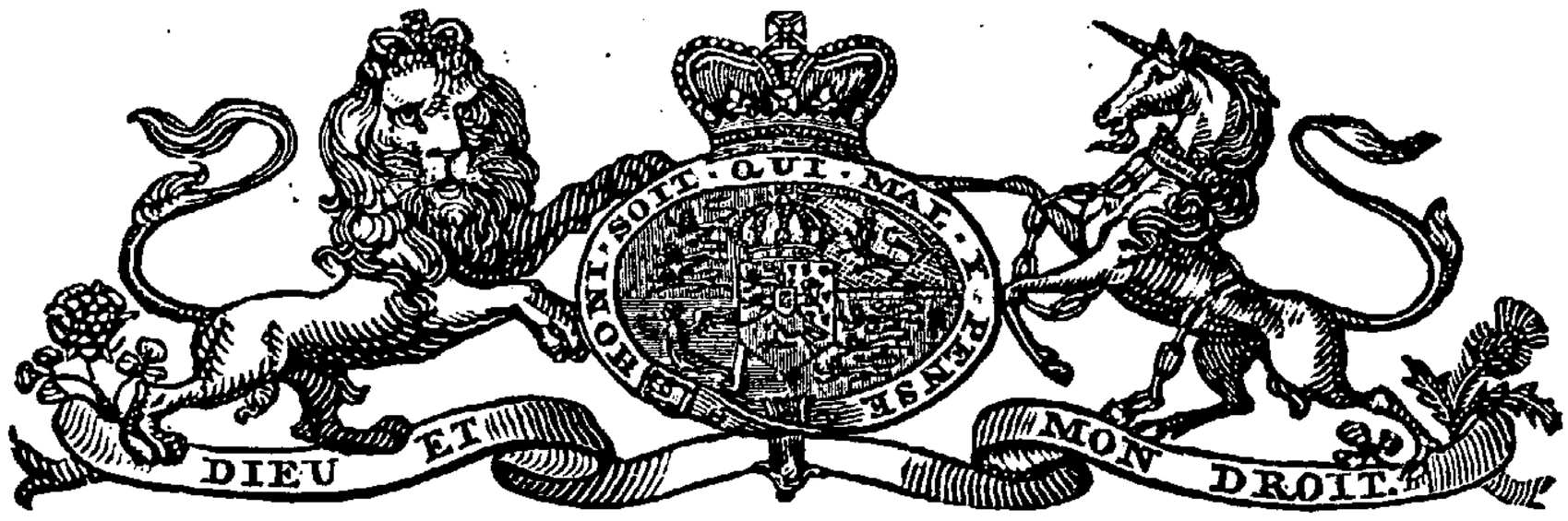


ANNO SEPTIMO

GEORGII IV. REGIS.

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passed in the Thirteenth Year of the Reign of King *George* the Second, 13 G. 2. c. 11. 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 another Act was passed in the Second Year of His present Majesty King 1 & 2 G. 4. c. 46. *George* the Fourth, intituled *An Act for improving the Navigation of the River* Dun, *and for altering the Course thereof, by making certain new Cuts or Canals from the same; and for amending, altering, and enlarging the Powers granted to the River* Dun *Company by several Acts relating to the said Navigation:* 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 the new Cuts or Canals authorized by the last-recited Act have been made and completed: And whereas the Improvement, Extension, and Alteration of the said Navigation have been very beneficial to Trade and Manufactures in that Part of the Kingdom, by means whereof the Carriage and Conveyance of Coal, Corn, Lime, Stone, Timber, and other heavy Goods, Wares, and Merchandizes, 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 and Bends in the River *Dun* above *Doncaster* the Navigation thereof in dry Seasons has been impeded and obstructed: And whereas it would tend to the more effectual Improvement of the said Navigation, and be the Means of preventing Inconveniences and Delays, 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 and Bends in the said River, and thereby to abandon the present Navigation in certain Parts thereof, and to alter the Course of the River in some other Parts, and to make and maintain other Cuts or Canals, with the necessary Bridges, Hauling and Towing Paths, and other Works thereto, and to alter the Course or Channel of the said River *Dun* in several Places herein-after mentioned; and it is therefore necessary that further 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; but as the same cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Provisions, Matters, and Things contained in the said recited Acts, or any of them, (except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into execution in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in the Body of this Act; and that the Company of Proprietors of the Navigation of the said 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,

Powers, &c. of recited Acts extended to this Act.

