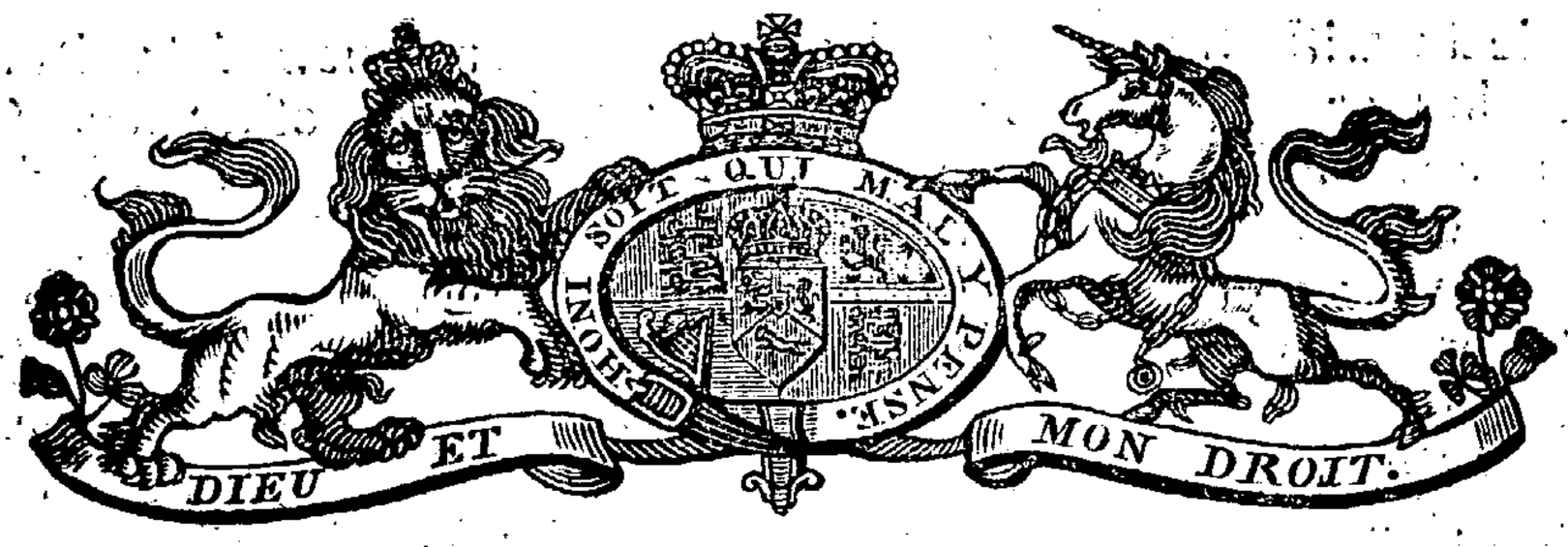


ANNO PRIMO

GEORGII IV. REGIS.

Cap. XXXV.

An Act for maintaining navigable the River *Ure*, and its collateral Cuts, from its Junction with the River *Swale*, to the Borough of *Ripon*, in the County of *York*. [23d *June* 1820.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making navigable the River* Ure, *from its Junction with the River* Swale, *to the Borough of* Ripon, *in the County of* York: And whereas by the said Act certain Persons were appointed Commissioners for improving, extending, and continuing the Navigation up the said River *Ure*, from the Junction of the said Rivers *Ure* and *Swale*, and for making, completing, and maintaining navigable Cuts or Canals passable for Barges, Boats, Lighters, and other Vessels, unto, in, through, and over a Place called *Bondgate Green*, at or near unto the Borough of *Ripon*, and for putting in Execution all the Powers in the said Act given; and the said Commissioners, or any Five or more of them, their Agents, Officers, Workmen, and Servants were thereby authorized and empowered to make and keep navigable and passable for Barges, Boats, Lighters, and other Vessels, the said River *Ure* and Cuts or Canals, and for that Purpose to cleanse, scour, open, deepen, enlarge, alter, turn, or straighten the same, or any Part or Parts thereof, and any other Streams, Brooks, or Watercourses which do come or may be brought into or may communicate 7 G. 3. c. 93.

municate with the same, and also to make such new Cuts, Canals, Trenches or Passages for Water, Reservoirs, and other Works, as the said Commissioners, or any Five or more of them, should think requisite and convenient for making, effecting, extending, preserving, improving, completing, and using the said Navigation: And whereas a Cut or Canal called *Milby Cut*, has been made from and out of the said River *Ure*, in the Township of *Milby*, otherwise *Humburton-with-Milby*, at or near a Place called *Milby-Lane-End*, and running from thence Westwards through the Townships of *Milby* otherwise *Humberton-with-Milby*, and *Langthorpe* otherwise *Longthorpe*, and communicating again with the River *Ure*, in the latter Township, above *Boroughbridge Mills*, containing in Length One thousand one hundred and five Yards, or thereabouts; and another Cut or Canal called *Westwick Cut*, has also been made from and out of the said River *Ure*, in the Township of *Westwick*, and running Westward through the same Township, and communicating again with the said River *Ure*, in the same Township, containing in Length Six hundred and sixteen Yards or thereabouts; and another Cut or Canal called the *Oxclose Cut* or *Long Cut*, has also been made from and out of the said River *Ure*, in the Township of *Whitcliffe-with-Thorpe*, at or near the Corner of the *Oxclose Pasture* there, and running Westward through the Township of *Whitcliffe-with-Thorpe*, into and through Part of the Township of *Ripon*, unto, in, through, and over *Bondgate Green*, near to the Borough of *Ripon*, containing in Length Two Miles, Two Furlongs, and One hundred and twenty-five Yards or thereabouts: And whereas several considerable Sums of Money, amounting in the whole to Sixteen thousand four hundred Pounds, have been advanced by certain Persons, for carrying the Purposes of the said Act into Execution, and the Tolls, Rates, and Duties by the said Act authorized to be taken on the said Navigation have been assigned to the said Persons, their Executors, Administrators, and Assigns, as a Security for the Repayment of the Sums so by them advanced, with Interest for the same, and such Sums have been expended in making navigable the said River *Ure*, and Cuts or Canals, to the great Advantage of the Public, and it has been found necessary also to apply a large Proportion of the said Tolls, Rates, and Duties towards making and maintaining the said Navigation, so that the Arrears of Interest on such Assignments or Securities amount to the Sum of Eleven thousand four hundred and fifty Pounds or thereabouts, which together with the said Principal Sum is now due and owing: And whereas there are now no Commissioners remaining who are qualified to act in the Execution of the said Act: And whereas several Shoals and Obstructions have accumulated in the said River *Ure*, and Cuts or Canals, and the Banks and Towing Paths, and the several Locks, Weirs, Dams, Bridges, Wharfs, Quays, Buildings, and Works belonging to the said Navigation, are become greatly out of repair and ruinous, and the said Navigation may fall into decay, whereby the Advantages thereof will be lost to the Public, unless the said Act be repealed, and some new Regulations and Provisions be made and established by Authority of Parliament: And whereas the several Persons herein-after named, being Holders of the said Securities, are willing and desirous to undertake to remove such Obstruc-

tions, and to put the said Works into Repair at their own Expence, and to maintain the said Navigation for the Use of the Public: 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 the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Third, shall be and the same is hereby repealed: Provided always, that all Agreements, Purchases, Sales, and Conveyances, made in pursuance of the said recited Act shall be, remain, and continue as valid and effectual in Law as if the said Act had not been repealed, and as if such Agreements, Purchases, Sales, and Conveyances had been made in pursuance of this Act; and that all Securities granted to any Persons who have advanced Money for the Purposes of the said recited Act shall be and remain as valid as if the same had been granted in pursuance of this Act, and the Tolls and Duties by this Act granted shall be subject and liable to the Payment and Discharge of the same, and of all Interest due and to grow due thereon, until such Securities shall be applied and disposed of under the special Provisions of this Act.

Recited Act repealed.

II. And be it further enacted, That the Mayor, Burgesses, and Commonalty for the Time being of the Borough of *Ripon*, the Mayor and Aldermen for the Time being of the Borough of *Ripon*, as Trustees under the Will of the late *Thomas Richardson* Doctor of Physic, *Peter Snowden*, *Robert Williamson*, *William Farrer*, and *John Grimston*, Esquires; *Elizabeth Sophia Lawrence*, *Mary Kitchingman* Widow, Messieurs *William Henry Harrison*, *Richard Terry*, *Joseph Beevers Terry*, and *John Harrison*, Bankers; the said *William Henry Harrison*, *Richard Terry*, *Joseph Beevers Terry*, and *John Harrison*, as Assignees or Trustees of *Mark Henson*; *Tonyns Dickins*, *William Farrer*, and *John Dale*, Esquires, as Trustees and Executors under the Will of the late *Peter Taylor* Esquire, deceased; *George Coates* Esquire, *Mary Wilks*, *Isabella Wilkinson* Widow, and *Samuel Denison* Esquire, being now Holders or Proprietors of Securities granted to Persons who have subscribed Money for the Purposes of the said recited Act, and their respective Successors, Executors, Administrators, and Assigns, or such of them as shall from Time to Time be possessed of any Shares in the said Navigation; and also all and every other the present Holders or Proprietors of Securities as aforesaid, his, her, or their Executors, Administrators, or Assigns, who shall, under the Provisions of this Act, signify his, her, or their Intention to become and shall become a Shareholder or Shareholders therein; and all such other Person or Persons, Bodies Politic and Corporate, as shall from Time to Time be possessed of any Share or Shares in the Joint Stock herein-after mentioned, shall be and they are hereby formed and united into a Company for the better mantaining the said Navigation, according to the Rules, Orders, and Directions herein-after expressed, and subject thereto, and for that Purpose shall be one Body Politic and Corporate, by the Name and Style of 'The Company of Proprietors of the River *Ure* Navigation to *Ripon*,' and by that

Proprietors incorporated.

that Name shall have perpetual Succession, and a common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase and take and hold Lands, Tenements, and Hereditaments, to them, their Successors and Assigns for the Use of the said Navigation, and for the necessary Purposes thereof, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and without any Licence of Alienation in Mortmain being required to be obtained by or on Behalf of the Person or Persons selling the same; and also to sell any of the Lands, Tenements, or Hereditaments so purchased for the Purposes aforesaid.

Vesting the present Navigation and the Estates and Property thereof in the Company.

III. And be it further enacted, That the said Navigation, and all the Messuages, Buildings, Warehouses, Wharfs, Quays, Landing Places, Locks, Dams, Weirs, Haling or Towing Paths, Bridges, Works, Lands, Tenements, and Hereditaments, which have been erected, made, provided, purchased, or acquired under or by virtue of the said recited Act, or which are at the Time of passing this Act the Property of or vested in the Commissioners, or any of them, named in or appointed by virtue of the said recited Act, for the Use of the said Navigation, or whereof or wherein the said Commissioners, or any Persons or Person in Trust for them or any of them, are or is seised or possessed or interested or entitled unto any Estate or Interest at Law or in Equity, or in anywise howsoever, for the Uses or Purposes of the said Navigation; and also all and every the Boats, Barges, Vessels, and other Effects, Matters, and Things belonging to the said Navigation, or held, used, and enjoyed therewith, or accepted, reputed, had, taken, or known as Part, Parcel, or Member thereof, or of any Part thereof, shall be and are hereby vested in the said Company of Proprietors, their Successors and Assigns, for the Uses and Purposes of the said Navigation, and for the Benefit of the several Members of the said Company, according to their several and respective Shares and Interests therein, freed and discharged from all Estate, Right, Title, Interest, Claim, or Demand whatsoever, of, from, or by any Person or Persons whomsoever; and that the said Company of Proprietors, and their Successors and Assigns, shall and may have, hold, and enjoy the same Messuages, Buildings, Warehouses, Wharfs, Quays, Landing Places, Locks, Dams, Weirs, Haling or Towing Paths, Bridges, Works, Lands, Tenements, and Hereditaments so vested as aforesaid, notwithstanding the said Statutes of Mortmain, and shall and may also sell and convey any such Lands, Tenements, or Hereditaments as aforesaid: Provided always, that nothing in this Act contained shall be construed or taken to give to or vest in the said Company of Proprietors any Right or Title to any Buildings, Lands, or Tenements which have been erected upon or taken from the Commons or Wastes of the said Manor of *Ripon*, for the Purposes of the said Navigation, within Twenty Years before the passing of this Act, until the same shall be paid or compensated for by and conveyed to the said Company, under the Powers of this Act.

Company to maintain the Navigation.

