to the same, every such Person shall for every such Act, Default, or Neglect, upon Conviction of such Person or Persons before any Justice of the Peace of the County, Riding, or Place wherein the Offence shall be committed, or the Offender shall be and reside, either by the Confession or Confessions of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths any such Justice is hereby empowered and required to administer) pay to the Person or Persons injured, the Damages to be ascertained by such Justice, and shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction;

tion; which Damages, Penalty, and Costs shall be levied in like Manner as any Penalties are herein-after directed to be levied.

Penalty for leaving Rubbish, &c. on the Towing Paths.

CI. And be it further enacted, That if any Person or Persons shall throw, cast, or lay on any Part of any Towing Path belonging to the said intended Canal, Cuts, or Branches, any Dung or other Manure, Dust, Ashes, Rubbish or other Matter, otherwise than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, Wares and Merchandize, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in such Manner as other Penalties under this Act are directed to be recovered and applied.

Masters and Owners of Vessels answerable for the Crew, &c.

CII. And be it further enacted, That the Master or Owner of every Boat, Barge, or Vessel, navigating or passing upon the said Canal, Cuts, or Branches, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief, as shall be done by his Boat, Barge, or Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works in, upon, or belonging to the said Canal, Cuts, or Branches, either by loading or unloading, or navigating any such Boat, Barge, or Vessel, or by any other Means whatsoever; and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Canal, Cuts, or Branches, by leaving open Gates or otherwise, and for any Trespass whatsoever contrary to the Directions and Provisions in this Act contained, or any of them; and every such Master or Owner shall upon Conviction before any one Justice of the Peace, either upon Confession, or upon the Oath or Oaths of one or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby empowered and required to administer), pay to the Person or Persons injured the Damages to be ascertained by such Justice, provided such Damages do not exceed the Sum of Five Pounds; and upon Non-payment on Demand, the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Five Pounds, then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

Owners may recover from Servants.

CIII. And be it further enacted, That if the Owner or Owners of any Boat, Barge, or Vessel navigating or passing on the said Canal, Cuts, or Branches, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, Boatmen, Watermen, Haulers, or any of them, then and in such Case every such Servant, Boatman, Waterman, or Hauler, shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Non-payment thereof upon Demand, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and

that

that the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, Watermen or Haulers, or any of them, although demanded (such Oath to be made before any Two or more of the Justices of the Peace for the Riding where such Penalty shall have been recovered), the Amount thereof shall be recovered in like manner as any Penalty is hereby directed to be recovered.

Punishment of Persons damaging Fences.

CIV. And be it further enacted, That in case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence, to be put or placed under the Authority of this Act, for the fencing of the Towing Paths of the said Canal, Cuts, or Branches, or any of them, (such Offence or Offences not amounting to Felony), every Person so offending and being thereof convicted before any Justice of the Peace (not interested in the Premises) of the said West Riding of the County of *York*, on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and that no Person or Persons shall be deemed incompetent to give Evidence upon the Hearing and Examination of such Offence, by reason of his or her being an Undertaker in the said Navigation, or interested in the said Canal, Cuts, or Branches or Drains, or the Owner of such Gate, Stile, Post, Rail, or other Fence; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties, or find Sureties to the Satisfaction of such Justice for the Payment thereof at such future Day as he shall think proper to appoint, it shall be lawful for such Justice to commit such Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour, for any Space of Time not exceeding Three Calendar Months, unless the said Penalty or Penalties shall be sooner paid; or otherwise such Justice shall or may cause the said Penalty or Penalties to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; and that One Moiety of such Penalty or Penalties shall be paid to the said Undertakers, or the Owner or Owners of such Gate, Stile, Post, Rail, or Fence, so broken, destroyed, or carried away, and the other Moiety thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail, or Fence, shall be the Informer, and give Evidence of the Offence, then the Whole of such Penalty or Penalties shall be paid to the Overseers of the Poor of the Parish, Township, or Place where such Offence shall be committed, for the Benefit of such Poor; and in that case the Offender or Offenders shall, over and above the Payment of such Penalty last mentioned, make such Recompence and Satisfaction to the Owner or Owners of such Gate, Stile, Post, Rail, or Fence for the Damage done thereby by such Offender or Offenders, as the Justice before whom he or they shall be convicted of such Offence shall think fit to allow in respect thereof; such Allowance for Damages to be added to such Penalty or Penalties and levied therewith in Manner above mentioned; and for Want of such Distress, such Justice or

Justices shall and may commit the Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

No Person to keep a Passage Boat without the Licence of the Undertakers.