Company empowered to alter, amend, and improve the Navigation.

Assigns, to vary, alter, amend, extend, and improve the Navigation of the said River *Dun*, and to make and maintain a navigable Cut or Canal of the Length of One thousand two hundred and twenty Yards, from and out of the *Rotherham Cut*, at or near to a Place called *Eastwood*, in an eastwardly Direction, to join and communicate with the said River *Dun* in a certain Close belonging to *George Saville Foljambe* Esquire, in the Occupation of Lieutenant General Sir *John Byng*; and another navigable Cut or Canal of the Length of Three hundred and seventy Yards, from and out of the said River *Dun*, at an acute Turn above the Entrance to *Aldwark Cut*, in an eastwardly Direction, to or near to an acute Turn in the said River below *Aldwark Mill*; also to make, set up, and maintain a Lock at the Entrance of *Kilnhurst Cut*, in lieu of the present Flood Gates; and also to make and maintain another navigable Cut or Canal of the Length of Five hundred and sixty Yards, from and out of a certain Cut called *Mexbrough Cut*, in an eastwardly Direction, to an acute Turn in the River *Dun* a little below *Dennaby Wash*, and also to extend the Course of the said last-mentioned Cut or Canal along the present Course or Channel of the said River, from the last-mentioned Point to another Turn in the said River, at or near to a certain Piece of Common or Waste Land called *Bull Green*, and from the last-mentioned Place to extend the said navigable Cut or Canal to join and communicate with the said River *Dun* again at or near to the Entrance of a certain Stream called the River *Dearne*, which last-mentioned Cuts or Alterations will be of the Length of Two thousand two hundred and twenty Yards; also to make a new Course or Channel for the said River *Dun*, of the Length of Three hundred and sixty Yards, from or near to *Dennaby Wash*, to or near to the Tail of *Dennaby Lock*; also to make a new Course or Channel for the said River *Dun* of the Length of One hundred and thirty Yards, by cutting off an acute Angle there called the *Devil's Elbow*, a little below the Entrance of the said River *Dearne*; also to make and maintain another navigable Cut or Canal of the Length of Four hundred and forty Yards, in lieu of the present Cut called *Conisbrough Cut*, for passing the Mill Weir there, and the shallow Water below the same; also to build a new Lock at or near to the lower End of *Sprotbrough Cut*, on the South-east Side of the present Lock there; and also to widen, deepen, enlarge, and extend several of the existing Cuts between *Rotherham* and *Mexbro'*.

Company may purchase Lands, &c. for the Purposes of this Act.

II. And to enable 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, without incurring 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 aforesaid, be it further enacted, That 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,

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 out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, and convenient for making, carrying on, continuing, maintaining, or repairing the said intended Cuts or Canals, Alterations, and 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 or near the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Floodgates, 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 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 adjoining to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done, and 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 or near 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, hauling, 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 hereafter 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 that this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Agents, Officers, and Workmen, and all other Persons, for what they or any of them shall do by virtue of the Powers hereby granted.

Not to take certain Grounds without Consent.

III. 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, or any Ground which upon the First Day of *January* last was the Scite 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 ancient Fish Pond belonging to or near any Mansion House, without the Consent of the respective Owners and Occupiers thereof, other than and except the Orchards and Gardens which are hereafter mentioned; (that is to say,) an Orchard in the Possession of *Richard Squires* at *Mexbro'*, the Property of *Richard Fountayne Wilson* Esquire; another Orchard in Possession of *Mark Bingley* at *Mexbro'*, the Property of the Archdeacon of *York*; another Orchard in Possession of *Elizabeth Hewett* at *Mexbro'*, the Property of *William Cox*; a Garden in Possession of *Philip Hawley* and Company at *Eastwood*, the Property of the Right Honourable Earl *Fitzwilliam*; another Garden in Possession of *Mary Blackmore* at *Eastwood*, the Property of Earl *Fitzwilliam*; all which said 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.

