ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

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County of York, *and for the better perfecting and maintaining the said Navigation, and for uniting the several Proprietors thereof into one Company*, whereby the said Company of Proprietors were styled and entitled "The Company of Proprietors of the Navigation of the River *Dun*:" And whereas another Act was passed in the Thirteenth
13 G. 2. c. 11. Year of King *George* the Second, intituled *An Act for the more effectual improving the Navigation of the River* Dun, *from a Place called* Wilsick House, *in the Parish of* Barmby Dun, *in the County of* York, *to* Fishlock Ferry, *in the same County*: And whereas the Company of Proprietors appointed by or in pursuance of the said recited Acts, have from Time to Time proceeded in the Execution thereof, for which Purpose several very considerable Sums of Money raised under the Authority of the said Acts, have been expended, and the said River is now made navigable from *Tinsley* to *Fishlock Ferry*: And whereas the Improvement and Extension of the said Navigation have been very beneficial to the Trade and Manufactures of that Part of the Kingdom, by means whereof the Carriage and Conveyance of Coal, Corn, Lime, Stone, Timber, and other heavy Goods, Wares, and Merchandize, have been facilitated to and from the Port of *Hull*, and the Towns and Parts adjacent to the said River, and also to and from *London*, and several other Parts of the Kingdom; but by reason of the several Shallows in the River *Dun*, below *Sandall Lock*, the Navigation thereof in dry Seasons is frequently impeded and hindered: And whereas it would tend greatly to the further Improvement of the said Navigation, and be the Means of preventing the Inconvenience and Delay arising therein, if the said Company of Proprietors were empowered to make and maintain the Cuts and Canals herein-after particularly described, from and out of the said River, in order to avoid the Shallows in the said River, and thereby to abandon the present Navigation in certain Parts thereof, and to make and maintain other Cuts or Canals in lieu thereof; and it is therefore necessary that Powers should be granted for enabling the said Company of Proprietors to effect the same, and also for amending, altering, and enlarging the Powers and Provisions of the said recited Acts; 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,

Company empowered to make New Works, and improve the Navigation.

That the Company of Proprietors of the Navigation of the River *Dun* shall be and they are hereby authorized and empowered, from and after the passing of this Act, at their own Costs and Charges, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to vary, alter, amend, extend, and improve the Navigation of the said River *Dun*, and more particularly in altering the Course of the said River, by making a Cut or Canal of the Length of Four hundred and seventy-three Yards, which will hereafter become the Course of the said River, for the Purposes of Navigation, with proper Towing Paths from and out of the said River *Dun*, on the North Side thereof, from the West End of a Field called *Copley Close*, in the Township of *Arksey*, nearly in a direct Line across *Arksey Ings*, to a sharp Corner in the said River

Dun, called the *First West Ratch;* and also to make an Embankment across the River *Dun*, nearly opposite the present Lock at *Long Sandall*, and also at a Place about Six hundred Yards below the said Lock; and also to alter the present Stone Weir at *Long Sandall*, by reducing its present Height as hereafter directed; and to make a new Channel, Six hundred and sixty Yards in Length, for the Water or Course of the said River, from above the first mentioned Embankment, and through *Arksey Ings*, on the North Side of the present River, and again to fall into the said River about Six hundred Yards below the last-mentioned Embankment; also to make and maintain another Cut or Canal of the Length of Five thousand six hundred Yards, for the Purposes of Navigation, with proper Towing Paths, from above the last-mentioned Embankment, on the South Side of the said River *Dun*, in a North-eastwardly Direction, nearly in a direct Line to *Kirk Sandall*, and from thence into the upper End of the present Cut at *Barmby Dun*, and from the lower End of the said Cut to the upper End of the Navigation Cut, called *Stainforth Cut;* and for the Purposes aforesaid it shall be lawful for the said Company of Proprietors, and their Successors, to purchase Lands, Tenements, and Hereditaments, for making the said Cuts or Canals, and Alterations hereby authorized to be made, with Towing Paths to the same, and with sufficient Banks to confine the Water of the said Cuts or Canals in the Channel of such Cuts or Canals, without incurring any of the Penalties or Forfeitures of any of the Statutes of Mortmain, and at any Time hereafter to sell any of the Lands, Tenements, and Hereditaments so purchased for the Purposes as aforesaid; and the said Company of Proprietors, their Deputies, Agents, Officers, and Workmen, are hereby authorized and empowered, for the Purposes aforesaid, to enter into and upon the Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof, as they shall think necessary and proper for making the said intended Cuts or Canals and Alterations, and all such other Works, Matters, and Conveniences as they shall think proper and necessary, for making, supplying with Water, preserving, improving, completing, maintaining, and using the said intended Cuts or Canals, Alterations, and Works; and also to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, which may be dug or got in making the said intended Cuts or Canals, or other Works, or which may hinder, prevent, or obstruct the making, using or completing, extending and maintaining, the same respectively; and also to make, build, erect, and set up in or upon the said intended Cuts or Canals, or upon the Lands adjoining the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Wears, Pens for Water, Water Stanks, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks and other Works, Ways, Roads and Conveniences, as and where the said Company of Proprietors