CV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to enable any Person or Persons to keep or use any Boat or other Vessel for the Conveyance of Passengers for Hire or Reward, or any Vessel worked or impelled by Force of Steam, without the Licence and Consent of the said Undertakers, along the said Canal or Cuts or Branches; and if any Person shall convey any Passenger upon the said Canal or Cuts or Branches for Hire or Reward, in any Boat or other Vessel, or use or work any Vessel by Force of Steam without such Licence, every Person so offending shall forfeit and pay for every Passenger so conveyed any Sum not exceeding Forty Shillings; and for every Time a Vessel shall be worked or impelled by Force of Steam without Licence, any Sum not exceeding the Sum of Ten Pounds.

Rights of Fishery reserved to the Lords of Manors, &c.

CVI. And be it further enacted, That the Lords or Lord or Owners or Owner of any Manor or Manors through which the said Canal and Cuts shall be made, shall be entitled to the several and exclusive Right of Fishery of and in so much of the said Canal and Cuts as shall be made through the Commons or Waste Lands within his, her, or their Manor or Manors respectively, or through any other Lands or Grounds lying within such Manor or Manors, wherein such Lords or Lord, or Owners or Owner, now have or hath, or are or is entitled to the Right of Fishery in the Brooks and Waters now being in such last-mentioned Lands and Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through or in which the said Canal and Cuts shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal and Cuts as shall be made through or in his, her, or their Lands or Grounds; so as by the Use of and Exercise of any such Right of Fishery as aforesaid, the said Canal and Cuts, or the Towing Path, Banks, or other Works and Conveniences hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or extracted from or out of the said Canal and Cuts; and so as the said Undertakers, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying of any Fish in the said Canal or Cuts which shall be taken, killed, or destroyed, through or by Means of the necessary letting off the Water out of the same respectively, or for or on account of any Repairs or Works to be done in or about the same.

For maintaining the North Bank of the Dutch River.

CVII. And be it further enacted, That in case the said Undertakers shall be desirous of making and carrying the Cut or Canal hereby authorized to be made, within the Distance of Fifty Yards from the Foot of the North Bank of the *Dutch* River, then and in that Case it shall be lawful for the said Undertakers of the *Aire* and *Calder* Navigation, and the Participants of the Level of *Hatfield Chase* respectively, and they are hereby required to choose Two competent

and disinterested Engineers, One to be chosen by each of the said Parties; which said Engineers shall view and examine the Foreshore and North Bank of the said *Dutch* River between *New Bridge* and *Goole*, and shall ascertain and value the future annual Expence of maintaining, supporting, and keeping in Repair the said Foreshore by itself, and shall also in like Manner ascertain and value the future annual Expence of maintaining, supporting, and keeping in Repair the said North Bank by itself; and in case the said Two Engineers shall disagree in their Valuation, then it shall be lawful for them, and they are hereby required, to call in a Third competent and disinterested Engineer, whose Decision upon the Premises shall be final: Provided always, that such Valuation shall be made by such Engineers, and delivered or communicated to the said Undertakers, and the said Participants respectively, before the making or cutting any Part of the said Cut or Canal parallel to the said North Bank within the said Distance therefrom; and that the Expence of such View, Examination, and Valuation shall be borne and paid by the said Undertakers, and that when such Valuation shall be communicated to the said Undertakers and Participants respectively, the said Participants shall be and they are hereby empowered and required, within Two Calendar Months from the Time of such Communication as aforesaid, to elect and choose whether they will pay to the said Undertakers the annual Expence so ascertained as aforesaid of maintaining the said Foreshore; in which Case the said Undertakers shall from thenceforth be liable to maintain and keep in Repair both the said Foreshore and the said North Bank respectively, as fully and effectually to all Intents and Purposes as the said Participants are liable to repair and maintain the same, (for which Purpose it shall be lawful for the said Undertakers to dig and take Earth from the Lands adjoining to the said Bank, or any Part thereof, in the same Manner as the said Participants may or might have done), or whether they the said Participants will accept from the said Undertakers the Amount of the annual Expence of repairing the said North Bank so ascertained as aforesaid, in which case the said Participants shall from thenceforth be liable to maintain and keep in Repair both the said Foreshore and the said North Bank accordingly.

Saving the Jurisdiction of the Commissioners of Sewers of Hatfield Chase.