IV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized

rized and empowered, by themselves or their Agents, Officers, Workmen, and Servants, to maintain and keep navigable and passable for Barges, Boats, Lighters, and other Vessels the said River *Ure*, from its Junction with the River *Swale* to the Borough of *Ripon*, and the Cuts or Canals communicating therewith, herein-before mentioned and described, and for that Purpose from Time to Time to cleanse, scour, deepen, and repair the same, or any Part or Parts thereof respectively, and any Tunnels, Drains, or Watercourses already made which do come into or communicate therewith, and to dig, cut, or raise the Banks of the said River *Ure*, and Cuts or Canals; and for the Purposes aforesaid, the said Company of Proprietors, their Agents, Officers, Servants, and Workmen are hereby authorized and empowered, in, upon, or through the Lands and Grounds of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, as the said Company of Proprietors shall direct or appoint, to enter, and to bore, dig, cut, trench, sough, remove, and lay Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, except as herein-after is excepted, which may be dug or got in cleansing, scouring, deepening, and repairing the said River or the said Cuts or Canals and other Works, or any of them, or which may hinder, prevent, or obstruct the using, completing, repairing, and maintaining the same, or any of them; and also to make, build, erect, and set up, in, upon, or over the said River *Ure*, and Cuts or Canals, or any of them, or upon Lands adjoining or near unto the same or any of them respectively, such and so many Dams, Sluices, Locks, Weirs, Pens for Water, Bridges, Tunnels, Drains, Wharfs, Quays, Landing Places, Warehouses, Watch Houses, Weigh Beams, Cranes, and other Erections or Buildings, Works, Ways, 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 pull down, alter, repair, and amend the same or any Part thereof, and to carry and convey, place, lay, work, manufacture, and remove all Manner of Materials necessary for the making, erecting, finishing, altering, widening, enlarging, repairing, or amending the said Works of and belonging to the said Navigation, or any Part thereof, on the Grounds near to the Place or Places adjoining the said River or Cuts or Canals where the said Works or any of them shall or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Locks and Cuts or Canals, or any of them, or the Tunnels, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which communicate therewith, or with the said River *Ure*, or any Part thereof; and also to repair, amend, and maintain all the present Towing Paths, Banks, and Ways, for towing, haling, or drawing with Men, Horses, or otherwise, Boats, Barges, Lighters, or other Vessels passing in, through, or upon the said River *Ure*, Locks and Cuts or Canals, as the said Company of Proprietors shall think convenient; and also to dig, take, and carry away Soil, Clay, Gravel, or Stone, or any other Materials proper, requisite, and convenient for repairing and maintaining the said Navigation and Works, in or from any Grounds, Pits, or Stone Quarries of any Person or Persons adjoining thereto, (not being Ground whereon any House stands, or any Garden, Yard, Park, Paddock, Plantation, planted

planted Walk or Avenue to any House or Lawn inclosed or adjoining to a Mansion House) and to construct, erect, and keep in repair Arches and other Works in, upon, and across any Rivers or Brooks for the making, using, maintaining, and repairing the said Locks and Cuts or Canals, or any of them, and the Towing Paths on the Sides thereof, and of the said River *Ure*, or any of them; and also to construct, erect, make, and do all other Matters and Things which the said Company of Proprietors shall think necessary and convenient for maintaining, preserving, improving, completing, and using the said Navigation, in pursuance of and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, and their Servants, Agents, and Workmen doing or causing to be done as little Damage as may be in the Premises, and making Satisfaction in Manner herein-after mentioned to the Owners and Occupiers of and Persons interested in any Mills, Weirs, Lands, Tenements, Pits, Stone Quarries, or Hereditaments respectively, for all Damages to be sustained by the Owners or Occupiers of such Mills, Weirs, Lands, Tenements, Pits, Stone Quarries, or Hereditaments respectively, as shall be taken, used, removed, wrought, or prejudiced in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Servants, Officers, Agents, and Workmen, and all other Persons whosoever, for what they or any of them shall do or cause to be done by virtue of the Powers hereby granted.

Steam Engines to consume their own Smoke.

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

Company not to deviate from the present Line, nor to make any Reservoir.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower the said Company of Proprietors or any other Person or Persons, in maintaining and improving the said Navigation, to vary or deviate from the present Line, Course, or Direction of the said River or Cuts or Canals, or to make any Reservoir.

Houses, &c. not to be taken.

VII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company of Proprietors or any other Person or Persons to take, use, injure, or damage any House or Building, or any Park, Paddock, Plantation, Avenue, planted Walk, Lawn, or Pleasure Ground, nor any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners or Occupiers thereof.

Towing Path not to be on the North Side of the River Ure, by Newby and Branton.

VIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower or authorize the said Company of Proprietors, or their Agents, Officers, Servants, or Workmen, to make, set up, appoint, or make use of any Towing Path or Paths, Banks, or Ways for towing, haling, or drawing of Boats or other Vessels on the North Side of the said River *Ure*, by or near unto the Mansion Houses or Messuages called *Newby Hall* and *Branton Hall*, or the Gardens or Plantations thereunto belonging, now the Estate of the Right Honourable *Thomas Philip Weddell* Lord

Grantham, nor to make, set up, appoint, or make use of any Towing Path or Paths, Banks, or Ways for towing, haling, or drawing of Boats, Barges, Lighters, or other Vessels on the South Side of the said River, from the Bridge at *Boroughbridge* to a Close called *Plowman's Close*, in the Parish of *Aldborough*, or to erect any Dam, Lock, or Staith upon the said River *Ure*, between the Junction thereof with the said River *Swale* and *Milby* Staith, or to make any new Towing Path or Paths, Canal, or other Works, upon the South Side of the said River *Ure* between the Junction of the said Rivers and *Boroughbridge*; nor shall the Powers hereby granted extend or be construed to extend to any Part of the River *Ure* between the Cut at *Milby Bank* and the Mills at *Boroughbridge*.

Mouth of Canal to be Sixty Yards at least from certain Property of the Duke of Newcastle.

IX. Provided also, and be it further enacted, That the Mouth of the Cut or Canal called *Milby Cut*, already made more than Sixty Yards above a certain Mill Dam across the said River *Ure*, at or near unto *Boroughbridge* Mill, the Property of His Grace the Duke of *Newcastle*, shall not be removed or altered by the said Company of Proprietors; and that nothing in this Act contained shall prejudice any Right that His Grace the said Duke of *Newcastle* hath to lay Timber or other Materials for the repairing of the said Mill Dam, upon the Grounds between the said River *Ure* and the said Cut or Canal called *Milby Cut*.

Company compellable to purchase small Parcels of Land detached if required.

X. And be it further enacted, That if in making or repairing any Works belonging or requisite to the said Navigation, or in carrying into Execution any of the Powers of this Act, any Pieces or Parcels of Land or Ground shall be divided or separated from the rest of such Land or Ground, so that what shall be left shall be less than Half an Acre in Quantity, or less than Twenty Yards in Average Breadth throughout the whole Length thereof, and the Owner or Owners of any such Pieces or Parcels of Land or Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left, then and in every such Case, and if the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of the same, shall, by Writing under his, her, or their Hand or Hands, require it, but not otherwise, the said Company of Proprietors shall also take and purchase the Piece or Parcel or Pieces or Parcels of Land or Ground, so to be divided or separated, and left as aforesaid, being less than Half an Acre in Quantity, or less than Twenty Yards in Average Breadth throughout the whole Length thereof as aforesaid, and shall pay for the same after the same Rate, and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be used for the Purposes of this Act.

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

XI. And be it further enacted, That when any Lands, Tenements, or Hereditaments shall be wanted for the Purposes of this Act, or for the Improvement of the said Navigation, or for making or erecting any of the Works or Conveniences hereby authorized to be made, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Persons having any other partial or qualified Estate or Interest therein, or Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and

and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for the Sale of, and to sell and convey the same and every Part thereof, with the Appurtenances, unto the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company of Proprietors, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; namely,

Form of Conveyance.

'I of in Consideration of the Sum of to me paid by "The Company of Proprietors of the River *Ure* Navigation to *Ripon*," do hereby, in pursuance and by virtue of the Power in that Behalf contained in the Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], grant, release, assign, and confirm unto the said Company of Proprietors all [*here insert the proper Description of the Lands or Hereditaments intended to be conveyed*], and all my Estate and Interest therein, to hold unto and to the Use of the said Company of Proprietors and their Successors for ever, for the Uses and Purposes of the said Navigation, and according to the true Intent and Meaning of the said Act. In witness whereof, I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .'

But if any such Lands, Tenements, or Hereditaments so to be purchased or taken, shall be of Leasehold or other qualified Tenure or Estate less than an Estate in Fee Simple, such Conveyances shall be taken, *mutatis mutandis*, according to the Nature and Tenure of the Property, and shall be held accordingly; and that all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in Law, to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years in Estates in Fee Simple or of Freehold Tenure, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever; which said Conveyances shall be enrolled in the Register Office of or for the West or North Riding of the County of *York*, according as the Lands, Tenements, or Hereditaments thereby conveyed shall be situate; and the Conveyances of such as shall lie within the Liberty of *Ripon*, shall also be enrolled with the Clerk of the Peace of the said Liberty amongst the Sessions Records of the same Liberty; and the Originals of all such Conveyances shall be kept by the Clerk to the said Company of Proprietors; and the respective Enrolments thereof

thereof shall and may be seen and inspected, and Copies thereof had and taken, by any Person or Persons whomsoever, during the Hours and after the Prices and Rates used and accustomed in such Offices; and Copies of all such Enrolments, certified under the Hands of the respective Registers of the said West or North Ridings, or Clerk of the Peace of the said Liberty, or their respective Deputies, shall be received and admitted as Evidence in any Court of Law or Equity, and on all Occasions whatsoever.

For settling Contracts respecting Copyhold Lands.

XII. And be it further enacted, That if any Contract, Agreement, Bargain, or Sale shall be made or entered into, of or concerning any Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which Lands, Tenements, or Hereditaments shall be Copyhold or Customary, or of the Nature of Copyhold or Customary, the same shall be executed and completed by Surrender thereof in the Court of the Lord Archbishop of *York*, of or for the Manor of *Ripon*, or of the Lord or Lords, Lady or Ladies of such other Manor or Manors, of which the same is or are holden, according to the Custom of such Manor or Manors respectively; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable, and of Right accustomed, in the same Manner as if this Act had not been passed, unless the said Lord Archbishop of *York*, or other the Lord or Lords, Lady or Ladies of the Manor for the Time being, shall be willing and desirous to enfranchise the same; in which Case the said Lord Archbishop of *York*, or other such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor or Manors, for a less Interest than an Estate of Inheritance in Fee Simple, or in any Ecclesiastical, Collegiate, or other partial or qualified and abridged Right or Interest, and notwithstanding any Restraint, Law, or Statute to the contrary; and in that case the Conveyance or Conveyances of such Lands, Tenements, or Hereditaments so agreed to be enfranchised, shall be taken in the Form and Manner herein-before mentioned, or as near thereto as Circumstances will admit of, specifying therein a proper Clause for and the Terms of such Enfranchisement; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company would prevent the said Lord Archbishop of *York*, or other such Lord or Lords, Lady or Ladies, from receiving the Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he, she, or they should have done in case such Copyhold or Customary Premises had continued to be the Property of Individuals, the said Lord Archbishop of *York*, or other the Lord or Lords, Lady or Ladies of the said Manor or Manors, in case he, she, or they shall decline to enfranchise the respective Parcels of Copyhold or Customary Lands, Tenements, and Hereditaments held of such Manor, which shall be so purchased by or vested in the said Company for the Purposes aforesaid, shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them in respect of such Fines, Heriots, or other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises

in a Body Corporate; which Recompence and Satisfaction, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, as is in other Cases herein-after mentioned and directed by this Act.

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

XIII. And be it further enacted, That in all Cases where there shall be Occasion, under the Powers or Provisions of this Act, to cut through, take, or use for the Purposes of the said Navigation or of this Act, any Part or Parts of any Commons or Waste Grounds, the Conveyance of such Parts of such Commons or Waste Grounds, by the said Lord Archbishop of *York*, or other the Lord or Lords, Lady or Ladies of the Manor or Manors in which the same are situate, to the said Company of Proprietors, shall be a good and sufficient Conveyance; and the said Lord Archbishop of *York*, or other the Lord or Lords, Lady or Ladies of such Manor or Manors respectively, is and are hereby authorized to make and execute such Conveyances accordingly, on his, her, or their Proportion or Proportions of the Purchase Money being paid or tendered as herein-after mentioned; and it shall be ascertained and settled by a Jury, subject to the Rules, Regulations, and Provisions herein-after contained, what Proportions of the Purchase Money of any such Part or Parts of any Commons or Waste Grounds shall be paid to the said Lord Archbishop of *York*, or other Lord or Lords, Lady or Ladies, Common Right Owners, or other Persons interested in any such Commons or Waste Grounds, for his, her, or their Interest in such Lands, and such Proportion of the said Lord Archbishop of *York*, or other Lord or Lords, Lady or Ladies, shall accordingly be paid or tendered to him, her, or them, or paid into the Bank of *England* as herein-after mentioned, and the Remainder thereof shall be paid to the Surveyor of the Highways of the Parish, Township, or Place in which such Commons or Waste Grounds shall be situate, to be applied and accounted for in like Manner as any other Monies received by such Surveyors, as such Surveyors; provided always, that nothing herein contained shall extend to authorize the said Company of Proprietors to purchase, take, or use any Part of the Commons or Waste called *Bondgate Green*, lying on the North Side of the Turnpike Road leading from *Ripon* aforesaid to *Boroughbridge*.

For settling Purchase Money of Land taken or to be taken from Bondgate Green.