prietors shall think requisite and convenient for the Purposes of the said Navigation; 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, Locks, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, and other Works or Conveniences, as well for the carrying and conveying of Goods and other Things to and from the said intended Cuts or Canals respectively, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging the said intended Cuts or Canals, and other Works, or useful for any Purpose therein; and also to place, lay down, work, or manufacture the said Materials on the Lands or Grounds near 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 for the rebuilding, altering, repairing, and amending the same; and also to lay all Earth, Gravel, Sand, Roots, Rubbish, and other Things, dug or taken out of the said River, Cuts, or Canals, in order to the better carrying on, making, completing, and preserving the Navigation thereof, upon the Banks of the said River, Cuts, or Canals, or Lands adjacent to the Places where the same shall be so dug or taken out; and also to make, maintain, repair, and alter, or to turn any Roads, Fences, or Passages, over, under, through, or along the Sides of the said intended Cuts or Canals, or the Reservoirs, Tunnels, 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 of Boats, Barges, and other Vessels, passing upon the said River, Cuts, and Canals, with Men, Horses, or otherwise; and proper Places for Boats, Barges, and other Vessels, navigated upon the said River, Cuts, or Canals, to turn, lie, or pass each other, as they the said Company of Proprietors, or their Committee shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Cuts or Canals, and other Works, and the Towing Paths on the Sides thereof; and also to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, preserving, improving, completing, and using the said intended Cuts or Canals, and other Works, in pursuance of and according to the true Intent and Meaning of this Act, they the said Company of Proprietors doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned to the Owners or Proprietors of and other Persons interested in any Lands, Grounds, Tenements, or other Hereditaments, Water, Watercourses, or Brooks respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Agents, Officers, and Workmen, and all other

other Persons, for what they or any of them shall do by virtue of the Powers hereby granted.

The Canal from Copley Close to First West Ratch to be finished within Four Years.

II. Provided always, and be it further enacted, That the said Company of Proprietors, in carrying into execution the Powers hereby granted to them, shall, so soon as conveniently may be, proceed to make the said intended Cut or Canal of the Length of Four hundred and seventy-three Yards, on the North Side of the said River *Dun*, from the West End of the said Field called *Copley Close*, to a sharp Corner in the said River *Dun* called the *First West Ratch*, and completely finish the same within the Space of Four Years from and after the passing of this Act.

Construction of moveable Weir.

III. Provided always, and be it further enacted, That the said Company shall and they are hereby directed and required to alter the present Stone Weir at *Long Sandall*, by reducing its present Height Twelve Inches; and upon the said Weir so reduced to erect a moveable Weir of strikeable Boards, of the Height of Twenty-seven Inches and no more, in such Manner that whenever the said moveable Weir or strikeable Boards shall have been struck, as hereinafter directed, the Water of the said River *Dun* shall have free Passage over the said Stone Weir at *Long Sandall*, so reduced, at a Line full Twelve Inches below the Line at which the Water now begins to flow over the said Stone Weir; and shall, either by Pegs on the upper Surface of such moveable Weir, or by some other Index to be by them provided, either upon that Surface or by the Side thereof, make clearly appear the Height of the upper Surface of the Water flowing over the said moveable Weir, and shall maintain such Pegs, or other Index, in good Repair and efficient State, for the Purpose of denoting the Height of the Water; and whenever the Height of the Water of the said River *Dun*, flowing over the upper Surface of the said moveable Weir, shall reach the Height of Three Inches, then the said Company shall and they are hereby directed to strike the said moveable Weir, so as to permit the Water of the said River to flow as freely and fully over the said Stone Weir reduced and altered as herein-before directed, as if no moveable Weir or strikeable Boards had been placed thereon: And whereas in erecting the said moveable Weir, it may be necessary to make Pillars of Wood, Iron, or Stone, which will in some Degree obstruct the Flow of the Waters, it is hereby further provided, that it shall and may be lawful for the said Company of Proprietors of the River *Dun*, to lengthen the said Weir, and cut away the Banks, so as to afford as full and free a Passage to the Waters as there would be if no such Pillars were put up.

In case the said Company shall neglect to strike such Weirs, &c.

IV. And it is also hereby further provided and enacted, That in case the said Company or their Agents shall at any time neglect to strike the said moveable Weir in Manner herein-before directed, so soon as the Water of the River shall have reached the Height of Three Inches above the said moveable Weirs as aforesaid, that then it shall and may be lawful to and for any Owner or Occupier

of any Land adjacent to or subject or liable to be injured by the Rise of such Water, and to and for the Agents and Servants of such Owners or Occupiers, or any of them, to enter upon the said moveable Weir, and all Machinery therewith connected, and to strike the same as wholly and effectually as is herein-before directed to be done by the said Company, their Agents or Servants, or any of them.

Penalty on neglecting to strike the moveable Weir.

V. Provided always, and it is hereby further enacted, That if at any Time the said Company of Proprietors of the Navigation of the River *Dun* shall permit or suffer the Water of the River *Dun*, flowing over the said moveable Weir, to reach the Height of Six Inches, as indicated by the Pegs or Index herein-before directed to be constructed and maintained, or by any Measurement to be taken thereof, in case such Pegs or Index are removed or out of order, whether such Height may be occasioned by the natural Flood of the River or other Means or Causes, that then and in every such Case the said Company of Proprietors of the Navigation of the River *Dun* shall forfeit and pay the Sum of Twenty Pounds; and such Penalty shall or may be levied and recovered, together with Costs, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, or of their Clerk or Clerks, or Agent or Agents for the Time being, by Warrant under the Hand and Seal of any Two of His Majesty's Justices of the Peace of the West Riding of the County of *York*, who shall have no Interest in the Decision of such Question (which Warrant such Justices are hereby required to grant), or may be recovered together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than one Imparlance shall be allowed; and the said Penalty, when recovered, shall be from Time to Time paid, one Moiety thereof to the Informer, and the other Moiety to the Use of His Majesty, His Heirs and Successors.

Company to make sufficient Banks.

VI. Provided always, and be it further enacted, That the said Company shall and they are hereby directed and required to erect and make sufficient Banks to confine the Water of the said Cuts or Canals in the Channel of such Cuts and Canals, and to prevent the same from flowing over the adjoining Lands or Grounds.

Banks to defend Grounds above Long Sandall, to be raised at the Costs of the Company.