Provision for Deficiencies of Land Tax.

IV. And whereas by reason of making Alterations in pursuance of this Act there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes or Townships herein described; be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised or possessed of the Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same, under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said

Parish or Parishes, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes, Township or Townships, by reason or means of taking any Land for the Purposes of this Act, liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and he is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Bodies Politic, &c. empowered to sell.

V. And be it further enacted, That after any Land, Ground, or other Hereditaments 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, and Collegiate, Corporations Aggregate or Sole, Rectors or Patrons, 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, 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, and other Hereditaments, which shall from Time to Time be set out and ascertained as aforesaid, and where, by making the said intended Cuts and Canals, or any of them, or the Conveyance of Water thereto, the Property of any Land Owner or Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for any Bodies Politic, Corporate, or Collegiate, and other Person or Persons as aforesaid, to contract for, sell, and dispose of all or any Part of such Lands or Grounds so separated into small Parcels as aforesaid, to any Person or Persons whomsoever, for such good and valuable Price or Consideration in Money, or other Equivalent, as to such Land Owner or Owners shall seem reasonable; 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, conveying, or exchanging 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, (other than those which concern any Purchase or Exchange between any such Land Owners,) 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*,

'I of in consideration of Form of
'the Sum of to me paid [*or* in consideration Conveyance.
'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 to the said Company all [*describing the*
'*Premises to be conveyed*], and all my Right, 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 Seventh 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 of .'

Which Conveyance shall be kept by the Clerk of the said Company of Proprietors for the Time being, who shall from Time to Time, when requested, deliver Copies thereof to any Person or Persons requesting the same, attested by him, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words: 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.

VI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Company of Proprietors, as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Company of Proprietors out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Parties or Persons entitled to receive the same within Seven Days next after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company, (unless such Treasurer or Treasurers shall pay such Costs and Charges out of the Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *York*, (which Warrant any such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by the Party or Person entitled to receive such Costs and Expences); and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company, as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned and by the said Company; but By whom Expences of Juries shall be paid.

but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the aforesaid County of *York*, not interested in the Matters in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not demanded and paid, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster* or elsewhere, together with full Costs of Suit.

Treasurer and Clerk not to be the same Person.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or appoint the Person who has been or may be appointed their Clerk or Clerks in the Execution of the said recited Acts or this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers 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 Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Company of Proprietors; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Acts or this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, 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.

Application of Compensation

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased

chased, 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 Court of Exchequer, to be placed to his Account *ex parte* the Company of Proprietors of the Navigation of the River *Dun*, or their Committee, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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 Exchequer, 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.

Money when amounting to 200*l.*

1 G. 4. c. 35.

IX. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being

Application of Purchase Money when less than 200*l.* and exceeding 20*l.*

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 Court of Exchequer, 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 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 Exchequer.

When under 20*l.*

X. And be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said 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.

XI. 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 Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

XII. 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 Exchequer, 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; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XIII. 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 Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said 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.

XIV. 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.

XV. And

Fences to be made.

XV. And be it further enacted, That the said Company shall, at their own Costs and Charges, divide and separate, with good and sufficient Fences, the Towing Paths to be made by virtue of this Act, and keep the same in good Repair; and make, erect, or set up and complete, and from Time to Time maintain and support, a good and sufficient Bridge or Bridges, Arch or Arches, or Passage or Passages, across the Canal and Drains and Watercourses hereby authorized or intended to be made, in all Places where the same shall cross any Carriage Road or Horse Road or Footway, either public or private, for the Use of the Public, or of the Persons entitled to use such Roads or Ways respectively; and shall also, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many other convenient Roads, Bridges, Arches, or Passages, over or across the said Canal and Drains, or Watercourses, in such Places and in such Manner as any Two Justices of the Peace for the West Riding of the County of *York* shall, at their General Quarter Sessions, from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills and Hereditaments, adjoining to such Canal, Drains, and other Works, or any of them respectively.

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

If Company do not make Bridges, &c. Land Owners may do it at the Company's Expence.