XIV. And whereas certain Persons, Inhabitants of the Townships of *Ripon* and *Bondgate*, have been immemorially entitled to Rights of Common upon the said Place called *Bondgate Green*, which is Part of the Commons or Waste of the Manor of *Ripon* aforesaid; be it therefore enacted, That the Purchase Money or Compensation to be made for any Part or Parts thereof, which hath or have been taken or used for the Purposes of the said Navigation within Twenty Years before the passing of this Act, as herein-before is mentioned, and for which no Recompence or Satisfaction hath been before made, and of all such Part or Parts thereof (if any) which shall hereafter be taken or used under the Provisions of this Act, when settled and ascertained according to the Regulations and Provisions of this Act, and the Part or Proportion thereof due and payable in respect or in lieu of such Right of Common shall be paid to the Mayor of *Ripon* for the Time being, to be by him apportioned, divided, and paid amongst and to the

the several Persons and Parties entitled thereto, in case they shall be seised in Fee Simple of their respective Estates, in right whereof they shall be so entitled; or otherwise the same shall be applied and disposed of in Manner herein-after mentioned, in cases where Money to be paid for the Purchase of Lands, Tenements, or Hereditaments is directed to be paid into the Bank of *England*, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Satisfaction to be made to be settled by a Jury, if the Parties cannot agree.

XV. And be it further enacted, That all and every Body or Bodies Politic, or Corporate, or Collegiate, Trustees or other Persons hereinbefore capacitated to sell or convey Lands, Tenements, and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, necessary to be taken or used for the Purposes of this Act, or to which any Injury or Damage shall or may be done in carrying into Execution any of the Powers or Provisions of this Act, may accept and receive Satisfaction for the Value of such Lands, Tenements, or Hereditaments, and for the Injury or Damage to be sustained in carrying into Execution the Powers of this Act as aforesaid, in gross Sums, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company of Proprietors; and in case the said Company of Proprietors, and the said Parties interested in such Lands, Tenements, or Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, then the same, and also the Compensation herein-before directed to be made in lieu of the Loss of Fines, Heriots, or Services, in respect of Copyhold or Customary Lands, Tenements, or Hereditaments, taken or used for the Purposes of this Act, in cases where the Parties differ about the same, shall be ascertained and settled by the Verdict of a Jury as is herein-after directed.

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

XVI. And for settling all Differences and Disputes which may arise between the said Company of Proprietors and the several Owners of or Persons interested in any Lands, Tenements, or Hereditaments, which shall or may be taken, used, damaged, prejudiced, or affected by the Execution of any of the Powers of this Act; and in all cases whatsoever wherein any Person or Persons shall sustain any Damage or Prejudice by reason of the Execution of the Powers of this Act, and for which or in respect whereof the said Company of Proprietors and Parties interested cannot agree; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested, entitled, or empowered to sell as aforesaid, for and on Behalf of himself, herself, or themselves, or for or on Behalf of their respective Cestuique Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, shall refuse to accept such Purchase Money, or Recompence, Satisfaction, or Compensation, as shall be offered in Writing by the said Company of Proprietors, or their Agent, and Notice in Writing shall have been given thereof, and served upon the said Company as herein-after mentioned, within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid, shall therein request that the Matter or Matters in Dispute may be submitted to the Determination

Determination of a Jury; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled, interested, or empowered to sell as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Company of Proprietors concerning the same, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or other Impediment be incapable of treating or making such Agreements as shall be expedient to enable the said Company of Proprietors to maintain, carry on, and continue the said Navigation and the Works thereof, then, and in either or any of the said Cases, the said Company of Proprietors shall and they are hereby empowered and required, from Time to Time, to issue a Warrant or Warrants under their Common Seal, to the Sheriff of the County of *York*; or in case such Sheriff shall happen to be one of the said Company of Proprietors, or enjoying any Office of Trust or Profit under them, or shall be otherwise interested in the Matters in question, then to any one of the Coroners of the said County not so interested; or if all the Coroners shall be so interested, then to the last Person then in being who filled the said Office of Sheriff of the same County, who shall not be so interested as aforesaid, commanding such Sheriff or Coroner, or other Person, to summon and impannel, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff or Coroner, or other Person as aforesaid, or such other Person or Persons as the said Sheriff, Coroner, or other Person shall depute or appoint to act on such Occasion, and either with or without an Assessor, or legal Adviser, at such Time and Place (as well within Liberties or Franchises as without, and notwithstanding such Place may be within the Bounds or Jurisdiction of any Liberty or Liberties, or Franchise or Franchises, or other Place or Places, of separate or peculiar Jurisdiction) as shall in and by such Warrant or Warrants be mentioned and appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place to be appointed as aforesaid, the said Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Coroner, or other Person or Persons is or are hereby empowered and required to summon and call before him or them, all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question; and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy; and such Jury, upon their Oaths, or (being of the Society of Persons called *Quakers*) upon their solemn Affirmations, which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Coroner, or other Person or Persons is and are hereby authorized and empowered to administer, shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or

to be summoned by the Sheriff;

or Coroner;

or Person who last filled the Office of Sheriff.

In default of Jurors Attendance, Standers-by may be returned.

Witnesses to be summoned.

Jurors to have a View.

Hereditaments as aforesaid; and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, Satisfaction, or Compensation, either for Damages or on any Occasion, or for any Reason whatever, which shall, according to the Provisions of this Act, require any Recompence, Satisfaction, or Compensation, to be made or given for; and the said Sheriff, Coroner, or other Person or Persons as aforesaid shall accordingly give Judgment for such Purchase Money or Purchase Monies, Recompence, Satisfaction, or Compensation, as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; provided that not less than Ten Days Notice in Writing of the Time and Place of Meeting of the said Sheriff, Coroner, or other Person or Persons, and the said Jury, shall be given by the Clerk of the said Company to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise; and the said Verdict and Judgment shall be signed by the said Sheriff, Coroner, or other Person or Persons pronouncing the same, and shall not afterwards be removed or be removable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at *Westminster*, or any other Court whatsoever; any Law or Statute to the contrary notwithstanding.

Verdict and Judgment thereon to be final.

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

Penalty on Sheriff, Jurors, or Witnesses making Default.

XVIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties, as if such Jury and Juryman had been

Jurors to be under same Regulations as those of Courts at Westminster.

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

Persons giving false Evidence subject to the Penalties of Perjury.

Expences of Jury how to be borne.

XIX. And be it further enacted, That in every Case where the Verdict of the Jury shall be given for more Money to be paid as a Recompence, Satisfaction, or Compensation as aforesaid, than shall have been previously offered or tendered by or on Behalf of the said Company of Proprietors; or if no such Recompence, Satisfaction, or Compensation shall have been tendered by them, or on their Behalf, to the Person or Persons competent to accept and take the same; all the Expences of summoning such Jury, taking such Inquest, and summoning and Attendance of Witnesses, shall be defrayed by the said Company of Proprietors, and shall be settled by the said Sheriff or Coroner, or other Person or Persons herein-before mentioned; and in case of Nonpayment within Ten Days after the same shall be so settled, then such Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, by Warrant under the Hand and Seal of such Sheriff or Coroner or other Person aforesaid, which Warrant such Sheriff or Coroner or other Person is hereby empowered and authorized to issue; but if the Verdict of the Jury shall be given for the same Sum, or for less Money than shall have been previously offered or tendered by the said Company of Proprietors as aforesaid, then such Expences shall be defrayed by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute; and shall be settled by the said Sheriff or Coroner, or other Person or Persons herein-before mentioned, and shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use; and the Payment or Tender of the Remainder of the Money, so to be determined or adjudged, shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or a Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence, Nonage, or other Impediment, any Person or Persons shall have been prevented from, or shall by reason of Nonage or other Impediment, be incapable of treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company of Proprietors.

Persons requesting a Jury to enter into Bond to prosecute.

XX. And be it further enacted, That all and every Person or Persons with whom the said Company of Proprietors may have any such Controversy or Dispute as aforesaid, shall, before the said Company of Proprietors shall be obliged to issue out their Warrant or Warrants, for summoning of such Jury, enter into a Bond to the Treasurer of the said Company of Proprietors for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear

bear and pay the Expences of summoning such Jury and taking such Inquest, and of summoning and Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to pay, according to the true Intent and Meaning of this Act.

No Complaint to be taken Notice of, unless Notice given to Company within Six Calendar Months.

XXI. And be it further enacted, That the said Company of Proprietors shall not be obliged to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained by virtue or in consequence of the Powers of this Act, unless Notice in Writing shall have been given in relation thereto, by or on Behalf of such Person or Persons, and served upon the said Company as herein-after mentioned, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased; except that in the Case of Absence, Nonage, or other Impediment, the said Space of Six Calendar Months shall be computed from the Time when such Impediment shall have ceased.

Value of Land and Damages to be ascertained separately, and the latter to be paid in course of Priority.

XXII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands, Tenements, and Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands, Tenements, and Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid separately and apart from each other; and all such Sums of Money as shall be assessed and awarded for Damages of any Kind by virtue of this Act shall be paid, in order and course respectively, as such Determinations shall be in Priority of Time.

Compensation Money to be apportioned.

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

Compensation to be made by Sums in gross, and not by annual Rents.

Present Rents not to be invalidated.

Annual Rents already granted, may be purchased and extinguished.

XXIV. And be it further enacted, That all such Compensation and Satisfaction shall be made by a Sum or Sums of Money in gross, and not by an annual Rent: Provided always, that nothing herein contained shall alter, affect, or invalidate any Compensations already made, or which shall be payable at the Time of passing this Act: Provided also, that in all Cases where such annual Rents have already been granted to any Party or Parties, Bodies Politic, Corporate, or Collegiate, now entitled to receive such annual Rents, and the same Persons so entitled, and the said Company of Proprietors shall agree on a Sum in gross to be paid in lieu of such annual Rents, it shall be lawful for the said Company of Proprietors to purchase or commute all or any of such annual Rents by the Payment of a Sum of Money in gross; and all Purchases and Payments so made of a Sum of Money in gross, shall

shall be as good, valid, and effectual as if the same had been originally made by a Payment in gross instead of an annual Rent; which Sum or Sums of Money in gross shall be paid to the Owner or Owners of such Rents respectively, in case he, she, or they shall be seised in Fee of such Rents, or otherwise such Sum and Sums of Money in gross shall be applied and disposed of in the same Manner as any Sum of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be taken for the Purposes of this Act, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, is hereinafter directed to be applied and disposed of; and upon Payment of such Sum or Sums of Money in gross as aforesaid, and all Arrears of the said respective Rents then due, such Rents shall cease, determine, and be for ever extinguished; and immediately thereupon the Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom such Sum or Sums of Money in gross shall be so paid, shall grant, transfer, and convey the Lands, Tenements, or Hereditaments, or other the Rights, Privileges, and Premises for which such Compensation was made, by annual Rents, and afterwards by such Payment of Money in gross to the said Company of Proprietors, for the Uses and Purposes of the said Navigation; which said Grant, Transfer, or Conveyance shall be made at the Expence of the said Company of Proprietors, and shall be in the following Form, or as near thereto as Circumstances will admit; and the same shall be as good, valid, and effectual in Law to all Intents and Purposes, and shall be enrolled in the same Manner as other Conveyances directed by this Act.

Form of Grant or Extinguishment of Rent and Conveyance.

'I , in Consideration of a gross Sum of to me paid by 'The Company of Proprietors 'of the River *Ure* Navigation to *Ripon*,' do hereby, in pursuance 'of the Power contained in the Act passed in the First Year of the 'Reign of His Majesty King *George* the Fourth, intituled [*here in-*'*sert the Title of this Act*] grant, transfer, and convey unto the said 'Company of Proprietors, all that Annual Rent or Sum of '[*here describe the Amount and Nature of the Rent, and* '*the Subject for which it was a Compensation*] to hold unto the said 'Company of Proprietors and their Successors for ever, to the Intent 'that the same annual Rent may be extinguished. And for the 'Considerations aforesaid, I the said do 'hereby grant, release, convey, and confirm unto the said Company of 'Proprietors, all that [*describe the Lands and Premises, whether Part* '*of the Canal, or Towing Paths or otherwise, as the Subject Matter of* '*Compensation may be, and if it shall be Part of the Towing Paths* '*which are or shall be subject to any Right of Occupation or Public* '*Road, let it be stated as subject to such Right of Way, &c. as the Case* '*is*] to hold to the said Company of Proprietors and their Successors 'for ever, according to the true Intent and Meaning of the said Act. 'In witness whereof I have hereunto set my Hand and Seal, the 'Day of in the Year of our Lord .'

For Recovery of Rents in Arrear.

XXV. Provided always, and be it further enacted, That in case any such annual Rent or Rents granted by virtue of the said recited Act, or any Part thereof, shall be in Arrear and unpaid for the Space of Thirty

Thirty Days next after the same shall respectively become due and payable, it shall be lawful for the Person or Persons to whom such annual Rent or Rents shall be due, to sue for and recover the same, with Costs of Suit, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*, or otherwise the same may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors; and any Justice of the Peace acting in and for the Riding, Liberty, or Place where such Goods or Chattels shall be, to whom Application shall be made by or on Behalf of the Person or Party concerned, is hereby authorized, empowered, and required to issue a Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, against the Goods and Chattels of the said Company, for seizing, distraining, and selling the same, or a sufficient Part thereof, to pay and discharge the Rents so in arrear, together with the reasonable Costs and Charges (to be settled by such Justice) attending the Seizure, Distress, and Sale; and the Overplus (if any) shall be returned to the said Company or their Treasurer.