CVIII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained (save as after mentioned) shall extend or be construed to extend to lessen, prejudice, alter, or affect the Jurisdiction, or any of the Rights, Privileges, Powers, and Authorities of or belonging to the Commissioners of Sewers for the Level of *Hatfield Chase* and Parts adjacent in the Counties of *York*, *Lincoln*, and *Nottingham*; but that the same and every of them (save as aforesaid) shall remain and continue in the said Commissioners of Sewers, as fully and amply to all Intents and Purposes as if this Act had not been passed.

But Canal not to be subject to the Commissioners of Sewers ex-

CIX. And be it further enacted, That the said Canal, Cuts, or Branches, or any of them hereby authorized to be made navigable as aforesaid, shall not be subject or liable to the Control, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers, except in all Cases relative to the Drainage and

cept in cases of Drainage and Warping.

and Warping, which are to be and remain subject to the Jurisdiction of the Commissioners of Sewers for the said Level of *Hatfield Chase* and Parts adjacent, within the Limits of such Jurisdiction, any Law or Statute to the contrary notwithstanding.

Saving the Rights of the Land Owners on the Line of the Navigation of the Rivers Aire and Calder.

CX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to lessen, abridge, alter, vary, abate, or in any Manner affect or prejudice the Estates, Rights, Titles, Interests, or Advantages of the several Owners or Occupiers of the Lands, Mills, Buildings, Warehouses, Wharfs, Quays, Landing Places, Cranes, Weighbeams, and other Engines on the Sides of or contiguous to the said Navigation of the said Rivers *Aire* and *Calder*, or of any of the Cuts or Canals thereto belonging or therewith used or occupied, and the same Estates, Rights, Titles, Interests, and Advantages are hereby reserved to the said Owners and Occupiers in every respect, with all the same Advantages and Protections, as fully and effectually to all Intents and Purposes as if this Act had not been passed, save and except so far as by virtue of the said herein-before recited Acts, or either of them, such Estates, Rights, Titles, Interests, and Advantages are abridged, altered, or varied.

This Act not to prejudice certain Reservation of Rights in Act of 14 G. 3.

CXI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to lessen, alter, abridge, or prejudice or affect any Right, Title, or Interest of the present Owner or Owners of the Lands and Grounds heretofore of the Right Honourable *Charles* Lord Viscount *Irwin*, reserved or intended to be protected in or by the said recited Act of the Fourteenth Year of His said late Majesty, but the same shall remain, continue, and be reserved unto such Owner and Owners, his, her, and their Heirs and Assigns, as fully and effectually, to all Intents and Purposes, as if this Act had not been passed.

For preserving the Navigation of the River Aire below Knottingley to the Conflux with the River Ouze and the Canal to Selby.

CXII. Provided always, and be it further enacted, That the said Undertakers shall and they are hereby required, notwithstanding the Powers and Authorities hereby given and granted, from Time to Time and at all Times hereafter, to keep open and well and sufficiently maintain navigable and passable for Boats, Barges, and other Vessels, the Navigation of the said River *Aire* from *Knottingley* aforesaid to the Conflux with the River *Ouze*, and also of the said Canal from *Haddlesey* to the Town of *Selby*, and all and every the Locks, Weirs, Dams, and Works of Navigation thereto belonging, in as good, ample, and sufficient a Manner to all Intents and Purposes, as they the said Undertakers are authorized and empowered to do in and by the said recited Act of the Fourteenth Year of the Reign of His late Majesty King *George* the Third; and also that the said Undertakers shall and they are hereby required, at their own Costs and Charges, to make, maintain, keep, and preserve the said Navigation of the said River *Aire* from *Knottingley* Mill Dam to *Haddlesey* Old Lock, and also of the said Canal from *Haddlesey* to the Town of *Selby*, as well and as sufficiently deep, open, and navigable as the said Navigation of the said Rivers and Cuts above *Knottingley* Mill Dam; and so as that the said Navigation of the said River *Aire* from *Knottingley* Mill

Mill Dam to *Haddlesey* old Lock, and also of he said Canal from *Haddlesey* to the Town of *Selby*, shall be eq ıally deep, open, and sufficient for the Navigation of Boats, Barges, and other Vessels, as the Navigation of the said Rivers and Cuts shall be above *Knottingley* Mill Dam.

General Saving of Rights.

CXIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, as well in Right of His Crown as in Right of His Duchy of *Lancaster*, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, or their Successor, Heirs, Executors, and Administrators, (other than and except the several Persons, Bodies Politic and Corporate, in respect of such Rights and Interests as are intended to be hereby barred and destroyed) all such Rights, Title, and Interests (except such as are hereby intended to be barred and destroyed) as they, every, or any of them had and enjoyed, or could or might have had or enjoyed in case this Act had not been passed.

For Recovery of Penalties.

CXIV. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed), shall and may be made before One or more Justice or Justices of the Peace for the County, Riding, or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons; and upon the appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person, such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture, by virtue of this Act or of any Bye Law made in pursuance thereof imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful to and for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer, until it can be ascertained whether such Person hath any Goods and Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture,

and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures when recovered shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer of the said Undertakers, and shall be applied and disposed of towards defraying the Expences of making and maintaining the said Canal, Cuts, and Works; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned upon Demand to the Owner of the Goods and Chattels so distrained.

Form of Conviction.

CXV. And be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; (that is to say),

'to wit. } BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] of [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or*, us] [*Name and Style of convicting Justice or Justices*] for that the said [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here state the Offence against the Act according to the Fact*] contrary to the Form of the Statute made in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*]; and I [*or*, we] do therefore declare and adjudge that the said [*Name of Offender*] has forfeited for the said Offence the Sum of [*Fine*] or shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year first above written.'

Persons taking Distress irregularly not to be deemed Trespassers ab initio.

CXVI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Proceedings not to be quashed for want of Form, or removed by Certiorari.

CXVII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act, shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

For compelling Witnesses to attend.

CXVIII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence committed

mitted against this Act, either on the Part of the Prosecutor, or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation) and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Appeal to Quarter Sessions.

CXIX. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order or Determination of the said Undertakers, or of any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may within Four Calendar Months after such Order, Judgment, or Determination shall be made or given, complain to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the County, Riding, Division, or Place where the Cause of Appeal shall have arisen, the Person or Persons appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature or Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Undertakers, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint, at such General Quarter Sessions of the Peace, held for the said County, Riding, Division, or Place, or if they think proper adjourn the Hearing thereof until the next General Quarter Sessions of the Peace to be held for the said County, Riding, Division, or Place, and if they see Cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Limitation of Actions.

CXX. And be it further enacted, That if any Action, Suit or Information shall be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards,

afterwards, and shall be laid or brought in the County where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such 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 Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits, or Informations after the Defendant or Defendants shall have appeared thereto; or if any Verdict shall pass against the Plaintiff or Plaintiffs; or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have in other Cases at Law.

General Issue.

Treble Costs.

For Services of Notices, &c. on the Undertakers.

CXXI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties to serve upon the said Undertakers any Notice or Notices, Writ or Writs, or other legal Proceedings, the Service upon One of the Trustees of the said Undertakers, or upon the Clerk or Clerks of the said Undertakers, or left at the Office or usual Place of Abode of such Clerk or Clerks, shall be deemed good and sufficient Service of the same repectively upon the said Undertakers.

Canal to be begun and completed within certain Periods, or Powers to cease.

CXXII. And be it further enacted, That in case the said intended Canal and Cuts or Branches shall not be commenced within Two Years from the passing of this Act, or in case the same shall not be completed and made navigable, so that Boats and Barges may pass along the whole Line, within the Space of Ten Years from the passing of this Act, then from and immediately after the Expiration of the said Term of Two Years or the said Term of Ten Years (as the Case may be) all the Powers, Authorities, and Privileges given by this Act shall cease and determine; save only and except in respect of so much (if any) of the said Canal, and Cuts or Branches, or any of the Works hereby authorized to be made, as shall have been completed and made navigable within the said Term of Ten Years.

Expences of this Act how to be paid.

CXXIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the said Undertakers, out of the Money which shall arise or be received by virtue of the Powers of this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same.

Public Act.

CXXIV. 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 others, without being specially pleaded.

The

The SCHEDULE.