XVI. And be it further enacted, That in case the said Company or their Agents shall neglect or refuse, within the Time and in manner aforesaid, to make such Bridges, Arches, or other Passages, as herein directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments adjoining or near to the said Canal and Drains hereby directed to be made, or after the same shall be made and completed shall neglect or refuse to maintain and support such Bridges, Arches, and Passages, for the Space of Fifteen 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 Bridges, Arches, or Passages not being kept in good Repair and Condition, to the Clerk of the said Company, 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 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 as aforesaid, and to maintain, repair, and support any such Works, from Time to Time, as Occasion shall require, so that in making and maintaining such Works the said Navigation and Drains, and the Banks thereof, or the 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; and the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, for the Space of Four Days after Demand thereof made upon the said Company, such Costs said Charges shall or may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, by Warrant under the Hands and

and Seals of the said Justices, rendering to the said Company 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 not to repair Approaches to Bridges after having made the same.

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

If Bridges, &c. made by the Company are insufficient, Land Owners may make others at their own Expence.

XVIII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands, Mills, Tenements, or other Hereditaments through which the said Canal and Drains shall be made, do or shall at any Time or Times hereafter apprehend that any of the Arches, Tunnels, Drains, Trenches, Passages, and other Conveniences respectively, which the said Justices shall have so directed or appointed to be made by the said Company, are insufficient, either in Number or Situation, for the commodious Use and Occupation of the respective Lands, Grounds, Mills, Tenements, or Hereditaments on both Sides, or on either Side thereof, then and in every such Case it shall and may be lawful to and for all or any of such Owners or Occupiers, with the Consent and Approbation of the said Company, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Twenty-one Days next after such Request, then with the Consent and Approbation of any Two Justices of the Peace for the West Riding of the County of *York*, to make, fix, and erect, at their own Costs and Charges, any such Bridges, Arches, Culverts, Watering Places, or other Conveniences, of the same or the like Construction with those made and erected by the said Company by the Side of the said Canal, or by the Side of or into the Trenches and Aqueducts communicating therewith, in such Places as shall be found and adjudged necessary and convenient, for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their like Costs and Charges, as Occasion shall require, so as that the Navigation be not obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Bridges, Arches, Watering Places, or other Conveniences had been made or erected by the said Company.

Power to enter Lands, &c. on Payment or Tender of Purchase Money.

XIX. 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 such Lands, Tenements, or other Hereditaments or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall be so agreed for, determined,

or assessed, or if the Person or Persons so entitled or interested as aforesaid, 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 the said Sum or Sums of Money into the Bank of *England*, as herein directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands and Grounds, Tenements, and other Hereditaments, 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 thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever, and such Payment, Tender, or Investiture 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 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, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut into such Lands or Grounds, Tenements or Hereditaments, for the Purpose of making the said Cuts, Canals, or other Works hereby authorized to be made, without the Leave of the respective Owners or Occupiers thereof, in Writing under their respective Hands; and in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he, she, or they shall remain on the said Premises.

Proviso not to injure a certain Sough.

XX. 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 to be employed by them, to stop up, injure, damage, or destroy a certain Sough or subterraneous Drain situate at *Eastwood* aforesaid, whereby the Water arising at or flowing from the Collieries of the said Earl *Fitzwilliam*, situate in the Township of *Greasbrough* and *Rawmarsh*, in the said County of *York*, is discharged into the River *Dun*, or to prevent such Water from flowing or passing by, through, and along the said Sough or Drain into the said River *Dun*, as freely and uninterruptedly as heretofore, or to stop up, injure, damage, or divert the Brook or Watercourse, whereby a certain Flint Mill situate at *Eastwood* aforesaid, belonging to the said Earl *Fitzwilliam*, and now in the Occupation of *Philip Hawley* and Company, is supplied with Water, or otherwise to cause the Supply of Water from the said Brook to the said Flint Mill to be diminished, but that the said Earl *Fitzwilliam*, his Heirs and Assigns, and his and their Tenants and Occupiers of the said Collieries and Flint Mills respectively for the Time being, shall from Time to Time and at all Times hereafter have, occupy, possess, and enjoy the said Sough or Drain, and the said Supply of

of Water from the said Brook to the said Flint Mill, in as full, ample, and beneficial a Manner as he or they could or might have done in case this Act had not passed.