Verdicts of Juries to be recorded.

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

Mortgagees to convey.

XXVII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, shall, on Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money, by the said Company of Proprietors or their Clerk or Agent, immediately assign and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company of Proprietors or their Clerk or Agent, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages, on the Expiration of Two Calendar Months, (to be computed from the Time of giving such Notice) then at the End of such Two Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the Value of the Premises, to be ascertained as directed

by this Act, then the said Company of Proprietors shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee shall neglect or refuse to convey and assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mortgage, or of the real Value of the Premises so ascertained as aforesaid, into the Bank of *England*, at the End of Two Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and also of every Mortgagor or Owner of the same Premises, and of all and every Person or Persons in Trust for him, her, or them, or any of them, shall vest in the said Company of Proprietors to all Intents and Purposes whatsoever.

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

XXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers or for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Tenant in Tail or for Life, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Company of Proprietors of the River *Ure* Navigation to *Ripon*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, 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 and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood limited or settled, or such of them as at the Time of making such Conveyance and Settlement, shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by

Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or 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.

Where Compensation is less than 200*l.* and exceeds 20*l.*

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

Where less than 20*l.*

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

In case of not making out a good Title, &c.

XXXI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises

mises to the Satisfaction of the said Company of Proprietors, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case, it shall be lawful for the said Company of Proprietors to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them] subject to the Order, Control, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interests 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 the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

XXXII. Provided always, and be it further enacted, That when any Question shall arise, touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased for the Purposes 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 shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order

XXXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be

be purchased under the Authority of this Act, or for the Purposes thereof, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, it shall be lawful for the said Court, to order the Expences of all Purchases to be made from Time to Time in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Purchases to be paid by the Company.

XXXIV. And be it further enacted, That upon Payment or lawful Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in Manner aforesaid, for the Purchase of any Lands, Tenements, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Satisfaction or Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Compensation, at any Time after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-before directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company of Proprietors and their Agents, Servants, or Workmen, immediately to enter upon such Lands, Tenements, or Hereditaments, and then and thereupon the same Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, or of such Part thereof as is or shall be of Fee Simple or Freehold Tenure, and the absolute Estate and Interest of such as shall be Leasehold, or of any other Tenure according to the Nature and Tenure of the same, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and be and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and such Tender, Payment, 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 shall also 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, and their Issue, and of every other Person therein: Provided nevertheless, that before or until such Payment or legal Tender as aforesaid, it shall not be lawful for the said Company or any Person or Persons acting by or under their Authority, or under the Provisions of this Act, to dig or cut any Land or Ground, or to take down, remove, or alter any Messuage, Building, Tenement, or other Hereditament, for the Purposes of this Act, without the Leave

Power to enter Lands upon Payment or Tender of Purchase Monies.

or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment; and in case any Person or Persons shall enter upon any such Land, Ground, or Premises, and commit any such Offence, before or until such Payment or legal Tender shall have been made, each and every such Person so offending shall forfeit and pay the Sum of Ten Pounds for each and every Day he shall remain or be on such Land or Premises, to the Proprietor or Proprietors of the Land or Premises: Provided also, that in all Cases where the said Company shall give Notice to any Proprietor of Lands or Hereditaments, that such Lands or Hereditaments will be wanted for the Purposes of this Act, the said Company shall and they are hereby required (upon Notice or Request in Writing of any such Proprietor, or his or her Agent) to complete the Purchase thereof within Six Calendar Months after the Service of such last-mentioned Notice or Request, and in case such Purchase shall not be completed within that Time, then the Power of purchasing hereby granted, shall with respect to such Lands or Hereditaments determine, unless with the Consent of the Proprietor or Proprietors thereof.

Power to purchase without Consent to determine in Five Years.

XXXV. Provided always, and be it further enacted, That after the Expiration of Five Years from the passing of this Act, the said Company of Proprietors shall not be at liberty to purchase any Lands or Hereditaments, without the Consent of the Owner or Owners thereof; and in case any Purchase or Purchases shall be so made with the Consent of the Owner or Owners, such Purchases shall be completed, subject to the Regulations and Provisions of this Act, in the same Manner as if the same had been made before the Expiration of the said Five Years.

Company empowered to re-sell.

XXXVI. And be it further enacted, That it shall and maybe lawful for the said Company of Proprietors, by Indenture under their Common Seal, to sell, grant, and convey, by way of absolute Sale, all such of the Lands, Tenements, or Hereditaments which shall be purchased by and conveyed to the said Company of Proprietors, as shall not be wanted for the said Navigation and Works, or any Part or Parts thereof, for such Sum or Sums of Money as in such Conveyances shall be expressed, and that all such Grants and Conveyances shall be valid and effectual, any Law or Usage to the contrary notwithstanding; and upon Payment of the Money which shall arise by such Sale or Sales of such Lands, Tenements, or Hereditaments, or any Part or Parts thereof, by virtue of this Act, it shall and may be lawful for the Treasurer of the said Company of Proprietors for the Time being to sign and give Receipts for the Money for which the same shall be sold (which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received); and such Purchaser or Purchasers shall not be answerable or accountable for any Losses, Mis-application, or Non-application of such Purchase Money, or any Part thereof; which said Money shall be applied by the said Company of Proprietors for the same or the like Purposes as the Money by this Act authorized to be raised is to be applied; provided that the said Company of Proprietors, before they shall contract for the absolute Sale and Dis-

posal of any such Lands, Tenements, and Hereditaments, shall first offer to re-sell the same to the Person or Persons from whom the said Company of Proprietors shall have purchased such Premises, or his, her, or their Heirs, at a Price to be fixed on by the said Company of Proprietors; but in case of Difference in that respect, then the Price at which the same shall be re-sold, shall be adjusted and settled by a Jury, in like Manner as the Price for any Lands, Tenements, or Hereditaments, to be taken in pursuance of this Act is herein directed to be settled, in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons, or his, her, or their Heirs, to whom such Offer shall be made, shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit, or solemn Affirmation in Writing by any Person or Persons being a Quaker or Quakers, to be made before a Master or Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County, Riding, Liberty, or Place, where the Premises shall be situate, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be; but where, on account of the Absence of the Person or Persons from whom the same Premises shall have been purchased, so that he, she, or they cannot be found, in order that such Offer may be made, it shall be lawful for the said Company of Proprietors, by public Advertisements, inserted Three successive Weeks in some Newspaper published within the County of *York*, to offer to re-sell such Premises to the said Person or Persons; and if no Application shall be made to the said Company, by or on Behalf of the said Person or Persons accepting such Offer within Three Calendar Months from the Day of the Date of the Newspaper in which the last of the said Three Advertisements shall appear, such Omission or Neglect shall be considered, deemed, and taken as a Refusal on the Part of such Person or Persons to re-purchase the same.

For protecting the Supply of Water at the Clough, or Feeder and Tunnel from the Skell.

XXXVII. And whereas the Basin or Port of the said Navigation, and the Cut or Canal to *Bondgate Green*, have ever since the making and completing thereof been supplied with Water by means of a Clough, or Feeder and Tunnel or covered Drain made from the River *Skell*, near a certain Close called *Football Garth*, through Part of the same Close and Part of *Bondgate Green* aforesaid, all in the Township of *Ripon* aforesaid, being in length Two hundred Yards or thereabouts, such Supply of Water being the Surplus or Waste and Flood Water flowing or running over, through, or under a certain Dam or Weir on the said River *Skell* called *Skell Crooks Dam*, and also the Surplus or Waste and Flood Water flowing or running over, through, or under a certain Dam or Weir on the River *Lavar*, called the *High Dam* or *High Clough Dam*: And whereas it would be of very great Prejudice to the Navigation and injurious to the Public, if in rebuilding or repairing the same Dams respectively, when necessary, any Diminution

nution should be occasioned in the usual Supply of Water to the said Navigation, and it is expedient that Provision should be made for preventing such Prejudice and Injury; be it therefore further enacted, That in case the said Company of Proprietors shall within Twelve Calendar Months from the passing of this Act, cause Notice to be given in Writing under the Hand of their Clerk to the Owner or Owners of the said Dams or Weirs, of their Intention of proceeding to have the Height or respective Heights of the said Two Dams or Weirs ascertained and fixed, then the Height or respective Heights of the said Two Dams or Weirs, as the same respectively were on the First Day of *January* One thousand eight hundred and twenty, as near as may be, shall be ascertained or settled and fixed by Two competent and disinterested Engineers, or other Persons duly qualified, One to be named by and on Behalf of the said Company of Proprietors, and the other by and on Behalf of the Owner or Owners of the said Two Dams or Weirs, by and at the sole Expence of the said Company of Proprietors, and such Two Engineers or Referees shall fix and ascertain and declare the Height and the State and Condition of the said Two Dams or Weirs, and shall fix or determine and regulate and direct the average Quantity and Supply of the Surplus, or Waste, or Flood Water usually and customarily flowing or running over, through, or under the same respectively, and used and to be used for the Purposes of the said Navigation, according to what has heretofore been the usual and customary average Supply in common dry Seasons, and to make such Observations or Experiments for that Purpose, by and at the Request and Expence of the said Company of Proprietors, as they may think necessary or expedient, for the Purpose of continuing and insuring such Supply of Water to the said Navigation as hath been usually and customarily supplied; and for the future regulating and ascertaining the same, shall and may prescribe a Mode, either by the Erection of one or more Weirgauge or Weirgauges, or otherwise as they shall think proper, at or near each of the said Two Dams or Weirs called *Skell Crooks Dam* and the *High Dam* or *High Clough Dam*, to direct and regulate when and how the Surplus or Flood and Waste Water flowing over or through and under the same may be used by the said Company of Proprietors for the Benefit, Uses, and Purposes of the said Navigation, according as the same hath heretofore usually and customarily been, and to make and establish such Rules and Regulations concerning the same, consistently with former Use and Custom, as may be deemed expedient; and that in case such Two Engineers or qualified Persons shall not agree in their Decision, the Matter in question shall be referred at the like Expence of the said Company of Proprietors to the Decision of a Third competent and disinterested Engineer or Person duly qualified, (who shall be named by the Two Engineers first appointed before entering upon the Business referred to them); and a Declaration or Certificate, denoting such Height or Heights of the Dams or Weirs, and the Mode of taking the said Surplus, or Waste, or Flood Waters, running or flowing over, through, or under the same, and setting forth all such Rules and Regulations as they may deem it expedient to make and establish in Manner aforesaid, for any of the Purposes herein mentioned, to be signed by the said Referees or Umpire (or in the Case herein-after mentioned by One Referee only) shall be recorded

recorded in the Office of the Clerk of the Peace of the Liberty of *Ripon*, within Six Calendar Months from the Date of such Declaration or Certificate, and a Copy thereof, signed by the said Clerk of the Peace or his Deputy, shall be deemed Evidence thereof, or of any Part thereof, and received as full Proof thereof in all Courts of Law or Equity.

In default of Owners, &c. of Dams naming a Referee, the Referee named by the Company to proceed exparte.

XXXVIII. Provided always, and be it further enacted, That if within Three Calendar Months after the said Company of Proprietors shall cause Notice as aforesaid to be given to the Owners and Occupiers of the said Dams or Weirs, and of their having named an Engineer or Referee on their Part, for the Purposes aforesaid, and requiring the Owners and Occupiers of the said Dams or Weirs to name an Engineer or Referee on their Part, the said Owners or Occupiers of the said Dams or Weirs shall not name an Engineer or Referee on their Part; or if such Engineer or Referee be named, and he shall neglect to meet and act in the Premises for Three Calendar Months after Notice given to him by the Engineer or Referee named by the said Company of Proprietors for that Purpose, then the Engineer or Referee named by the said Company of Proprietors shall be and he is hereby authorized and empowered to proceed, and to fix and ascertain, settle and determine, the Matters aforesaid *ex parte*, and alone to make and subscribe the Declaration or Certificate herein-before mentioned; and the said Company of Proprietors shall and may accordingly have, take, and use, for the Purposes of the said Navigation, the Surplus or Spare or Flood Waters flowing or running over, through, or under the said Dams or Weirs called *Skell Crooks Dam*, and the *High Dam*, or *High Clough Dam*, by means of the said Clough, or Feeder, or Tunnel, or Drain from the *Skell* as aforesaid; and it shall not be lawful for the Owner or Owners of the said Dams or Weirs, or either of them, or any other Person or Persons, to raise the Height or Heights of the said Dams or Weirs, or either of them, at any Time hereafter, or otherwise to repair or construct the same contrary to the Mode to be prescribed by such Engineers or Referees, or Engineer or Referee, according to the Provisions of this Act; and in case the Height or Heights of the said Dams or Weirs, or either of them, at any Time hereafter, shall be increased above the actual Height or Heights of the same, at or upon the said First Day of *January* One thousand eight hundred and twenty, to be ascertained and fixed as aforesaid, or to repair or construct the same contrary to the Mode to be prescribed as aforesaid, so as to obstruct, hinder, or prevent the running or flowing of the said average Quantity of the Surplus or Waste or Flood Waters over, through, or under the same, or by any other means any Obstructions shall be caused to the running or flowing of the same through or along the old Course or Channel of the said River *Skell*, whereby the usual or accustomed Supply to the said Navigation, through the Clough, or Feeder, and Tunnel or Drain from the *Skell* shall be prevented or lessened and injured; then the said Company of Proprietors shall and may be at Liberty to cause Notice to be given in Writing under the Hand of their Clerk, to the Owner or Owners, Occupier or Occupiers of the same Dams or Weirs, or the Person or Persons causing such Obstruction or Damage, requiring him, her, or them to alter such Dam or Weir, and to remove, abate, or remedy such Obstruction or Damage; and in case any such

Owners, &c. not to raise Height of Dams.