TOWNSHIPS.	OWNERS.	OCCUPIERS.	DESCRIPTION OF PROPERTY.
Knottingley -	William Butler -	Himself - -	Garden.
Ditto - -	Trustees of Thompson	John Hepworth -	Rope-walk.
Ditto - -	Robert Askham -	Benjamin Perfect -	Garden.
Ditto - -	James Cawthorne -	Himself - -	ditto.
Ditto - -	ditto - -	ditto - -	House and Yard.
Ditto - -	ditto - -	ditto - -	Cottage and Stable.
Ditto - -	Shadrach Wride -	Edwin Long - -	Barn.
Ditto - -	William Briggs -	Himself - -	Cottage.
Ditto - -	Thomas Wood -	Unoccupied - -	Ditto and Yard.
Ditto - -	ditto - -	Lidia Cawood -	ditto.
Ditto - -	Thomas Shillitoe -	Thomas Gouthwaite -	House, Yard, and Garden.
Ditto - -	ditto - -	John Thompson -	Garth.
Ditto - -	William Hardy -	Himself - -	Orchard.
Ditto - -	ditto - -	ditto - -	Barn.
Ditto - -	ditto - -	William Ward -	Cottage and Workshop,
Ditto - -	ditto - -	George Briggs -	Cottage.
Ditto - -	ditto - -	Himself - -	House, Yard, and Garden.
Ditto - -	ditto - -	Thomas Jeff - -	Cottage.
Ditto - -	ditto - -	Unoccupied - -	ditto.
Ditto - -	ditto - -	Himself - -	Garth.
Ditto - -	Mary Spence - -	Herself - -	House and Garden.
Ditto - -	ditto - -	ditto - -	Barn and Yard.
Ditto - -	ditto - -	William Horseman -	Cottage.
Ditto - -	ditto - -	Mary Copley -	ditto.
Ditto - -	ditto - -	Mary Lightowler -	ditto.
Ditto - -	ditto - -	Elizabeth Law -	ditto.
Ditto - -	ditto - -	William Law -	ditto.
Ditto - -	ditto - -	Unoccupied.	ditto.
Ditto - -	ditto - -	ditto - -	ditto.
Ditto - -	ditto - -	Thomas Cryer -	ditto.
Ditto - -	ditto - -	John Lightowler -	ditto.
Ditto - -	ditto - -	Herself - -	Garden.
Ditto - -	ditto - -	ditto - -	Garth.
Ditto - -	Michael Rothery -	Himself - -	Garden.
Ditto - -	ditto - -	ditto - -	ditto.
Ditto - -	Shadrach Wride -	Shadrach Jackson -	ditto.
Ditto - -	ditto - -	ditto - -	House and Yard.
Ditto - -	ditto - -	ditto - -	Cottage, Stable, and other Buildings.
Ditto - -	Richard Shepherd -	Himself - -	Garden.
Ditto - -	ditto - -	ditto - -	House and Yard.
Ditto - -	ditto - -	James Turver -	Cottage.
Ditto - -	Joseph Senior -	Richard Wood -	Croft.
Ditto - -	Rev. W. A. Wasney -	George Hall -	ditto.