VII. Provided always, and be it further enacted, That in Case by the Dams or other Works now existing, or to be made or altered by the said Company of Proprietors of the Navigation of the River *Dun*, any Lands between *Holmstile* and *Long Sandall* Weir shall be or become more overflown with Water than before the making of such Dams or Alterations, then the said Company shall, from Time to Time, and as often as may be requisite, at their proper Cost, raise the Banks of the said River where such Lands shall be so overflown, in such Manner as any Two Justices of the Peace of the West Riding of the Couhty of *York*, not interested in the Question, on Complaint

to them made by any Owner or Occupier of Lands so overflown shall direct and order.

Not to take certain Grounds, except, &c.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors or their Successors, or any Person or Persons employed by them, to take, use, injure, or damage any Messuage, Tenement, Dwelling House or other Building, on any Ground which, upon the Thirtieth Day of *September* One thousand eight hundred and twenty, was the Site of any Messuage, Tenement, 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 antient Fish Pond belonging to or near any Mansion House, without the Consent of the respective Owners and Occupiers thereof, other than and except the Plantations, Orchards, and Gardens which are hereafter mentioned; (that is to say), certain Plantations now or late in the Possession of *Thomas Thorpe*, which are the Property of the Trustees of the late *John Wall*; an Orchard now or late in the Possession of *William Wardrobe*, being Glebe Land belonging to *Kirk Sandall*, of which the Reverend *John Foster* is Rector, (both which Premises above described are in the Parish of *Kirk Sandall*); a Garden now or late in the Occupation of *William Adams*, being the Property of *John Watson*, situate in the Parish of *Barmby* upon *Dun*; all which said several Plantations, Orchards, and Gardens above mentioned and described, it shall be lawful for the said Company of Proprietors and their Successors, to take, use, cut through, and convert to the Purposes of the said Navigation; making Satisfaction for the same, according to the Rules and Directions herein contained with respect to the Land wanted for the Purposes of the said Navigation.

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

IX. And be it further enacted, That the said Company of Proprietors, in making the said intended Cuts or Canals, shall not deviate more than One hundred Yards of Three Feet each from the Course or Direction delineated on the Map or Plan of the said Cuts or Canals, already deposited with the Clerk of the Peace for the West Riding of the County of *York*.

Same Person not to be Clerk and Treasurer.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts or of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act, or to continue or appoint the Person who has been or may be appointed to act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of the said recited Acts and this Act, or if any Person being the Partner of such Clerk shall act as Treasurer, or being the Partner of such Treasurer, shall act as Clerk

Clerk in the Execution of the said recited Acts or this Act, every 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, together with full Costs of Suit, 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.

Bodies Politic, &c. empowered to sell.

XI. And be it further enacted, That after any Land, Ground, or other Hereditament shall be set out and ascertained, for making the said intended Cuts and Canals, and other the Purposes and Conveniences hereby authorized or directed, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other particular Estate or Interest in Possession, Husbands, Guardians, Trustees, Feoffees in trust for Charities and other Purposes, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also 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 and possessed in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Grounds, or other Hereditaments which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey to the said Company of Proprietors, their Successors and Assigns, or to such Person or Persons as they shall nominate and appoint for the Use of the said Navigation, all or any Part of such Lands, Grounds, or other Hereditaments, which shall from Time to Time be so set out and ascertained as aforesaid; and that all such Contracts, Agreements, Sales, Conveyances and Assurances shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and other Persons so selling or conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances so to be made as aforesaid, shall be made at the Expence of the said Company of Proprietors, and shall be expressed in the following or some similar Form of Words, as the Circumstances of the Case may require; *videlicet*,

Form of Conveyance.

'I of in
'consideration of the Sum of
'to me paid [*or*, in consideration of the Annual Rent of
'to me to be hereafter yielded and
'paid] by the Company of Proprietors of the Navigation of the
'River *Dun*, do hereby grant and release to the said Company,
'all [*describing the Premises to be conveyed*] and all my Right,
'Title,

'Title, and Interest to and in the same, and every Part thereof, 'to hold to the said Company for ever, by virtue and according 'to the true Intent and Meaning of an Act passed in the Second 'Year of His present Majesty, intituled [*here set forth the Title 'of this Act*]. In witness whereof I have hereunto set my Hand 'and Seal, this Day .'

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: Provided always, that all Contracts, Agreements, Bargains, and Sales of any Lands, Grounds, or Hereditaments which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof, in the respective Courts of the Manors whereof the same are held, according to the Custom of the said Manors respectively, and shall remain subject to such and the same Fines, Rents, and Services, as the same would have been subject to if this Act had not been passed. Copyhold Rights preserved.

XII. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell or convey Lands, Tenements, and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, in, upon, or over which the said Cuts or Canals, or other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Value of such Lands, Grounds, Tenements, and Hereditaments, and for Damages to be sustained by making and completing the said Works herein-before directed, in gross Sums, as shall be agreed upon by and between the said Parties interested respectively or any of them and the said Company of Proprietors; and in case the said Company of Proprietors and the said Parties interested in such Lands, Grounds, Tenements, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury. Satisfaction to be made.

XIII. Provided always, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled as aforesaid, shall upon Notice in Writing given to the Principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments which the said Company of Proprietors are enabled to purchase and make use of for the Purposes of this Act, for the Space of Sixty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or through If Parties cannot agree, Value to be ascertained by a Jury.

Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not, within the before-mentioned Space of Sixty Days, produce and fully disclose the State of the Title to the Premises of which they are or shall be in Possession, and to the Interest which they shall claim therein, then and in every such Case the same shall be ascertained and settled by a Jury of Twelve Persons, to be summoned and chosen by the Sheriff of the said County of *York*, and which such Sheriff is hereby required to summon and choose in the Manner in which Juries are or may be summoned and chosen by Sheriffs of Counties in *England*, and every such Jury shall be liable and subject to the same Regulations and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff is hereby empowered and required, by a Summons or Notice under his Hand, either previous to or at the Time of any such Meeting or Meetings, to summon and call before them all and every Person and Persons, who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, and to hear and examine such Witness or Witnesses upon Oath; and the said Sheriff may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in question; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered to administer) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster* or any other Court; any Law or Statute to the contrary thereof notwithstanding.

Fine upon Persons making Default.

XIV. And be it further enacted, That if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, having no reasonable Excuse to be allowed by the said Sheriff; or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn or examined or to give Evidence, then and in

such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hand and Seal of the said Sheriff, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty shall go and be paid to the Person or Persons who shall appear to the said Sheriff to be injured by the Default of such Person so offending.

Expences of Jury how to be paid.

XV. And be it further enacted, That in every Case where a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Tenements, or other Hereditaments, of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands, Tenements, or other Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company of Proprietors before the summoning of the said Jury, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof by and on behalf of the said Company of Proprietors, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company of Proprietors, as herein-before mentioned, then and in all such Cases all the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum that had been previously offered by or on behalf of the said Company of Proprietors, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with or make Conveyances to, or receive Compensation from the said Company of Proprietors, by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid,) the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and

and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged: Provided always, that in all Cases where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs and Expences shall be borne and paid by the said Company of Proprietors.

Company empowered to sell Land not wanted for the Purposes of this Act.

XVI. And whereas in pursuance of the Provisions of this Act, or to avoid Disputes with the Owners of Lands, Grounds, and Hereditaments, which are or may be affected by making the said Cuts or Canals hereby authorized to be made, the said Company of Proprietors may purchase Lands and Buildings not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, by Indenture under their Common Seal, to grant and convey to any Person or Persons whomsoever, 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 Conveyances from the said Company of Proprietors 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 the Sale or Sales of such Lands or Buildings, it shall and may be lawful for the Committee for the Time being of the said Company of Proprietors, or any Five of them, to sign and give Receipts for the Money for which the same shall be so sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands and 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 Nonapplication of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, or who would have been then entitled thereto, in case such Lands and Buildings had not been purchased by the said Company of Proprietors, the Price at which the same shall be resold being adjusted and settled by the 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 repurchase 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 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 lie, or by stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person or Persons did not agree, or refused to purchase such Lands or Buildings

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 refused.

Directing the Application of Purchase Money, amounting to 200*l.*

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments 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, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to 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 Company of Proprietors of the Navigation of the River *Dun*, or their Committee; 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 in the Discharge of any Debt or Debts, or such other Incumbrances, or Part 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, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under 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, or upon such and the like Uses, Trusts, Intents, and Purposes, and in such Manner, as the Lands, Tenements, and 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 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Directing the Application of Purchase

XVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or

Money, when less than 200*l.* and not less than 20*l.*

or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under 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 Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company of Proprietors or their Committee, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in any 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 Court of Chancery.

Directing the Application of Purchase Money under 20*l.*

XIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pouuds, 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 Company of Proprietors or their Committee 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 Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank.

XX. 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 Company of Proprietors or their Committee; 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 Company of Proprietors, or their Committee, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested

interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 same 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 thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

XXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of 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 to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, 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 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 to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXII. 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 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 of Chancery

cery 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 Company of Proprietors, or their Committee, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Compensation for Commons, how to be disposed of.

XXIII. And be it further enacted, That so much of the Purchase Money of the Commons and Waste Lands through which the said intended Cuts and Canals will pass as shall be deemed to be the Value of the Interest of the Persons entitled to the Right of Common upon such Commons and Waste Lands, shall be paid to the Surveyors of the Highways of the respective Parishes, Townships, or Hamlets, and be applied by such Surveyors to the Repairs of the Highways within the said respective Parishes, Townships, or Hamlets, in such Manner as shall be directed by any Order or Orders of Vestry which may be made for that Purpose; and the Receipts of such Surveyors shall and are hereby declared to be full and effectual Discharges to the said Company of Proprietors, for the several Sums of Money so paid by them or on their Behalf, for the Purposes aforesaid.

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

XXIV. Provided always, and be it further enacted, That all Pieces or Parcels of Land, which in making the said Cuts or Canals shall be divided or separated from the several and respective Estates adjoining the Diver *Dun*, and which shall lie or be between the Line of the said Cuts or Canals 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 Company of Proprietors, 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 this Act; and if in making the Cuts or Canals 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 Cuts or Canals 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 Cuts or Canals 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 Company of Proprietors 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 Grounds so to be left on each or either Side of the said Cuts or Canals 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.

Bridges or Arches to be made where the Canals, &c. cross Roads.

XXV. And be it further enacted, That the said Company of Proprietors 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 Cuts or Canals, 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 Cuts or Canals, 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 Cuts or Canals, Drains and other Works, or any of them respectively.

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

XXVI. Provided always, and be it further enacted, That the said Company of Proprietors shall not make the said Cuts or Canals and Drains, or any Part thereof, or any Trench or Watercourse belonging 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 have, 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.

For fencing of Canal, Towing Paths, &c.

XXVII. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, within Three Calendar Months after the said Cuts or Canals 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 Cuts or Canals, 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 Company of Proprietors 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 Cuts or Canals, Drains and other Works, or any of them respectively.

If the Company of Proprietors do not fence off Towing Paths, make Bridges, &c., Land Owners may do it at the Company's Expence.