Owner, Occupier, or Person shall refuse or neglect so to do, for the Space of Fourteen Days after such Notice shall have been served upon him, her, or them, or left at his, her, or their last or usual Place of Abode, every such Owner, Occupier, or Person shall forfeit and pay to the said Company of Proprietors, any Sum not exceeding Five Pounds, for every Day such Obstruction or Damage shall continue after the Expiration of such Fourteen Days Notice; and it shall also be lawful for the said Company, or any of their Officers or Servants, to enter upon and to alter or take down and re-construct such Dam or Weir, according to the Intent and Meaning of this Act, and to remove or abate such Obstruction or Damage, the Costs and Charges whereof shall be repaid to the said Company by the Owners, Occupiers, or Persons neglecting or offending as aforesaid; and in case of Non-payment thereof, the same shall or may be recovered by the same Ways and Means as any Penalty may by virtue of this Act be recovered: Provided also, that it shall be lawful to and for the Owners and Occupiers of the said Dams or Weirs at any Time within Twelve Calendar Months from the passing of this Act, to serve the said Company with Notice in Writing of their, his, or her Intention to proceed to a Reference on the Matters herein-before mentioned, and to name a Referee on their, his, or her Parts or Part and Behalf, who in default of Appointment of another Referee by the said Company shall be at Liberty to proceed *ex-parte* as before mentioned, with respect to the Appointment of a Referee by the said Company of Proprietors, and default in naming one by such Owners or Occupiers; and in all such Cases of Reference as aforesaid, all and every Person and Persons whomsoever, interested in the Matters referred, shall be bound by the Determination of the Engineers or other qualified Persons or Umpire: Provided further, that in case Notice shall be given by the Owners or Occupiers of such Dams or Weirs, and the said Company of Proprietors shall name a Referee, and proceed upon the said Reference, then the Expences thereof shall be defrayed equally between the said Parties, or in such Manner and in such Proportions as the said Referees or Umpire shall order and direct.

The Right of the Archbishop of York to the Waters of the Skell and Laver, not to be prejudiced, &c.

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend, to abridge or lessen the Right of the said Lord Archbishop of *York* or his Lessees to the Waters of the Rivers *Skell* and *Laver*, for the constant and regular Supply and working of the Mills belonging to the said Lord Archbishop of *York*, in Right of his See, situate upon the said Rivers or either of them; and that the Referees or Engineers above-named shall not direct any Alteration to be made in the Height of the present Dam, lately erected upon or near to the Site of the said *High Dam*, or *High Clough Dam*; nor shall the said Company of Proprietors have or be entitled to any further or greater Supply of Water for the Purposes of the said Navigation, than has been usually and customarily enjoyed by the Use of the Surplus or Waste and Flood Waters aforesaid, up to the Time of passing this Act.

Capital Stock of the Company how to be raised.

XL. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, or by the Admission of new Subscribers, in Man-

ner herein-after mentioned, or in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as they shall think necessary for the maintaining, keeping, repairing, rebuilding, and continuing, and keeping in good Order and Condition, the said Navigation, Cuts and Canals, and all the Warehouses, Wharfs, Quays, Locks, Dams, Weirs, Cloughs, Bridges, and other Buildings, Works, and Conveniences, belonging or which shall belong thereto, and for all other Uses and Purposes thereof, not exceeding in the Whole the Sum of Thirty-four thousand Pounds (except as herein-after mentioned), which shall be applied for the Purposes of this Act.

The Capital Stock to be divided into 200 Shares of 170*l.* each, which shall be vested in the Proprietors.

XLI. And be it further enacted, That the said Capital or Joint Stock, or Sum of Thirty-four thousand Pounds, shall be divided into Two hundred equal Shares of One hundred and seventy Pounds each Share, and that no Person or Persons shall take less than One Share (except as herein-after mentioned); and such Two hundred Shares shall be numbered in regular numerical Progression, and each Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and the said Two hundred Shares shall be and are hereby vested in the several Persons, Bodies Politic and Corporate, taking or subscribing for the same, and their respective Executors, Administrators, Successors, and Assigns, to and for their own respective Use and Benefit, according to and in such Proportion as the Number of Shares which they shall respectively take or subscribe for and shall be by them actually taken, shall respectively bear to the whole Number of such Shares actually taken and subscribed for; and all Persons, Bodies Politic and Corporate, and their respective Executors, Administrators, Successors, and Assigns, who shall take or subscribe for any Share or Shares in the said Joint Stock, and pay such Sum or Sums of Money as shall be demanded on account of such Shares (not exceeding in the Whole their proportionable Part of the said Sum of Thirty-four thousand Pounds, or so much thereof as shall be actually subscribed in Proportion as each such Share so taken or subscribed for shall bear to the whole Shares so actually taken or subscribed for), shall be entitled to and receive a due and just Proportion, according as their respective Number of Shares bear to the Whole Number of Shares taken or subscribed for, of the clear Profits and Advantages which shall or may arise or accrue, by or from the Tolls, Rates, and Duties, and other Monies to be raised, received, or recovered by virtue of this Act, according to the true Intent and Meaning thereof; and shall also from Time to Time bear and pay a like just and due Proportion of the Money wanted for managing, continuing, and carrying on the said Navigation and Undertaking, in Manner herein-after directed.

164 Shares to be reserved for the present Holders of Securities.

XLII. And whereas the several Securities granted to Persons who advanced the aforesaid Sum of Sixteen thousand Four hundred Pounds for carrying the Purposes of the said recited Act into Execution, are for a Sum of One hundred Pounds each, and the Arrears of Interest due thereon as aforesaid amount to the Sum of Seventy Pounds or thereabouts, on each Security of One hundred Pounds; be it therefore further enacted, That in the First Place, One hundred and Sixty-four of the aforesaid Number of Two hundred Shares in the Capital or Joint

Joint Stock of the said Company of Proprietors, shall be reserved and set apart for such of the Holders or Proprietors of the said Securities as shall elect to receive a Share or Shares in lieu of such Securities as herein-after mentioned.

Empowering the present Holders or Proprietors of Securities to take Shares according to the Number of 100 *l.* Securities now held by them respectively.

XLIII. And be it further enacted, That all such of the Holders or Proprietors of the said Securities, or any of them, who shall on or before the First Day of *January* One thousand eight hundred and twenty-one, give Notice in Writing to the said Company of his, her, or their Intention of taking a Share or Shares in the Joint Stock of the said Company in lieu of any such Securities, shall be entitled to have, take, receive, and hold a Share in the Joint Stock of the said Company and Navigation, for each such Security of One hundred Pounds, or so many Shares in the said Joint Stock as the Party or Person shall possess Securities of One hundred Pounds as aforesaid; provided that in case the Arrear of Interest due and owing on any of the said Securities shall not amount to Seventy Pounds on each One hundred Pounds Security, then the Holders or Proprietors of Securities giving such Notice shall pay or advance to the Treasurer of the said Company so much Money as shall make the Arrears of Interest on each One hundred Pounds Security amount to Seventy Pounds on each Sum of One hundred Pounds Principal Money secured; and thereupon every such Holder or Proprietor of such Securities shall or may subscribe to the Joint Stock of the said Company, such Securities which shall be taken and valued at One hundred and seventy Pounds for each Sum of One hundred Pounds Principal Money secured; and in case the Arrear of Interest due and owing on any of the said Securities shall exceed the Sum of Seventy Pounds on each One hundred Pounds Security, then the Overplus above such Seventy Pounds shall be paid on each Security of One hundred Pounds to the Holder or Proprietor thereof, by and out of the Monies to be raised by virtue of this Act: Provided always, that in case any of the present Holders or Proprietors of such Securities shall think fit not to exchange such his, her, or their Securities for Shares in the Joint Stock of the said Company, and shall not on or before the said First Day of *January* One thousand eight hundred and twenty-one, give such Notice in Writing to the said Company of his, her, or their Intention of taking any such Share or Shares as aforesaid, then such Person or Persons shall be considered as a Creditor or Creditors on the said Navigation and Undertaking, and the Accounts of the Arrears of Interest due on such his, her, or their Securities being adjusted and settled, shall be considered as Creditors for One hundred and seventy Pounds in respect of each Principal Sum of One hundred Pounds secured, and shall have and be entitled to receive Half-yearly or otherwise, as the Accounts shall be made up, such and the same Dividends, Interests, and Profits arising or to be produced from the said Navigation and Undertaking, as the said Company of Proprietors shall receive in respect of their Shares in the Joint Stock of the said Company, in Proportion to the several Sums due to or belonging to each respectively; nevertheless if such Dividends, Interest, and Profits exceed at any Time Five Pounds *per Centum per Annum*, then the Excess or Overplus over that Rate of Interest, shall go and be accounted from Time to Time in Reduction and Liquidation of the Principal Sum or Sums of Money due

Any Persons refusing to exchange their Securities for Shares in the Joint Stock of the Company, may elect to continue Creditors on the Navigation.

due to each such Person or Persons, electing or preferring to remain as a Creditor or Creditors as aforesaid; but he, she, or they shall have no Voice whatever in the Management of the Affairs and Concerns of the said Navigation or Undertaking, or any Right as Creditors to vote or interfere therein in any respect: Provided also, that where any of the said present Securities shall have become divided by reason of Death or otherwise to and amongst several Persons, or shall be now the Property of more than one Person, beneficially for their own respective Use, (except such Shares as belong to any Body Politic or Corporate, or any Copartnership, Bankrupt, Insolvent, or Trust Estate, as herein-after mentioned), such Securities, and the Shares to be given in lieu of the same as aforesaid, shall be considered as the Property of or belonging to the Party or Person or Persons in whom the same are now vested, but no such Person or Persons shall give or have or be entitled to any Vote or Votes whatsoever in respect of any such divided Share or Shares; and in case of any such Divisions of Shares in future, no Person whomsoever shall be entitled to vote in respect of such divided Shares, unless each Person claiming to vote shall have and be entitled either to Two distinct Shares or to undivided Parts of distinct Shares, with or without an entire Share equal to or exceeding in Value Two such distinct and separate Shares as aforesaid.

Securities which have been divided by Death or otherwise, not to give any Vote or Votes.

XLIV. Provided always, and be it further enacted, That if at any Time hereafter it shall be deemed advisable or necessary that the Whole of the said Number of One hundred and sixty-four Shares to be reserved for the said Holders or Proprietors of Securities as aforesaid, shall be subscribed for and taken as Shares in the Joint Stock of the said Company of Proprietors, in order that the aforesaid Securities, which shall not or may not have been exchanged by the Holders or Proprietors thereof, for Shares in the said Joint Stock as aforesaid, shall or may be paid off or discharged and extinguished, or that it shall at any Time hereafter be deemed necessary and advisable that the additional Shares over and above the said Number of One hundred and sixty-four Shares, so to be reserved to make up the full Number of Two hundred Shares as aforesaid, shall be subscribed for and taken up as Shares in the Joint Stock of the said Company, in preference to having any Monies owing thereon at Interest, under such like Securities as aforesaid, or for raising more Monies for maintaining, continuing, or carrying on the said Navigation and Undertaking, and the Works thereof, or for any other Purposes of this Act, then and in every or any such Case it shall and may be lawful, after a Special General Meeting of the said Company of Proprietors shall have been held to determine the Propriety or Necessity of so doing (of which Meeting Ten Days previous Notice shall have been given in some of the *York* or *Leeds* Newspapers), for the said Company of Proprietors to subscribe and take up amongst themselves the whole of the said Number of One hundred and sixty-four Shares so to be reserved; and towards allotting such Shares to and amongst the said Company of Proprietors as equally as may be, it shall be determined by Ballot to which particular Member or Members of the said Company of Proprietors such Shares so to be subscribed for and taken up shall be allotted; provided nevertheless,

If deemed advisable, such of the 164 Shares reserved as shall not be subscribed by the Holders, to be ballotted for amongst the Members of the Company, and no new Subscribers to be admitted for the same so long as any of the Company are desirous of subscribing for the same.

that no Member of the said Company of Proprietors, who shall be already possessed of more than Twenty Shares, shall be entitled to the Chance or Benefit of any Ballot or Ballots for any additional Share or Shares, so long as there shall be any other Member or Members desirous of taking any additional Share or Shares who shall not have or be possessed of Twenty Shares; and that no new Members or Subscribers be admitted for such Number of One hundred and sixty-four Shares, or so many of such Number as shall not have been subscribed for or taken as Shares in the Joint Stock of the said Company, in lieu of or exchange for Securities as aforesaid, so long as there shall be any Member or Members of the said Company of Proprietors who shall be willing or desirous to take up and subscribe for such Shares.