This Act not to prejudice Conisbrough Mills.

XXI. And whereas the Most Noble *George William Frederick* Duke of *Leeds* is the Proprietor of certain Mills upon the said River *Dun*, situate at *Conisbrough* in the said County of *York*, called *Conisbrough Mills*; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, or vary the Rights of the said Duke, his Heirs, Executors, Administrators, or Assigns, in and to the said Mills or either of them.

Proviso respecting a Close of John Fullerton, Esquire.

XXII. Provided also, 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 cut through or intersect a certain Close of Land lying betwixt the present River and Cut situate in *Dennaby*, belonging to *John Fullerton* Esquire, in such a Manner or Direction as to leave a greater Portion of the said Close between the said intended Navigation and the said intended new Course or Channel for the said River *Dun* than may be necessary and requisite for a proper and sufficient Bank to keep the Water of the River from the said intended Canal, and for a Hauling or Towing Path thereupon.

Company may borrow Money.

XXIII. 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, on the Credit of the said Navigation, all such Sum and Sums of Money, not exceeding the Sum of Sixty-four 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 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,)

Form of Mortgage.

‘ BY virtue of an Act of Parliament made in the Seventh 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,

‘ ministrators, and Assigns, the said Navigation, and all and singular the ‘ Rates 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 into 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:

Form of Transfer.

‘ 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 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 Ten 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 in preference to other Payments.

XXIV. 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 Two equal 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.

Mortgagees not to be deemed Proprietors, nor entitled to vote.

Rates for passing Locks.

XXV. 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 of 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 hereafter, 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, the Particulars of which, betwixt *Holmstile* in *Doncaster* and *Tinsley*, are specified in the Schedules annexed to this Act,) as follows; that is to say,

For every Boat, Barge, Lighter, or other Vessel, going in or through or upon any Part of the said intended new Cut or Canal at or near *Mexborough*, as follows:

For every Vessel, either empty or containing less than Four Tons of Twenty-five Hundred Weight, any Sum not exceeding Three-pence:

For every Vessel loaded solely with Coals, Stone, or Limestone, any Sum not exceeding Seven-pence Halfpenny:

For all other Goods, Wares, or Merchandize, Three Farthings *per* Ton of Twenty-five Hundred Weight, but not exceeding the Sum of Two Shillings on any One Vessel,

For every Boat, Barge, Lighter, or other Vessel, going in, through, or upon any Part of the said intended Cut or Canal at or near *Eastwood*, as follows:

For every Vessel, either empty or containing less than Four Tons of Twenty-five Hundred Weight, any Sum not exceeding Three-pence:

For every Vessel loaded solely with Coals, Stone, or Limestone, any Sum not exceeding Seven-pence Halfpenny:

For all other Goods, Wares, or Merchandize, Three Farthings *per* Ton of Twenty-five Hundred Weight, but not exceeding the Sum of Two Shillings on any One Vessel,

Provided always, that the said additional Rates and Duties hereby imposed on every empty Vessel shall, when such Vessel returns loaded with a Cargo of Limestone from the Parishes of *Doncaster*, *Warmsworth*, *Conisborough*, or *Sprotbrough*, or any of them, be returned to the Boatman, or to the Owner or Owners of such Vessel or Vessels.

Table of Tolls to be put up.

XXVI. And be it further enacted, That the said Company or their said Committee shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at the Lock House at *Mexbrough*, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Lock at which the same shall be put up, and also a List of all the Rates of Tonnage payable at every such Lock betwixt *Holmstile* and *Tinsley*; and also to distinguish the several Rates to be paid by virtue of this Act, and to renew such Board whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Coals, Stone, or Limestone, Goods, Wares, or Merchandize, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Lock.

For settling Disputes about the Amount of Tolls.

XXVII. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by some Justice of the Peace for the County where the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them, as he shall think just and reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

For preventing Toll Collectors taking undue Tolls.

XXVIII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a board in legible Characters, in front or some other conspicuous Part of the Lock House, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall

be exempt from the Payment thereof, and shall claim such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Rates or Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate or Toll being paid or tendered shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Person or Persons from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds.