TOWNSHIPS.	OWNERS	OCCUPIERS.	DESCRIPTION OF PROPERTY.
Knottingley -	Rev. W. A. Wasney -	George Hall - -	Croft.
Ditto - -	ditto - -	James Rollinson -	ditto.
Ditto - -	ditto - -	ditto - -	Garden.
Ditto - -	ditto - -	ditto - -	Garden and Yard.
Ditto - -	ditto - -	ditto - -	ditto.
Ditto - -	ditto - -	ditto - -	Croft.
Ditto - -	ditto - -	ditto - -	ditto.
Ditto - -	Rev.—— Isherwood	Edward Smith -	Ditto and Garden
Ditto - -	—	—	—
Ditto - -	Mrs. Gaggs - -	James Shaw -	Cottage.
Ditto - -	ditto - -	Unoccupied - -	ditto.
Ditto - -	Mrs. Gaggs - -	John Womach -	ditto.
Ditto - -	ditto - -	William Womach -	Wharf.
Ditto - -	ditto - -	ditto - -	Croft.
Ditto - -	Thomas Atkinson -	John Etherington -	ditto.
Ditto - -	ditto - -	ditto - -	Wharf.
Ditto - -	Rev. Edward Frank -	Benjamin Moorhouse	Croft.
Ditto - -	ditto - -	George Burton -	Boat-yard.
Ditto - -	William Knapton -	ditto - -	ditto.
Ditto - -	ditto - -	ditto - -	Garden.
Ditto - -	ditto - -	ditto - -	Barn and Yard.
Ditto - -	ditto - -	ditto - -	Granary and Warehouse.
Ditto - -	ditto - -	Thomas Jackson -	Wharf.
Ditto - -	ditto - -	Robert Long -	ditto.
Ditto - -	Rev. W. A. Wasney -	Thomas Whitteron -	Yard.
Ditto - -	ditto - -	Thomas Crosley -	Cottage.
Ditto - -	ditto - -	Thomas Austwick -	ditto.
Ditto - -	ditto - -	Sundry Occupiers -	Mesne Yard.
Ditto - -	Shadrach Wride -	Edward Tupman -	Cottage.
Ditto - -	ditto - -	John Thompson -	ditto.
Ditto - -	ditto - -	Unoccupied -	Garden.
Ditto - -	George Burton -	John Wroe - -	Cottage, Stable, and other Buildings.
Ditto - -	ditto - -	Robert Johnson -	Cottage.
Ditto - -	ditto - -	Thomas Johnson -	ditto.
Ditto - -	ditto - -	William Robinson -	Stable.
Ditto - -	ditto - -	Joseph Holmes -	Cottage.
Ditto - -	ditto - -	Robert Seaby -	ditto.
Ditto - -	John Teasdale -	Himself - -	Cottage.
Ditto - -	ditto - -	Rose Taylor - -	ditto.
Ditto - -	John Laidman -	John Cawthorne -	ditto.
Ditto - -	John England -	Thomas Howard -	ditto.
Ditto - -	ditto - -	Himself - -	Stable-yard and Outhouses.
Ditto - -	Peter Lightowler -	Himself - -	Cottage.
Ditto - -	ditto - -	Thomas Hoxup -	ditto.
Ditto - -	Thomas Gouthwaite -	James Duffield -	ditto.
Ditto - -	ditto - -	John Nichols -	ditto.
Ditto - -	George Burton -	John Wroe - -	Garden.
Ditto - -	John Laidman -	Himself - -	Cottage.
Ditto - -	ditto - -	Himself - -	Barn.
Ditto - -	ditto - -	John Ellis - -	Cottage.
Ditto - -	ditto - -	Jonathan Lund -	ditto.
Ditto - -	ditto - -	George Gill - -	ditto.
Ditto - -	ditto - -	George Candy -	ditto.
Ditto - -	Richard Wild -	Michael Taylor -	ditto.
Ditto - -	Margaret Farnhill -	William Haigh -	ditto.
Ditto - -	Martha Farnhill -	Herself - -	ditto.
Ditto - -	Margaret Farnhill -	Jabez Maynard -	ditto.
Ditto - -	ditto - -	William Shaw -	ditto.