Shares reserved, not taken by Members of the Company within a certain Time, may be taken by new Subscribers.

XLV. Provided always, and be it further enacted, That in case the Members of the said Company shall refuse or neglect, within the Space of Three Calendar Months as aforesaid, to raise or subscribe for or take amongst themselves, or to make up the full Number of One hundred and sixty-four Shares so to be reserved as aforesaid, after such Order or Resolution shall be made for the Purpose as herein-before is mentioned, then and in every such Case the same Share or Shares shall and may be subscribed for and taken, and the Sums intended to be raised thereby, raised and contributed by the Admission of new Subscribers in the Manner and upon the Terms and Conditions herein-after mentioned with respect to the new and additional Shares to be created over and above the said Number of One hundred and sixty-four so reserved as aforesaid.

For raising additional Shares above 164.

XLVI. And be it further enacted, That in case the said Company of Proprietors shall at a special General Meeting of the said Company to be called for the Purpose, (of which Meeting Ten Days previous Notice shall be given in some of the *York* or *Leeds* Newspapers) determine to make up the full Number of Two hundred Shares, the full Amount of such Capital Stock as herein-before mentioned, then and in such Case the additional Number of Shares over and above the Number of One hundred and sixty-four Shares, so reserved as herein-before is mentioned, shall be offered for Sale by public Auction, at such Time and Place as shall be fixed upon at such Special General Meeting; and in case the same shall not be so disposed of by Auction, then it shall and may be lawful for the said Company of Proprietors to agree with any Person or Persons for the Sale thereof by private Contract, for such Price or Prices as shall be agreed upon between the said Company of Proprietors and the Purchaser or Purchasers of such additional Share or Shares so to be created, and such Purchasers shall be considered as Subscribers to the said Navigation, and Proprietors of the same, and entitled to exercise and enjoy the same Powers, Privileges, and Advantages, and liable to the same Restrictions, Penalties, and Forfeitures as the Person or Persons whose Names are herein-before mentioned, and who are hereby incorporated and created a Company for the Purposes of managing and conducting the Affairs of the said Navigation.

XLVII. And

Company empowered to raise a further Sum not exceeding 3,400*l.* among themselves, or by Admission of new Subscribers.

XLVII. And be it further enacted, That if the said Company of Proprietors shall find it necessary to raise an additional Sum of Money to the said Capital Stock or Sum of Thirty-four thousand Pounds, for the Purposes of maintaining, continuing, repairing, rebuilding, and keeping in good Order and Condition the Navigation of the said River *Ure*, Cuts and Canals, and the Warehouses, Buildings, and other Works and Conveniences necessary and requisite thereto, and for other Purposes of the said Navigation, then and in such Case it shall be lawful for the said Company of Proprietors, after an Order or Resolution so to do shall be made at a Special General Meeting to be called for that Purpose, (of which Meeting Ten Days previous Notice shall be given in some of the *York* or *Leeds* Newspapers) to raise any further or additional Sum or Sums of Money not exceeding the Sum of Three thousand four hundred Pounds, to be divided into equal Shares of One hundred and seventy Pounds each, and to be applied for maintaining, continuing, managing, and carrying on the said Navigation, and the Works thereof, and for other necessary Purposes of this Act; and towards raising such further Sum or Sums of Money, the Members of the said Company of Proprietors shall and are hereby required to offer such additional Shares in the first Instance for public Sale by Auction, at such Time and Place as shall be fixed upon at such Special General Meeting as aforesaid, and in case the same shall not be so disposed of by Auction, then the said Company of Proprietors shall and may sell such additional Shares, so to be created for the Purposes aforesaid, by private Contract, as herein-before is mentioned with respect to the said additional Number of Shares, over and above the Number of One hundred and sixty-four so to be reserved as aforesaid, and the Purchasers thereof shall be considered as Subscribers to the said Undertaking; and every such new Subscriber (if any) shall become a Proprietor in the said Navigation and Undertaking, and shall be entitled to exercise and enjoy the same Powers, Privileges, and Advantages, and shall be liable to the same Restrictions, Penalties, and Forfeitures as if such further and additional Sum hereby allowed to be subscribed for and raised had constituted Part of the said Sum of Thirty-four thousand Pounds hereby directed to be considered as the Capital Stock of the said Company.

For compelling Payment of Subscriptions.

XLVIII. And be it further enacted, That all Persons subscribing for any Money for the Purposes of this Act, shall, and he, she, and they is and are hereby required to pay the Sum or Sums so subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, to such Person or Persons, at such Times and Places, and in such Manner as shall be directed by the said Company of Proprietors; and in case any such Subscriber shall neglect or refuse to pay the same at the Time and Place and in Manner so required for that Purpose, the said Company of Proprietors are hereby empowered to sue for and recover the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, from the Time appointed for Payment thereof in any Court of Law or Equity; and all Money so subscribed and received, and all the Monies to arise or be received by or from the Tolls, Rates, and Duties granted by this Act, and that shall be borrowed on the Credit

Application of Money.

Credit thereof, and all other Monies to arise or accrue by virtue of this Act, shall, after Payment of the Costs, Charges, and Expences attending the obtaining and passing thereof, as hereinafter mentioned, be applied in maintaining and improving the said Navigation, and in carrying the several Purposes of this Act into Execution.

For raising Money by Mortgage.

XLIX. Provided always, and be it further enacted, That if the said Company of Proprietors shall be desirous of raising by Mortgage of the said Navigation and Undertaking, the said additional Sum of Three thousand four hundred Pounds, or any Part thereof, or in case the said Company of Proprietors shall for more effectual Improvement of the Navigation of the said River *Ure*, Cuts and Canals, and the Works and Conveniences thereof, and more effectually to carry into Execution the Purposes of this Act, be desirous of raising by Way of Mortgage, any Part of the said Sum of Thirty-four thousand Pounds which is hereby constituted the Capital Stock of the said Company, which shall not be so taken or subscribed for by the Holders of Securities in Shares as herein-before mentioned, and shall make an Order or Orders, or enter into a Resolution or Resolutions to that Effect, at any Special Meeting or Meetings of the said Company of Proprietors to be called for that Purpose, and of which Ten Days previous Notice shall be given in Manner aforesaid, stating in every such Notice the Purpose of such Meeting or Meetings, then and in such Case it shall and may be lawful to and for the said Company of Proprietors, pursuant to such Order or Resolution, to borrow and take up at Interest such Sums, or any Part thereof, upon the Credit of the said Navigation and Undertaking, and Tolls hereby granted, as to them shall seem meet and convenient, such Sums so to be taken up, nevertheless to be taken up in separate Sums or Securities of One hundred and seventy Pounds each, and no less Sum shall be borrowed on any one Security; and the said Company of Proprietors are hereby fully authorized and empowered to grant, assign, and make over by Way of Mortgage, to any Person or Persons lending any such Sums of Money, or by Way of collateral Security, to any Person or Persons who shall borrow either of such Sums of Money, or any Part or Parts of either of such Sums of Money, for the Use of the said Company of Proprietors, the said Navigation or Undertaking, and the several Tolls, Rates, and Duties by this Act granted, arising or to arise therefrom, (the Costs and Charges of such Assignments to be paid out of the said Tolls, Rates, and Duties) as a Security for the Sum or Sums of Money so to be borrowed, together with Interest for the same, unto the Person or Persons who shall lend or advance any such Sum or Sums of Money, or who shall have borrowed any such Sum or Sums of Money for the Use of the said Company, or unto his, her, or their Trustee or Trustees; all which Assignments or Mortgages shall be made by Deed in Writing, under the Common Seal of the said Company, in the Form or to the Effect following; (that is to say),

‘ Number ’

Form of Mortgage.

‘ BY virtue of an Act passed in the First Year of the Reign of His ‘ Majesty King *George* the Fourth, intituled [*insert the Title of* ‘ *this Act*] We, the Company of Proprietors of the River *Ure* Navi-

'gation to *Ripon*, incorporated by virtue of the said Act, in consideration of the Sum of of lawful Money of *Great Britain* to us paid by of do hereby bargain, sell, and assign unto the said Executors, Administrators, and Assigns, the said Navigation and Undertaking, and all and singular the Tolls granted, or arising or payable to us therefrom, and all the Estate, Right, Title, and Interest of us the said Company, of, in, to, or out of the same respectively, to hold unto the said Executors, Administrators, and Assigns, until the said Sum of with Interest for the same, after the Rate of *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal, this Day of :'

Or in any other Form or to any other Effect which may be better adapted to the Circumstances under which any such Sum of Money shall be borrowed, or collateral Security given as aforesaid; and that all Persons to whom such Assignments or Mortgages shall be made, shall be equally entitled (one with the other) to the said Tolls, Rates, and Duties, and Premises thereby assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of Priority of Date of any such Assignment or Mortgage, or upon any other Account whatsoever; and that the Money so to be borrowed as aforesaid, shall be applied and disposed of for the carrying on, continuing, and maintaining and keeping in good Order and Condition the said Navigation and other Works, and for carrying the several Powers of this Act into Execution.

Assignments or Mortgages to be numbered and entered;

L. And be it further enacted, That every such Assignment or Mortgage as aforesaid shall be numbered, and an Entry containing the Number, and Date or Dates, the Name or Names and Additions of the Party or Parties to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall be made and entered in a Book to be kept for that Purpose by the Clerk to the said Company of Proprietors; which Book shall or may be inspected and perused *gratis*, by any Member of the Company of Proprietors, or other Persons interested in the said Navigation; and that all and every Person and Persons to whom any such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and set over his, her, or their Right, Title, or Interest therein, unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall or may be made by Deed in Writing, in the Form or to the Effect following; (that is to say)

and may be transferred.

Form of Transfer.

'I in consideration of the Sum of to me paid by do hereby transfer the within Mortgage, [*or*, a certain Mortgage made to me by the Company of Proprietors of the River *Ure* Navigation to *Ripon*, bearing Date the Day of] and the Principal Sum of thereby secured, and

' the Interest due and to grow due for the same, and all my Right ' and Property therein, unto the said ' Executors, Administrators, and Assigns. In witness whereof I ' have hereunto set my Hand and Seal, this Day ' of

Transfer to be entered in the Books of the Company.

And every such Transfer shall, within Thirty Days from the Date thereof, be produced to the Clerk of the said Company, to have an Entry of the same made in the Books of the said Company, to the same Purport and Effect as directed with respect to the original Assignment or Mortgage; and after such Entry, but not before, such Transfer shall entitle the Person to whom the same is made, his, her, or their Executors, Administrators, and Assigns to the full Benefit of the original Mortgage.

Old Mortgages may be cancelled or exchanged for new ones, or for new Shares in the Joint Stock of the Company.

LI. And whereas it may happen that several of the original Securities, heretofore granted to Persons or Parties who have advanced Money for the Purposes of the said recited Act, may have been lost or mislaid, or that regular Transfers of the same may not have been duly entered as required by the said recited Act, and cannot be produced; be it therefore further enacted, That the said Company of Proprietors shall and may, when thereunto required, within Twelve Calendar Months from the passing of this Act, receive in and cancel all and every such Mortgages and Assignments as are now standing out, and can be produced by any of the present Holders or Proprietors thereof, and to give in exchange for the same, either new Shares in the Joint Stock of the said Company, according to the Provisions herein-before contained, or new Mortgages or Assignments under the Provisions of this Act, expressing in all such Cases wherein any of the present Holders or Proprietors of such Securities shall prefer to remain as Creditors on the said Navigation, that such new Mortgages are given in exchange for such Securities, in order that such original Creditors under the said recited Act, may be distinguished from such Person or Persons as shall or may lend or advance any Monies, and become Creditors under the Provisions of this Act; and in all such Cases where any of the said original Securities are or shall be lost or mislaid, or any Transfer or Transfers of the same shall not have been entered, and cannot be produced, then it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized, empowered, and required upon an Affidavit, or (in case of any Person being of the Society of Quakers) solemn Affirmation in Writing of the Fact, being sworn to, or solemnly affirmed by the Person or Persons entitled to the Principal Monies in any such Securities mentioned, or by some Person or Persons on their Behalf, having a competent Knowledge of the Fact, before any Judge or Justice of any of His Majesty's Courts of Record, or a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace or Magistrate, which any such Judge or Justice, Master or Master Extraordinary, or Justice of the Peace or Magistrate, is or are hereby respectively empowered to take, to direct such Securities to be vacated or extinguished, and in lieu thereof to give to the Person or Persons so interested or entitled as aforesaid, and who are now in the actual Possession or Receipt of the Interest

or Dividends of or arising in respect of such Securities, or who, or the Person or Persons under or from whom they respectively claim shall have been in such Possession or Receipt for the Space of Twelve Calendar Months preceding, either new Securities under the Provisions of this Act stating the same to be so given in exchange for Securities under the said recited Act, so ordered to be vacated or extinguished, or new Shares in the Joint Stock of the said Company, according to the Provisions herein-before contained, at the Option or Election of the Person or Persons so entitled; and in Receipt of such Interest and Dividends as aforesaid, requiring the same.

Creditors may be paid off by Ballot.