New Cuts to be deemed Part of the Navigation.

XXIX. 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 in 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.

Penalty for obstructing Navigation.

XXX. 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 in 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 lawful 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

Boats sunk to be weighed up.

any

Penalty for injuring the Works, &c.

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, 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.

Company of Proprietors or Committee to regulate the Navigation.

XXXI. And be it further enacted, That all Boats, Barges, or other Vessels sailing or being hauled or navigated upon the said River *Dun*, or upon any of the present or intended Cuts or Canals belonging to the said Navigation, shall, upon meeting any other Boat, Barge, or Vessel, stop at or go back to and lie in the Places to be provided for that Purpose in such Manner as the said Company of Proprietors or their Committee shall from Time to Time direct and appoint; and it shall be lawful for the said Company of Proprietors from Time to Time to make such Rules and Regulations as they shall think proper for or relating to the passing of any Locks belonging to the said Navigation, with any Boats, Barges, or other Vessels; and all such Rules and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Boats, Barges, or other Vessels, upon pain of forfeiting a Sum not exceeding Five Pounds nor less than Ten Shillings.

No Steam or Passage Boat for Passengers to navigate.

XXXII. Provided always, and be it further enacted, That no Steam Boat or Vessel shall navigate any Part of the River *Dun*, or any Part of the present or of the said intended Cuts or Canals; and that no Boat, usually denominated a Passage Boat, for the Purpose of conveying Passengers, shall be used on any Part of the River *Dun*, or on any Part of the present or of the said intended Cuts or Canals, without Leave of the Proprietors first had and obtained.

Owners of Boats, &c. answerable for Damages done by their Vessels, Horses, or Servants.

XXXIII. And be it further enacted, That the Master or Owner of every Boat, Barge, Vessel, or Raft navigating or passing upon the said Canal, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief which shall be done by his Boat, Barge, Vessel, or Raft, or the Horses using or drawing the same, or by any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works in, upon, or belonging to the said Canals, either by loading or unloading or navigating any such Boat, Barge, Vessel, or Raft, or by any other Means whatsoever, and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers

Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Canal, by leaving open Gates or otherwise, and for any Trespass whatsoever contrary to the said several Directions and Restrictions in this Act contained, or any of them; and every such Master or Owner shall, upon Conviction before any One Justice of the Peace, either upon Confession, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided such Damages do not exceed the Sum of Ten Pounds; and upon Nonpayment on Demand the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Ten Pounds, then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

Masters to recover back from their Servants any Sums paid for their Neglect or Default.

XXXIV. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel, navigating on any Part of the said River *Dun*, or any of the Cuts or Canals belonging or to belong thereto, shall be compelled to pay any Penalty, or to make satisfaction for any Damage, by reason of any wilful Neglect or Default done or committed by his or their Servant, such Servant shall be liable to repay such Penalty or Satisfaction to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him or them of such Penalty or Satisfaction, and that the same hath not been repaid to him or them by such Servant, although demanded, (such Oath to be made before One Justice of the Peace for the County, Riding, Liberty, or Place where such Penalty and Satisfaction shall have been recovered,) the same Penalty and Satisfaction shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Master in discharge of such Penalty or Satisfaction so by him or them paid for the wilful Act or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall and is hereby required to commit such Servant to the Common Gaol in and for the said County of *York* or to the House of Correction in and for the said West Riding of the County of *York*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Penalty on Persons overloading and obstructing the Navigation, &c.

XXXV. And be it further enacted, That if any Person shall float any Timber on any Part of the said River *Dun*, or any Cuts or Canals belonging or to belong thereto, or shall suffer the Loading of any Boat, Barge, or other Vessel to lie over the Sides of any such Boat, Barge, or other Vessel, or shall overload any Boat, Barge, or other Vessel navigating in or upon the said River *Dun* or on the present or the said intended Canals, so as to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not immediately upon Notice given to him for that Purpose by any Person or Persons injured, or by any Agent or Agents of the River *Dun* Company, or the Servant or Servants of such Agent or Agents, to remove such Obstruction, or if any Person shall throw any

Ballast, Gravel, Stone, or Rubbish into any Part of the said River *Dun*, or into the present or the said intended Cuts or Canals, or any Trenches or Watercourses to be made by virtue of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered as aforesaid.