XXVIII. And be it further enacted, That in case the said Company of Proprietors 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 sufficient Banks to confine the Water of the said Cuts or Canals as 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 Cuts and Canals hereby directed to be made, or, after the same shall be made and completed, shall neglect or refuse to maintain and support such Fences, Banks, 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, Banks, Gates, Stiles, Bridges, Arches, or Passages not being kept in good Repair and Condition, to the Clerk of the said Company of Proprietors, 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, Banks, 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 Company of Proprietors 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 ssid Cuts and Canals, 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 Company of Proprietors; upon the Refusal or Neglect of the said Proprietors to pay the said Costs and Charges as aforesaid, for the Space of Ten Days after Demand thereof made upon the said Proprietors, 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 Proprietors, or of their collecting Agent or Agents for the Time being, by Warrant under the Hands and Seals of the said Justices, rendering the said Company of Proprietors 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.

Company of Proprietors to maintain the Tunnels.

XXIX. Provided always, and be it further enacted, That the said Company of Proprietors 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 draining of the Lands or Grounds with which the said Drains communicate; 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 Company of Proprietors, 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 Company of Proprietors; 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 by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, 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 Company of Proprietors the Overplus, after Payment of such Costs and Charges, and the reasonable Expence of such Warrant, Distress, and Sale.

Money may be borrowed.

XXX. And whereas it will be necessary for the said Company of Proprietors to borrow the Money which may be wanted for the improving and altering the said Navigation in the Manner herein-before authorized and directed; be it therefore further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or their Committee, to borrow and take up at Interest of any of their own Body, or of or from any other Person or Persons, on the Credit of the said Navigation, all such Sum and Sums of Money, not exceeding the Sum of Forty thousand Pounds, as shall be requisite and necessary for the making and completing the said Alterations and Amendments, and for paying and defraying the Expences attending the obtaining and passing this Act, and carrying the same into execution, and to transfer and assign the Property of the said Navigation, and the Rates arising or to arise to the said Company of Proprietors, by virtue of and under this Act, and all other Acts relating to the said Undertaking, as a Security for any Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustees, who

who shall advance the same; all which said Transfers or Assignments shall be made under the Common Seal of the said Company in the Form or to the Effect following, and shall be signed by the Treasurer of the said Company for the Time being; (that is to say,)

'BY virtue of an Act of Parliament made in the Second Year of the Reign of King *George* the Fourth, intituled *An Act* [*insert the Title of this Act*], We the Company of Proprietors of the Navigation of the River *Dun*, incorporated by an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King *George* the Second, in consideration of the Sum of to us in hand paid by of do hereby bargain, sell, and transfer unto the said Executors, Administrators, and Assigns, the said Navigation, and all and singular the Rate and Duties arising and payable to us by virtue of the said Act, and all other Acts relating to the Navigation of the River *Dun*, and all our Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal, this Day of in the Year of our Lord .'

And all Persons to whom such Assignments or Transfers shall be made shall be equally entitled one with the other to their Proportions of the said Rates, Duties, and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments or Transfers, or on any other Account whatsoever; and the Monies so borrowed shall be applied for and towards the improving and altering the said Navigation and other Works hereby authorized to be made, and in carrying the several Powers, Provisions, and Authorities herein contained into effectual Execution; and a Memorial of every such Assignment or Transfer, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book to be kept by the Clerk to the said Company of Proprietors of the Navigation of the River *Dun*, which said Book shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Navigation, or other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment or Transfer shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons, by Writing under his, her, or their Hand and Seal or Hands and Seals, in the Form or to the Effect following:

'I of in consideration of the Sum of paid to me by of do hereby transfer a certain Mortgage made by the Company of Proprietors of the Navigation of the River *Dun*, to bearing Date the

'Day

'Day of for securing the Sum of and Interest,
'and all my Right and Property therein, to the said his
'Executors, Administrators, and Assigns. Dated this
'Day of in the Year of our Lord .'

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk of the said Company of Proprietors, who shall cause a Memorial to be made thereof in the like Manner as of the original Assignments or Transfers, for which the said Clerk shall be paid the Sum of Five Shillings; and after such Entry made every such Transfer shall entitle such Assignee, his or her Executors, Administrators, and Assigns, to the full Benefit thereof, without making any Registry thereof in the Register Office for the West Riding of the County of *York*; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or the Money thereon due or thereby secured, or any Part thereof.

Interest to be paid half yearly, in preference to other Payments.

XXXI. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be paid by half-yearly Payments in each Year to the several Persons entitled thereto, in preference to any Dividends payable under any of the Acts relating to the said Navigation to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid, discharged, or provided for, before the quarterly or other Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided: Provided always, that no Person to whom any such Assignment or Transfer shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or be capable of acting or voting as such, either as Principal or Proxy, at any Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced any Money on the Credit of any such Assignment or Transfer.

Persons to whom Transfers made not to be entitled to vote.

Rates for passing Locks.

XXXII. And be it further enacted, That for and in consideration of the Charges and Expences that the said Company of Proprietors shall be at in the making the said Cuts or Canals, Alterations and Improvements, it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, from Time to Time and at all Times after the said Cuts or Canals, or the lower of them, extending from *Long Sandall*, shall be complete, to ask, demand, receive, recover, and take, to and for their own proper Use and Behoof, in respect of their Charges and Expences aforesaid, the several and respective Rates and Duties herein-after mentioned (over and besides all other Rates and Duties allowed to be taken by the said recited Acts or any of them); that is to say,

For every customary Ton of Lead, Iron, Iron Castings and Steel, Horns, Hoofs, Bones, Boxwood, Timber, broken and unbroken Deals, Boards, Cheese, Salt, Cutlers Wares, Iron Wares, and all other Merchandize except Stone, but no Addition on Coal (the customary Ton of which is hereby declared not to exceed Forty-five