LII. And in order that no Preference may be given to any of the Creditors of the said Navigation at any Time in paying off their Principal, be it further enacted, That when and as often as there shall be any Sum or Sums of Money in hand, which it may be deemed advisable and proper to apply in Liquidation and Reduction of the Debt then due and owing on Credit of the said Navigation, it shall and may be lawful to and for the said Company of Proprietors, at any Meeting to be holden for that Purpose, Notice thereof and of the Purpose being first given, at least Ten Days preceding the same, by Advertisement in one of the *York* or *Leeds* Newspapers, to agree and determine upon the Application of such Money in hand, for the Purpose of reducing and liquidating such Debt, or so much thereof, or so many of the then existing Securities as shall be so agreed and determined upon to be paid off and discharged or extinguished, and shall cause the Numbers of all Assignments granted and then in force for securing any Principal Monies then due and owing on the Credit of the said Navigation, to be marked or written on distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, or as near as may be, and be put into a Box or Wheel; and so many or such a Number of Assignments or Securities as it shall have been determined to pay off and discharge or extinguish, shall be drawn separately out of the said Box or Wheel, by the Clerk of the said Company; and after every such Ballot the said Company of Proprietors shall cause Notice to be signed by their Clerk, to be given to or left at the last or usual Place or Places of Abode of the Person or Persons who shall be entitled to the Money to be paid off, pursuant to such Ballot; and every such Notice shall express the Number of the Security or Assignment, the Sum to be paid off, and the Amount of Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid, and the Interest of the Principal Money so to be paid off shall from and after the Day to be so specified cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

First and other General Meetings.

LIII. And be it further enacted, That the first General Meeting of the said Company of Proprietors for putting this Act into Execution, shall be held at the Borough of *Ripon*, within Six Weeks after the

the passing of this Act, of which Meeting Fourteen Days Notice at least shall be given by public Advertisement in some one or more of the *York* or *Leeds* Newspapers; and all future General Meetings of the said Company (except such Special General Meetings as hereinafter mentioned) shall be held some Time in the Months of *July* and *January* yearly, at the Borough of *Ripon* aforesaid, or at *Boroughbridge*, at such Place or Places as the said Company of Proprietors at some preceding General Meeting shall from Time to Time direct or appoint; of which future General Meetings not less than Ten Days Notice (both Days inclusive) shall be given by public Advertisement in such Newspapers as herein-before mentioned, or in such other Manner as the said Company of Proprietors at their respective General Meetings, shall from Time to Time direct or appoint; and at all Meetings of the said Company for the Purposes of this Act there shall be Proprietors or Members present who together shall be possessed of Twenty-five Shares at least.

Special Meetings of the Proprietors how to be called.

LIV. And be it further enacted, That if it shall at any Time appear to the said Company of Proprietors, or to any Three or more Proprietors possessed of at least Five Shares each in the said Navigation, to be necessary or expedient to call a Special Meeting of the Proprietors at large for more effectually putting this Act into Execution, or in order to take their Opinion respecting any Matters or Things to be done in or about the said Navigation, or respecting any Matter or Thing in which the Interest of the said Navigation and Undertaking, the Extent of its Trade or Carriage, and the Interest of the Proprietors, is or are in any respect implicated or concerned or likely to be affected, it shall be lawful for the said Company, or of any Three or more Proprietors possessing such Number of Shares as aforesaid, by Requisition to the Clerk of the said Company, to direct such Clerk to call a Special Meeting of the Proprietors at large, by public Advertisement in one of the *York* or *Leeds* Newspapers, specifying therein the Cause of such Special Meeting and the Time and Place when and where the same shall be held, the Time not being less than Ten Days after such Notice shall be given; and the said Company of Proprietors are hereby authorized and required to meet according to such Notice, and to take into consideration the Matters to be submitted to them by the Parties calling such Meeting or expressed in such Requisition, and specified in such Notice, and the Decision or Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give, respecting such Matters only, shall be binding and conclusive upon the rest of the Proprietors to all Intents and Purposes, and shall be acted upon accordingly; and any such Special Meetings may be continued by Adjournment, if necessary, of which adjourned Special Meetings Five Days Notice at least shall be given by the Clerk in the Newspapers aforesaid.

Committee of Directors;

LV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at their said first or any other General Meeting, to nominate and appoint Five or more Persons of and out of the said Proprietors, who shall respectively be possessed of Five Shares at least in the said Navigation, Cuts, and Canals, to be and constitute a Committee

Committee of Directors for managing and conducting the Affairs, Concerns, and Business of the Navigation of the said River *Ure*, and the Cuts, Canals, and Works thereto belonging; and in case any Person or Persons nominated and appointed to be Director or Directors as aforesaid, shall die or refuse to act, or cease to be possessed of the said Number of Shares in the said Navigation, Cuts, and Canals, then and in any of such Cases, it shall be lawful for the said Company, at any General or Special Meeting, to nominate and appoint from and out of the said Proprietors some Person or Persons qualified as aforesaid to be a Director or Directors in the Room or Stead of the Director or Directors so dying, refusing to act, or ceasing to be possessed of the said Number of Shares in the said Navigation, Cuts, and Canals.

their Power.

LVI. And be it further enacted, That the said Committee of Directors, or any Three or more of them, shall from Time to Time, and at all Times when necessary, have full Power and Authority to contract for and purchase all such Lands, Tenements, or Hereditaments which shall or may be wanted for maintaining the said Navigation, or for any of the Purposes of this Act; and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers of this Act, and to enter into and make such Contracts, Bargains, or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Persons, for maintaining or improving the said Navigation, and for making, erecting, or constructing any Works necessary for maintaining or improving the said Navigation, or for any Purposes whatsoever touching the said Navigation, or the Execution of this Act, as they shall think fit, and to order and direct how the several Works shall from Time to Time be carried on; and also from Time to Time to use the Common Seal of the said Company of Proprietors in such Manner and for such Purposes as they shall think proper, (by which Use thereof the said Company shall be bound), and generally to direct and manage all the Business and Affairs of the said Company, and to execute and perform all Acts, Matters, and Things which the said Company of Proprietors are by virtue of the Powers and Provisions of this Act authorized and empowered to do, save and except only such as are hereby expressly directed to be done by the Proprietors at large present at any General or Special Meetings of the said Company, to be held as herein mentioned; and on all Matters, Questions, and Proceedings which shall be discussed by the said Committeee of Directors, each individual Director present in Person shall have one Vote; and all Acts and Proceedings of any Three or more of the said Committee of Directors in Execution of the Powers or Provisions of this Act, shall be as valid and effectual as if all the Members of the said Committee had concurred in and executed the same.

Chairman to be appointed and to have a casting Vote.

LVII. And be it further enacted, That at all and every General and Special Meetings of the said Company of Proprietors, One of such Proprietors present shall be appointed President or Chairman, who shall not only have a Vote or Votes as a Proprietor, but shall also, in case of an equal Division, have the decisive or casting Vote; and if at any Time Two or more Persons shall be pro-

posed as President or Chairman, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the said Office.

Proprietors of Two or more Shares, entitled to vote.

LVIII. And be it further enacted, That all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and his, her, and their respective Executors, Administrators, Successors, or Assigns, who shall by virtue of this Act have subscribed for, and taken or become entitled to, or in the actual Possession of not less than Two Shares in the said Navigation, shall have a Vote at all General and Special Meetings of the said Company to be held in pursuance of this Act, for and in respect of the Number of Shares belonging to him, her, or them respectively, as herein-after mentioned; but no Proprietor or Proprietors of One single Share shall have a Vote at any such Meetings, nor shall any Owner or Owners of any divided Shares (except as herein-after mentioned) vote in respect thereof, unless such Owner or Owners shall hold or be entitled to Two distinct Shares, or to undivided Parts of Shares equal to Two whole Shares in the said Navigation; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any General or Special Meeting of the said Company to be held for the Purposes of this Act, shall be determined by the Majority of Votes then present personally or by Proxy: Provided always, that all and every the Proprietor or Proprietors of Two or more Shares shall be entitled to vote in respect of the Number of Shares held by him, her, or them respectively as follows, namely, every such Proprietor of Two or more and less than Five Shares, shall have One Vote; of Five or more and less than Ten Shares, shall have Two Votes; of Ten or more and less than Fifteen Shares, shall have Three Votes; and of Fifteen Shares or more and less than Twenty Shares, shall have Four Votes; and of Twenty Shares and upwards, shall have Five Votes, and no more; and no Proprietor shall be entitled to vote for or in respect of more than Twenty Shares, although possessed of more than that Number.

LIX. And be it further enacted, That every or any such Proprietor or Proprietors may and is and are hereby empowered, by Writing under his, her, or their Hand or Hands, to appoint some Person (being one of the said Proprietors) to act and vote as his, her, or their Proxy at any of such General or Special Meetings; and every such Appointment shall be in the Words or Form or to the Effect following:

Form of Proxy.

'I of one of the Company of Pro-
'prietors of the River *Ure* Navigation to *Ripon*, do hereby nomi-
'nate, constitute, and appoint of
'being one of the said Proprietors, in my Name and in my Absence,
'to vote or give my Assent or Dissent to any Business, Matter, or
'Thing relating to the Navigation of the River *Ure*, and the Cuts or
'Canal thereto belonging, which shall be proposed at any General or
'Special General Meeting of the said Company, or any Adjournment
'thereof, at all Times hereafter, until I shall revoke the Appointment

'by Notice in Writing under my Hand, to the Clerk to the said 'Company. In witness whereof I have hereunto set my Hand, this 'Day of

Mode of voting for Corporation, Partnership, or Trust Shares.

LX. Provided always, and be it further enacted, That the Mayor, or other Head Officer of every such Body Politic, Corporate, or Collegiate, entitled to vote at General or Special Meetings of the said Company, shall and may vote in respect of the Number of Shares held by such Body Politic, Corporate, or Collegiate; and that where Two or more Shares shall be the Property of or vested in, or stand in the Book of the said Company in the Name or Names of any Firm, Company, or Number of Persons trading in Partnership together, or of the Assignees or Trustees of any Bankrupt or Insolvent Estate, or of any Devisees or Trustees under any Deed or Will as Trustees for any Purposes, then that the Head Partner, or first named Person in the Firm or Company, or the Person first named in the Deed of Assignment or Composition, or Trust, Will, or other Deed, shall vote in respect of such Shares so vested in Partnership or in Trust as aforesaid.

Company may make Bye Laws, &c.

LXI. And be it further enacted, That the said Company of Proprietors shall also have full Power and Authority, from Time to Time, at any General Meeting of the said Company, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Company, and regulating the Proceedings of the same, and of the Committee of Directors, and for regulating all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Company, and for the well and orderly using the said Navigation of the said River *Ure*, Cuts and Canals, and the Locks, Dams, Weirs, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Bridges, and other Works and Conveniences belonging or requisite thereunto, and for regulating the Commencement, Continuance, Suspension, Cessation, Time, and Order of passing, repassing, and navigating of all Vessels, Boats, Barges, and Rafts, Persons, Horses, and Carriages, and the Structure, Dimensions, Form, and Manner of building and constructing of all such Vessels, Boats, Barges, and Rafts, as shall from Time to Time be used upon the said Navigation, Towing Paths, Roadways, or Wharfs, and of the Oars, Poles, Wheels, Engines, and other Implements to be used above or with the same respectively, and for the orderly Behaviour of all Bargemen, Watermen, Boatmen, and others who shall be employed in carrying or conveying any such Goods, Wares, or Merchandize, and for the Superintendance and Management of the said Navigation in all other respects whatsoever, and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, as to the said Company of Proprietors, at any such General Meeting, shall seem meet and expedient, not exceeding the Sum of Five Pounds for any one Offence; and all Rules, Orders, and Bye Laws so to be made as aforesaid, being reduced into Writing, with the Common Seal of the said Company thereto affixed, shall be binding upon and be observed by all Persons using

using or in anywise concerned in the said Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon or under the same; provided that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *Great Britain*, or any of the express Directions or Provisions of this Act; and provided that Copies of such Rules, Orders, and Bye Laws, or such of them as shall concern or relate to the using of the said Navigation and Works, and the Roads and Ways belonging thereto, or to the Conduct and Behaviour of Boatmen, Watermen, Bargemen, and others conveying Goods thereon, or to the Conduct or Behaviour of any Officers, Servants, or other Persons employed in or about the said Navigation and Works, or of the Persons resorting to or making use thereof, shall be written or printed in large Characters, and be affixed and continued in some conspicuous Place or Places, upon or near adjoining all the principal Wharfs on the said Navigation, and renewed as often as the same shall be obliterated or defaced.

Treasurer and Clerk to be appointed by General Meetings.

LXII. And be it further enacted, That the said Company of Proprietors shall at their first General Meeting, and afterwards, from Time to Time when necessary, at any future General Meeting, elect and choose, and under their Common Seal appoint a Treasurer or Treasurers to the said Company, and also a Clerk, and shall take good and sufficient Security from such Treasurer or Treasurers for the faithful Discharge of the Trust reposed in him or them respectively; and whenever any such Treasurer or Clerk shall die or quit the Service of the said Company, it shall be lawful for the Committee of Directors from Time to Time to appoint some other Person in the Place of the Treasurer or Clerk so dying, being removed, or quitting, until the next General Meeting of the said Company, when the Appointment of such Clerk, Treasurer or Treasurers by the Committee of Directors, shall be confirmed under the Common Seal of the said Company, or some other Clerk, Treasurer or Treasurers, shall be elected and appointed as aforesaid; and it shall be lawful for the said Company of Proprietors, in any such General Assembly, to remove or displace any other Person or Persons who shall have been chosen an Officer or Officers by virtue of this Act, and to appoint another or others in his or their Stead.