No hauling Horses to be loose, &c.

XXXVI. Provided always, and be it further enacted, That no Horse or Horses, or any other Cattle that shall be used upon all or any Part of the hauling or other Roads or Paths belonging or to belong to any Part of the River *Dun* Navigation, or any of the present or the said intended Cuts or Canals, shall be turned or let loose upon any Part of the Land or Ground adjoining the said Navigation, under a Penalty for each and every such Offence of any Sum not exceeding Five Pounds.

General Annual Assembly.

XXXVII. And whereas by the said recited Act of the Sixth Year of the Reign of King *George* the Second it is enacted, that the General Annual Assemblies of the said Company of Proprietors shall be held on every Second *Thursday* in the Month of *August* in every Year, which is found to be very inconvenient; be it further enacted, That all future General Annual Assemblies of the said Company of Proprietors shall be held on the First *Thursday* in the Month of *August* in each Year, at the Hour of Twelve of the Clock at Noon on every of the said Days, any thing in the said Act to the contrary notwithstanding.

For ascertaining and compelling Payment of Costs, Damages, and Expences.

XXXVIII. And be it further enacted, That in all Cases where any Costs, Charges, Damages, Compensations, or Expences are by this Act directed to be paid or received by the said Company, to or from any Body Politic or Corporate, Commissioners, Trustees, or other Person or Persons, and the Amount of such Costs, Charges, Damages, Compensations, or Expences shall not be agreed on by or between the Parties, and is not herein or hereby otherwise directed or authorized to be ascertained and recovered, the same shall be settled and determined by any Two or more Justices of the Peace where the Cause of Action shall arise, who are hereby authorized and required, within Seven Days next after Complaint or Application shall be made to them for that Purpose by the Party aggrieved or entitled to claim Compensation, to inquire into, and upon the Oath or Affirmation of One or more credible Witness or Witnesses ascertain and determine the same in a summary Way; and in case the Amount of such Costs, Charges, Damages, Compensations, and Expences, so to be ascertained and determined as aforesaid, shall not be paid and discharged within Ten Days next after the same shall have been so ascertained and determined, and Demand of Payment having been duly made, the Amount thereof, or of so much thereof as shall then remain unpaid, together with any Penalties which may then have been incurred in consequence of such Nonpayment, shall and may, upon Proof, by the Oath or Affirmation of One or more credible Witness or Witnesses, of such Demand and Neglect of Payment, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties to whom it shall belong to pay the same, together with the Costs of such Distress and Sale, by Warrant under the Hands and Seals of Two or more Justices of the Peace where the Cause of Action shall arise, which Warrant they are accordingly hereby authorized and directed to grant; and for the Purpose of being executed in a different Jurisdiction to that in which such Warrant shall have been issued, such

Warrant shall and may be endorsed by the Justice or Justices of such other Jurisdiction, in the like Manner as Warrants of Distress and Sale are now permitted and authorized; and the Amount which shall be recovered and received under such Warrant shall be paid to the Party or Parties authorized to claim and receive the same under the Provisions herein contained, who, after deducting the necessary Charges of making such Distress and Sale, shall pay over the Surplus thereof (if any) to the Party or Parties so refusing or neglecting, or the Amount may be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company or their Treasurer.

XXXIX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Justices may proceed by Summons in the Recovery of Penalties.

XL. And be it further enacted, That in all Cases in which by this or the said recited Acts any Penalty or Forfeiture imposed is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this or the said recited Acts to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall

shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Recovery and Application of Penalties.

XLI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may, in case of Non-payment thereof, be recovered in a summary Way, by the Order and Adjudication of any One Justice of the Peace for the said County of *York*, on Complaint to him for that Purpose exhibited by the Oath of any Witness or Witnesses, or on the Confession of the Party offending (which Oath such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish or Place where the Offence shall be committed, for the Use and Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the taking of 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 it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or he, she, or they shall otherwise be discharged by due Course of Law.

Form of Conviction.

XLII. 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

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 the Time and Place when and where the same was committed*]. Given under my Hand and Seal the Day and Year aforesaid.'