Hundred Weight, or Five thousand and forty Pounds,) or on Lime and Limestone, from *Conisborough*, *Warmsworth*, *Sprotborough*, *Cadeby*, and *Newton*, which shall be conveyed, carried, or towed in or by any Boat, Barge, Lighter, or other Vessels in, through, or upon, or to or from any Part of the said intended Cuts or Canals, such respective Rate and Duty, Rates and Duties, for Tonnage, as they the said Company of Proprietors of the Navigation of the River *Dun*, their Successors or Assigns, shall think fit, not exceeding the Sum of Ten-pence, except Metal Iron for Ballast, which shall be charged at Sixpence *per* Ton, and English Pig Iron, at Eight-pence *per* Ton:

And for every Quarter containing Eight *Winchester* Bushels of any Kind of Corn, Grain, or Malt, any Sum not exceeding One Penny:

And for any Lime or Limestone, that may be carried on all or any Part of the Cuts or Canals hereby authorized to be made, except on Lime or Limestone from *Conisborough*, *Warmsworth*, *Sprotborough*, *Cadeby*, and *Newton*, the Sum of Two-pence *per* Ton:

And for every Ton of Stone measuring Eighteen Feet, the Sum of Sixpence *per* Ton, except on Stone put on board any Vessel betwixt *Barmby Dun* and *South Bramwith*, and going down the River, Three-pence *per* Ton.

New Cuts to be deemed Part of the Navigation.

XXXIII. And be it further enacted, That the said intended Cuts or Canals, Alterations and Works, shall be considered and taken as Part of the Navigation of the River *Dun*; and all and every the Provisoes, Directions, Restrictions, Penalties, and Forfeitures in and by the said herein-before recited Acts, and every of them, respecting the Boatmen employed on the said River, the Owners, Commanders, Masters, or Rulers of Boats, Keels, or Vessels, or other Persons employed thereon, on passing the Locks of the said River, or making Obstructions therein, or in any other respect relating thereto, or for the Benefit or Protection of the said Navigation, and all other Powers and Authorities therein contained, shall extend and be applicable to the said Cuts or Canals, Alterations and Works, as fully in every respect as if the said Cuts or Canals, Alterations and Works, had originally been Part of the said River *Dun* Navigation, and had been inserted in the said several and respective Acts.

Posts to guide Vessels at Bridges and Locks.

XXXIV. And whereas in Time of Floods and from other Causes it is extremely dangerous for Vessels to pass the Bridges and Locks upon the said River *Dun*, and the Cuts and Passages thereto belonging, and such Danger might in a great measure be prevented if Posts or Stoops were fixed in the Ground, in convenient Places near the Sides of the said River, Cuts, and Passages, for the fastening of Ropes to guide such Vessels in their Passage, and for mooring the same, until such Passage could be properly effected; be it therefore further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, Agents and Servants, to put and place in the Lands and Grounds near the said River, Cuts, and Passages, such and so many Posts or Stoops for the Purposes aforesaid

aforesaid as they shall think necessary, and from Time to Time to support, repair, and replace the same, making proper Satisfaction to the Owners of the Land and Ground where they shall be so placed for all such Damage as shall be done thereby.

Restriction as to Vessels drawing more than Three Feet Water, and Bramwith Wash, to be taken away.

XXXV. And whereas by the said Act of the Thirteenth Year of King *George* the First it is enacted, that the Fords at *Bramwith* and *Stainforth* shall not be raised to a higher Level than they then were, but only repaired as usual theretofore; and that the Boats and Vessels to and from *Doncaster* and *Fishlake* should not draw above Three Feet Water, except in Times of Rises and Freshes, under a Penalty for so doing; which said Rises and Freshes are very uncertain and indefinite Terms, and it would be to the Advantage of the said Navigation to have such last-mentioned Restrictions removed; be it therefore further enacted, That so much of the said recited Act as relates to Vessels drawing more than Three Feet Water, and all Penalties and Forfeitures for the same, shall be and the same is and are hereby repealed and made void; and that the said Wash or Weir at *Bramwith* shall, within One Month from and after the said Cuts and Canals hereby authorized are made navigable, or so soon thereafter as the State of the River will admit, be taken away by the said Company of Proprietors, and not replaced or again raised.

Penalty on obstructing the Navigation.

XXXVI. And be it further enacted, That if any Boat, Barge, or other Vessel shall be placed or suffered to remain in any Part of the said intended Cuts or Canals, or the said River *Dun*, or any of the Cuts thereto belonging, so as to obstruct the Navigation thereof, and the Person having the Care of such Boat, Barge, or other Vessel shall not immediately upon Request made remove the same, he shall for every such Offence forfeit any Sum not exceeding Five Shillings, and the further Sum of Five Shillings for every Hour such Obstruction shall continue after making of such Request; and it shall be lawfu for any Agent or Officer of the said Company of Proprietors to cause any such Boat, Barge, or any other Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstructions, and to detain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Boat, Barge, or other Vessel shall be sunk in the said Cuts or Canals, or in the said River *Dun*, or any of the Cuts or Canals thereto belonging, or any of them, and the Owner or Person having the Use or Care of such Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents and Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all Expences necessarily occasioned relating thereto; and if any Person or Persons suffer any Boat, Barge, or other Vessel to strike or run upon or against any of the Bridges, Locks, or Lock Gates thereof, or shall wilfully flush or draw off the Water from any Part of the said Cuts or Canals,

Canals, or the said River, or any of them; or shall leave any of the Valves or Cloughs open and running, after any Boat, Barge, or other Vessel shall have passed any such Lock, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, or which have been erected and made by virtue of the said before-recited Acts, every Person so offending shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried shall have Power and Authority to cause such Person to be punished, in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm; or, in Mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Canal not to be subject to the Commissioners of Sewers, except, &c.