TOWNSHIPS.	OWNERS.	OCCUPIERS.	DESCRIPTION OF PROPERTY.
Knottingley - -	Ann Farnhill -	John Broadhead -	Cottage.
Ditto - -	Richard Farnhill -	George Howard -	ditto.
Ditto - -	ditto - -	Mary Crabtree -	ditto.
Ditto - -	ditto - -	Richard Burnhill -	ditto.
Ditto - -	ditto - -	Sundry Occupiers -	Outhouses.
Ditto - -	ditto - -	ditto - -	ditto.
Ditto - -	James Gouldsborough	Himself - -	House, Workhop, other Buildings.
Ditto - -	George Howard -	Himself - -	House and Yard.
Ditto - -	John Farnhill -	Mark Gill - -	Cottages.
Ditto - -	ditto - -	Paul Sherwood -	ditto.
Ditto - -	ditto - -	Thomas Austwick -	ditto.
Ditto - -	ditto - -	Mrs. Briggs - -	ditto.
Ditto - -	ditto - -	George Pickering -	ditto.
Ditto - -	ditto - -	Himself - -	ditto.
Ditto - -	ditto - -	John Jackson - -	ditto.
Ditto - -	ditto - -	David Cawthorne -	Warehouse and Shop.
Ditto - -	ditto - -	Sundry Occupiers -	Yard.
Ditto - -	John Hepworth -	Himself - -	House and Yard.
Ditto - -	William Cambidge -	Himself - -	House and Workshop.
Ditto - -	Joseph Stanhope -	Himself - -	House.
Ditto - -	ditto - -	ditto - -	Stable & other Buildings.
Ditto - -	William Allen -	James Simmons -	Cottage.
Ditto - -	ditto - -	Unoccupied - -	ditto.
Ditto - -	ditto - -	Grace Hoyland -	ditto.
Ditto - -	ditto - -	Thomas Finney -	ditto.
Ditto - -	John Fraer - -	James Seaton -	ditto.
Ditto - -	ditto - -	John Fraer, junior -	Ditto, and Workshop.
Ditto - -	ditto - -	Unoccupied - -	Cottage.
Ditto - -	Thomas Farnhill -	John Jewett - -	ditto.
Ditto - -	ditto - -	Hannah Asquith -	ditto.
Ditto - -	ditto - -	James Brown -	ditto.
Ditto - -	ditto - -	Robert Ellis - -	ditto.
Ditto - -	ditto - -	Unoccupied -	ditto.
Ditto - -	ditto - -	ditto - -	ditto.
Ditto - -	William Seaton -	William Franks -	ditto.
Ditto - -	ditto - -	John Clark - -	ditto.
Ditto - -	ditto - -	Sundry Occupiers -	Mesne Yard.
Ditto - -	Widow Gill - -	Richard Radding -	Cottage.
Ditto - -	Thomas Farnhill -	Himself - -	Outhouses.
Ditto - -	ditto - -	ditto - -	Yard and Garden.
Ditto - -	William Farnhill -	Hannah Briggs -	Cottage.
Ditto - -	ditto - -	Francis Hood -	ditto.
Ditto - -	ditto - -	R. Anderson - -	ditto.
Ditto - -	ditto - -	Mark Jewitt - -	ditto.
Ditto - -	ditto - -	Himself - -	ditto.
Ditto - -	ditto - -	ditto - -	ditto.
Ditto - -	ditto - -	Sundry Occupiers -	Mesne Yard.
Ditto - -	Thomas Farnhill -	John Hoyland -	Croft.
Ditto - -	Timothy Rhodes -	Himself - -	Garden.
Ditto - -	Mark Rhodes - -	Himself - -	Cottage.
Ditto - -	ditto - -	Elizabath Rhodes -	ditto.
Ditto - -	ditto - -	John Walker - -	ditto.
Ditto - -	John Wright -	Himself - -	House, Outhouses, & Garden.
Whitley - -	Churchwarden and Overseers -	James Hunt and Will^{m} - Horton -	Cottages.
Snaith and Cowick -	William Barker -	Benj^{n} Beevers -	Ditto, and Garden.
Rawcliffe - -	William Coates -	Himself - -	Orchard & Rick-yard.
Ditto - -	ditto - -	ditto -	House, Cottage, and Stable.

TOWNSHIPS.	OWNERS.	OCCUPIERS.	DESCRIPTION OF PROPERTY.
Goole - -	Admiral F. Sotheron -	—— Hudson -	House and Garden.
Ditto - -	ditto - -	ditto - -	Orchard.
Ditto - -	ditto - -	ditto - -	Farm Yard and Buildings.
Ditto - -	ditto - -	Thomas Stephenson -	House and Garden.
Ditto - -	ditto - -	Grace Duckless -	Cottage and Garden.
Ditto - -	ditto - -	Thomas Duckless -	Smith's Shop.
Ditto - -	ditto - -	Castor Hanley -	Cottage and Garden.
Ditto - -	ditto - -	William Platts - -	Ditto and Gardens.
Ditto - -	John Hornsby -	William Shaw - -	Ditto.
Ditto - -	Robert P. Weddall -	Mary Platts - -	House, Barn, Stable, Garden & Orchard.
Ditto - -	Churchwardens and Overseers. - -	Thomas Duckless -	Cottage.
Ditto - -	ditto - -	Hannah Holdridge -	ditto.
Ditto - -	ditto - -	Robinson Middleton -	ditto.
Ditto - -	ditto - -	Robert Audas - -	ditto.
Ditto - -	ditto - -	Jonathan Wilson -	ditto.
Ditto - -	ditto - -	Thomas Coates -	ditto.
Ditto - -	ditto - -	John Bentley - -	ditto.
Ditto - -	ditto - -	Nancy Atkinson -	ditto.
Ditto - -	ditto - -	Fanny Platts - -	ditto.
Ditto - -	ditto - -	Michael Middleton -	ditto.
Ditto - -	ditto - -	John Bentley, junior -	ditto.
Ditto - -	Thomas Birks -	Himself - -	Windmill.
Ditto - -	ditto - -	ditto - -	House, Stable, and Yard.
Ditto - -	Hannah Duckless -	Herself - -	House and Gardens.
Ditto - -	ditto - -	ditto - -	Barn and Stable.
Ditto - -	ditto - -	Unoccupied - -	Cottage.

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