Proceeding not to be quashed for Want of Form.

XLIII. 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 Trepassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Appeal.

XLIV. 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 Four 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 Forfeiture 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.

XLV. 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 Fourteen 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 Two 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 Four Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Four 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, 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 Fourteen 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.

Bridges across Carriage Roads.

XLVI. 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 or private 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.

Alterations to be completed within Seven Years.

XLVII. 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 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 Three Calendar Months next after the Expiration thereof, upon the Evidence of Witnesses upon Oath, to be produced before them for that Purpose.

Public Act.

XLVIII. 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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SCHEDULES referred to by this Act.

No. 1.

FOR all and every Fodder of Lead, Ton of Iron, Steel, Horns, Hoofs, Bones, Boxwood, Timber, broken and unbroken, Boards, Deals, Cheese, Salt, Corn, Cutlery, Wares, Iron Wares, Groceries, or other Merchandize, Coal, Stone, Limestone, and Lime, as shall be conveyed, carried, or towed in or by any Boat or other Vessel, in, upon, to, or from any Part of the said River between Holmstile and Tinsley, such respective Rate and Duty, Rates and Duties for Tonnage, over and besides what shall or may be paid for Freight or Carriage of the said Goods, as they the said Company of Proprietors, their Successors or Assigns, shall think fit, not exceeding the Sum of Two Shillings and Sixpence for every Fodder of Lead or Lead Ore; or the Sum of Three Shillings for every customary Ton of Iron, Steel, Horns, Hoofs, Bones, Box Wood; or the Sum of Three Shillings and Sixpence for every customary Ton of Deals, Boards, or Timber of foreign Growth, Cheese, Salt, Corn, Cutlery Wares, Iron Wares, Groceries, or other Merchandizes; or the Sum of Sixpence for every Ton of Lime or Limestone brought up the River to Rotherham, or above Aldwark Wash; or the Sum of Nine-pence for every Ton of Lime or Limestone brought up to Tinsley; or the Sum of Three-pence for every Ton of Lime or Limestone carried up or down the said River to Doncaster Wash, or any other Place between Aldwark Wash and Doncaster; or for every Ton of Coals, Stone, Iron, Sough, Metal, Wood, and Timber, which shall be carried from the Head of the said Navigation, or any Part of the Lordship of Tinsley, down to Holmstile or Doncaster, or from Doncaster or Holmstile, up to Tinsley, (except Wood and Timber of English Growth, for which only One Shilling and Sixpence per Ton is to be paid, and from Rotherham to Holmstile no more than One Shilling per Ton,) not exceeding Two Shillings and Sixpence; and from Rotherham not exceeding Two Shillings; or on any Part thereof between Rotherham and Kilnhurst Works, and from thence to Denaby, Mexburgh, and Conisbrough, not exceeding One Shilling and Sixpence; or on any Part thereof between Conisbrough and Holmstile, not exceeding One Shilling; and that such Duties shall be paid for every lesser or greater Quantity of the several Commodities herein-before named after the same Rates and Proportions before mentioned; the same several and respective Rate and Duty, Rates and Duties to be paid at such Place and Places near the said River, and in such Manner as the Undertakers, their Successors or Assigns, shall think fit and appoint.

No. 2.

A Toll or Duty of One Penny for every customary Ton of Goods which shall be brought up into or carried down from or through the Township of Tinsley, upon the River Dun, over and above all Lock Duties, to be applied to the making and repairing of the Road between Tinsley and Sheffield.

Also another Toll or Duty of One Penny for every customary Ton of Twenty-five Hundred Weight, and so in proportion for any greater or less Quantity

Quantity of Goods or Merchandizes of what Kind soever, which shall be brought to or carried from any Wharf at or near Tinsley, to be carried up or down the said River, over and above all Lock Dues.

Which said respective Tolls or Duties of One Penny and One Penny were vested in the said Undertakers, their Successors, Heirs, and Assigns, for ever; and the same, and every Part thereof, is from Time to Time to be laid out and applied for and towards repairing and amending the Road between Tinsley and Sheffield, and which said last-mentioned Tolls of One Penny and One Penny now belong to the Sheffield Canal Company.

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