XXXVII. Provided always, and it is hereby enacted and declared, That the Cuts or Canals hereby authorized to be made for the Purpose of Navigation, or either of them, 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, which is to remain and be subject to the Jurisdiction of the Commissioners of Sewers for the Level of *Hatfield Chace* and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, in the same Way they are now subject by the said recited Act of the Thirteenth of King *George* the Second; and that such Cuts or Canals shall be carried, by making and maintaining good and effectual Arch or Arches or other needful Works, over the present Drains where such Cuts or Canals, or any Part thereof, intersect the same, and after permit the same Cuts and Canals to be tunnelled under and arched at such Part or Parts, Place or Places, where any new Drain or Drains shall hereafter become necessary to be constructed and carried past or across the Line of the said Cuts or Canals to the said River *Dun*, for the better Drainage of the Country; and which new Drain or Drains shall be directed so to be constructed and carried by or by the Authority of any future Order or Orders of the Commisioners of Sewers acting for the said Level and Parts aforesaid, at any Court to be held by them within and for the same.

Certain Part of the River to revert to the Commissioners of Sewers.

XXXVIII. Provided always, and it is hereby further enacted, That so much and such Part of the River *Dun* as shall, by reason of the Alteration of the Course of the Navigation of the said River hereinbefore provided, be no longer used for the Passage of Vessels; that is to say, the Part beginning at *Sandall* Wash, and ending at the lower End of *Stainforth* Cut at *Stainforth*, shall from the Time that the Navigation of the said River shall have been diverted into the new Course herein-before provided, and the Wash at *Branwith* being cleared away by the said Company of Proprietors of the said Navigation of the River *Dun* as herein-before provided, revert to the Jurisdiction of

the Commissioners of Sewers, and become subject and liable to the Laws and Statutes relating to Sewers, as if this present Act and the said several recited Acts had never been passed; and all Right of the said Proprietors of the Navigation of the River *Dun*, over the said Part of the said River, and Control over it, shall from the same Time cease.

If the Company neglect to remove Bramwith Wash, Owners may do so at the Company's Expence.

XXXIX. Provided always, and be it further enacted, That in case the said Company of Proprietors of the Navigation of the River *Dun* shall neglect or refuse to clear away at their Expence, as herein-before provided, and within the Time herein-before specified, the Wash or Weir at *Bramwith*, it shall be lawful to and for any Owner or Occupier of any Lands or Hereditaments, who may think himself liable to be injured by such Neglect or Refusal, to take away and remove, or cause to be taken away and removed, the said Wash or Weir; and all the reasonable Costs and Charges thereof, to be settled and allowed by Two Justices of the Peace of the West Riding of the County of *York* not interested therein, shall be repaid to the respective Owners or Occupiers who shall have so removed, or caused to be removed and taken away, the said Wash or Weir, by the said Company of Proprietors of the Navigation of the River *Dun*; and upon the Refusal or Neglect of the said Company of Proprietors to pay the said Costs or Charges as aforesaid, for the Space of Ten Days after Demand thereof made upon the said Company of Proprietors, or upon their Clerk or Clerks, Agent or Agents for the Time being, such Costs or Charges shall or may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, or their Clerk or Clerks, Agent or Agents for the Time being, by Warrant under the Hands and Seals of the said Justices, rendering to the Owner or Owners of such Goods and Chattels the Overplus (if any) 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.

General Meetings.

XL. And be it further enacted, That all future General Annual Assemblies of the said Company of Proprietors shall be held on the Days and at the Places mentioned in and according to the Directions of the said recited Act of the Sixth Year of King *George* the Second, at the Hour of Twelve in the Forenoon, on every of the said Days; any thing contained in the said Act to the contrary notwithstanding.

Steam Engine to consume its own Smoke.

XLI. And be it further enacted, That the Furnace of every Steam Engine to be erected by the said Company of Proprietors, under or by virtue of the Powers of the said recited Acts and this Act, shall be constructed upon the Principle of consuming its own Smoke.

For Apprehension and Commitment of Offenders in certain Cases.

XLII. And be it further enacted, That it shall be lawful for any Person or Persons who shall see any Offence committed against this Act, by any Person destroying or doing any wilful Damage to the said Canals, or any other Works by this Act authorized to be made, contrary to any of the Provisions herein-before contained, to apprehend

and detain any such Offender, without any Warrant or other Authority than this Act, and to convey such Offender, or cause him or her to be conveyed by some Constable or other Peace Officer before any Justice of the Peace for the said West Riding of the County of *York*, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

Penalties and Forfeitures how to be recovered and applied.

XLIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby or by the said recited Acts inflicted or authorized to be imposed (the Means of levying and recovering whereof is not otherwise directed) shall, upon Proof of the Offence respectively before any One Justice of the Peace for the Riding, Liberty, or District wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered and required to grant for those Purposes; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are levied, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when so levied (if not otherwise directed to be applied by this Act), shall be from Time to Time paid to the Treasurer of the said Trustees, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the Defendant or Defendants can give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before him, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such Riding, Liberty, or District, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

XLIV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in any Form to the Effect following; *videlicet*,

'West Riding of the County of York, to wit.' BE it remembered, That on the Day of in the Year of our Lord is convicted before me One of His Majesty's Justices of the Peace for the said Riding, [*specifying the Offence, and Time and Place when and where the same was committed.*] Given under my Hand and Seal, the Day and Year aforesaid.' Form of Conviction.

Proceedings not to be quashed for Want of Form.

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

Appeal.

XLVI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by the Order, Judgment, or Determination of any Justice of the Peace, in pursuance of this Act, may, within Six Calendar Months after such Order, Judgment, or Determination shall be made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held in and for the West Riding of the County of *York*, who shall in a summary Way either hear and determine such Appeal at such Sessions, or, if they think proper, may adjourn the Hearing thereof, and, if they see Cause, may mitigate any Forfeitnre or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Determination, and may also award such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Limitation of Actions.

XLVII. And be it further enacted, That no Action, Suit, or Information shall be brought or commenced against any Person or Persons, for any thing done in pursuance of this Act, until Twenty-one Days Notice of the Cause of such Action in Writing be given to the Clerk or Clerks to the said Company of Proprietors, or to Five or more of their Committee, or after sufficient Satisfaction or Tender of the same hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall cease, and not afterwards; and every such Action, Suit, or Information shall be brought and laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action, Suit,

Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action, Suit, or Information was brought or laid before Twenty-one Days Notice in Writing given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find for the Defendant or Defendants; and thereupon, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a 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 have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

The Company of Proprietors to make sufficient Drains, &c. to carry Water off from Lands.

XLVIII. And be it further enacted, That the said Company of Proprietors 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 Company of Proprietors; 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 Company of Proprietors, 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

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 Company of Proprietors; and in Cases of Neglect or Refusal to satisfy and defray such Expences for the Space of Ten Days after Demand thereof made upon the said Company of Proprietors, such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, or of their collecting Agent or Agents for the Time being, in the same Manner as any other Costs and Charges made by virtue of this Act shall be levied and recovered from the said Company of Proprietors: 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.

Land Owners may use Pleasure Boats.

XLIX. Provided also, and be it declared and enacted, That it shall and may be lawful to and for the Owners and Occupiers of Lands or Tenements adjoining to the said Cuts or Canals, or any of them, to use any Pleasure Boat or Boats upon the same, without the Hindrance or Interruption of the said Company of Proprietors, their Successors, Heirs, or Assigns, and without paying any of the Rates or Duties aforesaid, so as such Pleasure Boat or Boats is or are not used for carrying Coals, Stone, Slate, Wood, or any other Goods, Wares, or Merchandizes charged or chargeable with any of the Duties by this Act granted and made payable; and that the Lord or Lords of the respective Manors, or any other Person whatsoever, shall have full Liberty to fish, fowl, and exercise all other Royalties on the said new intended Cuts or Canals, as they now can on any Part of the said River *Dun*, without Prejudice to the said Navigation.

Power to enter Lands upon Payment or Tender of Purchase.

L. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries, in manner aforesaid, for the Purchase of any Lands, Grounds, Messuages, 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 Company of Proprietors, 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, 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 Company of Proprietors 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 Company of Proprietors, 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, Building, Tenement, or other Hereditament for the Purpose of making the said Cuts or Canals, 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.

Directing what may be deemed a Service of Notice, &c. on the Company.

LI. 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 any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Clerk of the said Company, or at the Office of such Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company; or in case the same respectively shall not be found or known, then Service upon any Member of the said Committee, or left at his last or usual Place of Abode, or upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

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

LII. And be it further enacted, That all and every the Lands, Grounds, Messuages, 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 Cuts and Canals, Drains, and other Works hereby authorized to be made, and all the Rates, Tolls, and Duties by this Act granted, shall be and stand vested in the Company of Proprietors of the Navigation of the River *Dun*, according to their several respective Shares therein, their Heirs and Assigns.

LIII. Pro-

Mines, &c. reserved to the Lords.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall defeat, lessen, or prejudice the Right, Title, or Interest of the Lord or Lords of the Manor or Manors for the Time being, or any Person or Persons claiming or to claim by, from, or under such Lord or Lords of the Mines, Beds, and Seams of Coal, or any Mines of Iron, Iron Stone, or other Mines, Minerals, or Fossils, in or under any of the Lands through which the said intended Cuts or Canals are intended to be made.

Dun Company to maintain Navigation from Fishlake to Stainforth.

LIV. Provided always, and be it hereby enacted, That the Company of Proprietors of the Navigation of the River *Dun* shall maintain and they are hereby required to maintain at all Times hereafter the Navigation of the River *Dun*, from *Fishlake* to the *Stainforth* and *Keadby* Canal, so as to be as good and passable as the same now is or has heretofore been for all Boats, Barges, and Vessels trading on the said River.

Stainforth Lock.

LV. And be it further enacted, That whenever from the State of the Lock at *Stainforth* it shall become necessary to rebuild the same, the new Cill there shall be placed One Foot at the least lower than the present Cill; and that the Sand or Warp that shall accumulate at the Lower or Tail End of the said Lock shall from Time to Time, from and after the passing of this Act, be duly scoured and cleansed whenever necessary, so as to keep such Sand or Warp as near as may be to the Depth of the Cill.

Bridges across Carriage Roads to be of a certain Rise.

LVI. Provided always, and be it further enacted, That in all Places where the Line of the said Alterations and Improvements shall be made across any public Carriage Road, the Ascent to every Bridge to be made over the said Canal for the Purpose of such Road shall not be 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 the Bridge.

In case the Alterations are not completed within a given Time, &c.

LVII. Provided always, and be it further enacted, That in case the said intended Alterations and Improvements shall not have been completed and made navigable, so that Boats and Barges may pass along the whole Line thereof (unless prevented by inevitable Accidents), within the Space of Ten Years, to be computed from the passing of this Act, then from and immediately after the Expiration of the said Term of Ten Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine; save only and except as to so much (if any) of the said intended Alterations and Improvements as shall have been declared to have been completed within the said Term by the Justices of the Peace of the said West Riding of the said County of *York*, assembled at any Quarter Sessions of the Peace to be holden in and for the said Riding, at any Time before the Expiration of the said Term of Ten Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Witnesses upon Oath, to be produced before them for that Purpose.

LVIII. And

Public Act.

LVIII. 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.

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