Same Person not to act as Clerk and Treasurer.

LXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, nor to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company of Proprietors; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk for the Purposes of this Act, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the

the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Superintendants and other Officers, Collectors, &c. to be appointed.

LXIV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or their Committee of Directors, or any Three or more of them, and they are hereby authorized, empowered, and required, from Time to Time to nominate and appoint a Superintendant or Superintendants of the Works of the said Company, when they shall think it expedient and necessary so to do; and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties, or other Officers (except such as are directed to be appointed only by General Meetings of the said Company) as they shall think proper, for the better carrying the Purposes of this Act into Execution (taking good and sufficient Security from all Collectors and other Officers who shall have the Care and Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trust reposed in them); and also from Time to Time to discharge and dismiss any such Superintendants, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead, as there shall be Occasion; and that all such Superintendants, Engineers, Surveyors, Collectors, and other Officers, who shall at any Time quit or be dismissed from the Service of the said Company, and their Executors and Administrators, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Company of Proprietors, or their Committee of Directors, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or Power of such Superintendants, Engineers, Surveyors, Collectors, or other Officers, Executors, or Administrators respectively, in anywise relating to the said Navigation; and that the said Company of Proprietors, or their Committee of Directors, or any Three or more of them, shall have full Power and Authority and they are hereby required, when and as often as they shall think fit, to call for, audit, and settle all Accounts of Monies received, paid, laid out, and disbursed for or on account of the said Company of Proprietors or the said Navigation, by the Treasurer or Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on Behalf of the said Company in and about the said Navigation.

If discharged Collector, Warehouseman, Wharfinger, or other Officer in Possession of Houses or Buildings of the Company refuse to quit, any Justice may remove the Party.

LXV. And be it further enacted, That in case any Collector of the said Tolls, Rates, or Duties, or any Wharfinger, Warehouse Keeper, or other Officer or Officers of the said Company, who shall quit or be dismissed from such Offices, shall refuse to deliver up the Possession of any Counting Houses or Offices, or any Dwelling Houses, Buildings, and Appurtenances which he or they shall possess or enjoy, or be permitted to occupy, in Right of his or their Appointment or Appointments to such Office or Offices, within Ten Days after Notice given to him or them, or left at any such Buildings or Dwelling Houses, under the Hands of any Three or more of the said Company of Proprietors, or of the Clerk to the said Company, by Direction of the said Company or their Committee of Directors; or if the Wife or

Widow, or any of the Family of any such Collector, Wharfinger, Warehouse Keeper, or other such Officer or Officers who shall so die as aforesaid, or any other or others who shall be in Possession of the Premises, by any Means whatsoever, shall refuse to deliver up such Houses or Offices, Dwelling Houses and Appurtenances, within Ten Days after such Notice of a new Appointment shall have been given or left on the Premises, signed as aforesaid, then and in every or any such Case or Cases, it shall and may be lawful to and for any Justice of the Peace for the County, Riding, Liberty, or Place wherein the Premises shall be situate, to order any Constable or other Peace Officer, with such Assistants as shall be necessary, to enter such Counting Houses or Offices, Dwelling Houses, Buildings, and Premises, with the Appurtenances, in the Day-time, and to remove all Persons whomsoever who shall be found therein, together with their Goods and Chattels, out of such Counting Houses or Offices, Dwelling Houses, Buildings, and Premises, with the Appurtenances, and put the new appointed Officer or Officers in Possession thereof.

Treasurer and other Officers to account;

LXVI. And be it further enacted, That every such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, shall, under their Hands at such Time or Times and in such Manner as the said Company of Proprietors or their Committee of Directors, or any Three or more of them shall direct, deliver to the said Company of Proprietors or their Committee of Directors, or to such Person or Persons as they shall direct or appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments; and shall pay over all such Balances or Sums of Money as shall remain in their respective Hands, to the said Company of Proprietors or their Committee of Directors, or to such Person or Persons as they shall appoint; and if any such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Person shall refuse to produce and deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors or their Committee of Directors, or to such Person or Persons as they shall appoint, within Twenty-one Days after being thereunto required by the said Company or their Committee of Directors, or any Three or more of them, all Books, Papers, and Writings in his or their Custody or Power relating to the said Navigation, or shall refuse or neglect to pay such Monies, as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Company of Proprietors or their Committee of Directors, or as they shall direct or appoint, then and in any of the Cases aforesaid, the said Company may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be

and pay over Balances;

or in default of Payment, may recover by Action;

in the Hands of such Officers or Persons respectively; or if Complaint shall be made by the said Company of Proprietors or their Committee of Directors, or any Three or more of them, or any Person or Persons to be by them appointed for the Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace of the County, Riding, Liberty, or Place wherein the said Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, or other Officer or Person so neglecting or refusing, shall be or reside, such Justice or Justices may and he and they is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Person, Officers or Persons so neglecting or refusing to be brought before him or them, and upon the Appearance of the Party or Parties, or upon his or their having been summoned and not appearing, without giving some reasonable Excuse for such Non-appearance to the Satisfaction of such Justice or Justices, or not being to be found, the same Justice or Justices shall and may hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses upon Oath, or being of the Society of Quakers upon solemn Affirmation (which Oath or Affirmation such Justice or Justices is or are hereby empowered to administer), it shall appear to such Justice or Justices that any of the Monies which shall have been collected and raised by virtue of the said recited Act or of this Act, shall be in the Hands of such Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized, empowered, and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers or Person or Persons respectively; and if no Goods or Chattels of the Person or Persons against whom such Warrant or Warrants shall be granted can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying such Distress, or if such Officer or Officers, Person or Persons shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, to the said Company of Proprietors or their Committee of Directors, or as they shall appoint, then and in any of the Cases aforesaid, such Justice or Justices shall commit any such Offender to the Common Gaol of the County, or to the House of Correction for the Riding, Liberty, or Place where such Offender shall be or reside, at the Discretion of such Justice or Justices, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, and shall have paid such Composition in such Manner as the said Company or their Committee of Directors, or any Three or more of them shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors or their Committee of Directors: Provided always, that no Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, Officer, or Person so committed for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act, for any longer Space than Three Calendar Months.

or before One or more Justice or Justices, by Distress, &c.

For want of Distress, or in case of Refusal to deliver up Books, &c. Offenders to be imprisoned.

LXVII. And

Books of Account to be kept, and declared to be the Property of the Company.

LXVII. And be it further enacted, That proper Books of Account, and other Matters relating to the said Navigation and Undertaking, shall be kept, and the same shall be deposited, under the Direction of the said Company of Proprietors, or their Committee of Directors, at any Place or Places as they shall from Time to Time direct; and every Proprietor or Proprietors at all reasonable Times shall have free Access to the same for his, her, or their Inspection, without Fee or Reward; and in one or more of such Book or Books to be provided by the said Company for the Purpose, the Clerk to the said Company shall enter and keep a true and perfect Account of the Names and Places of Abode of the several Members of the said Company and Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Owners or Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company, and of all Receipts, Payments, and Disbursements under this Act; and each of the said Members and Proprietors shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk to the said Company shall refuse to permit any Proprietor or Person so interested as aforesaid to inspect or peruse such Book or Books of Proceedings, or refuse to make any such Copy or Copies, at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and that all Books of Account, and other Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody of any Treasurer, Superintendant, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said Navigation, shall be and the same are hereby declared to be, and shall be construed, deemed, and taken to be the Right and Property of the said Company of Proprietors.

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

LXVIII. And be it further enacted, That the said Company of Proprietors shall, as soon as the same can be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Capital or Joint Stock, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book, to be kept by the Clerk to the said Company of Proprietors; and after such Entry to cause the Common Seal of the said Company of Proprietors to be affixed to such Entry; which said Book shall from Time to Time be altered and corrected, and new Books shall from Time to Time be sealed with the said Common Seal, as the Change of Proprietors and Transfers of Shares shall render necessary or expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Capital or Joint Stock, bearing respectively the same Numbers as in the said Books, and the Common Seal of the said Company to be affixed to each of such Tickets or Instruments, and thereupon to cause to be delivered to every Subscriber (whether by Securities as aforesaid or in Money) towards the said Undertaking,

Tickets for Shares to be delivered to Subscribers.

upon

upon Demand, a Ticket or Tickets, specifying the Share or Shares to which he or she is entitled in the said Joint Stock or Undertaking; and every such Subscriber shall pay to the Clerk of the said Company, or there shall be paid to the said Clerk by the said Company of Proprietors, out of the Joint Stock or Funds of the Company, Three Shillings and Sixpence, and no more, for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted as Evidence in all Courts whatsoever of the Title of such Subscribers, his or her Executors, Administrators, Successors, or Assigns to the Share therein specified; but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Share from selling or disposing thereof, or from receiving annually, or otherwise as the Accounts shall be made up, his or her Share of the Profits of the said Navigation and Undertaking in respect thereof; which said Ticket shall be in the Words, or to the Effect following; that is to say,

To be Evidence of Subscribers Title.

'River *Ure* Navigation to *Ripon*.'

'Number ,'

Form of the Ticket.

'THESE are to certify, That
'of is [*or*, are], a Member [*or* Members] of the Company of Proprietors of the River *Ure* Navigation to *Ripon*, and is [*or*, are] possessed of the Share or Number
'in the said Navigation or Undertaking, subject to the Rules, Orders and Regulations of the said Company; and that the said
'his [her *or* their] Executors, Administrators [*or*, Successors] or Assigns is [*or*, are] entitled to the Profits and Advantages of the said Share. Given under the Common Seal of the said Company, the Day of
'in the Year of our Lord .'

LXIX. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Name or Names shall at any Time hereafter stand in the Register Books of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Navigation, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, or as Creditor or Creditors on the said Navigation as aforesaid, shall be deemed and taken to be Proprietors of the several Shares standing in the said Books in his, her, or their respective Names, and as Creditors for the Sums mentioned therein, and shall be subject to such Rules, Orders, and Regulations to which Proprietors of Shares in or Creditors on the said Navigation are subject and liable; and all Payments of Interest and Dividends due and to grow due on any such Shares, or on or in respect of any Securities on the said Navigation as herein-before mentioned, shall be made to such Persons as by the said Books shall so appear to be Proprietors thereof, or Creditors thereon as aforesaid; and that no Assignment, Transfer, or Bargain or Sale of any Share or Shares, or other Instrument giving Title thereto, or to any Securities on the said Navigation, or the Monies thereby secured, which shall not have been brought to the said Clerk to be entered as directed by this Act, shall be given or admitted as Evidence to make the said Company liable to the Payment of any Interest or Dividends, to any other Person or Persons than such

The Persons whose Names appear in Register Books, to be deemed Proprietors, &c.

such as appear upon the said Books to be a Proprietor or Proprietors of such Shares, or Holder or Holders of such Securities as aforesaid; but that in all such Cases, unless where it shall be expressly proved that the said Books are defective by reason of some Default or Neglect of the said Clerk, the said Books shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares and Securities respectively.

For giving new Shares, or Tickets and Securities, in case the old ones being damaged or destroyed.

LXX. Provided always, and be it further enacted, That in case any Tickets, or other Transfers, Assignments, or Instruments, denoting the Ownership of Shares or Securities, shall be worn out or damaged, then and upon the same being produced and shewn at some General Assembly of the said Company of Proprietors, such Tickets, or other Transfers, Assignments, or Instruments, shall be cancelled and destroyed, and other original Tickets and Securities, given under the Common Seal of the Company, of correspondent Numbers to the said original Tickets and Securities, to the Persons in whom the Property of such Shares or Securities shall be at any Time vested; and in case such Tickets, Transfers, Assignments, or Instruments shall be burnt or destroyed, then upon due Proof, by Affidavit or solemn Affirmation, to be made in Manner herein-before mentioned, like new or original Tickets and Securities shall be given to the Person or Persons who was or were the Owner or Owners of those so burnt or destroyed, so as that a due Entry of the same had been duly made by the Clerk to the said Company of Proprietors, and of any Transfers of the same (if any made) in Manner herein directed, for which the Sum of Three Shillings and Sixpence, and no more, shall be paid to such Clerk, for each such new or original Ticket and Security.

Shares may be sold.

LXXI. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors and Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Transfer of which Shares shall be in the Form or to the Effect following:

Form of Conveyance.

'I in consideration of paid to me by do hereby bargain, sell, assign, and transfer to the said Executors, Administrators, and Assigns, Share [*or* Shares] in the Joint Stock or Capital of the Company of Proprietors of the River *Ure* Navigation to *Ripon*, being N° of the Shares in the said Navigation, to hold to the said Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions and on the same Conditions that I held the same immediately before the Execution hereof. And I the said do hereby agree to accept and take the said Share [*or* Shares] subject to the same Rules, Orders, Restrictions, and Conditions. As witness our Hands and Seals, the Day of .'

And on every such Sale, the said Transfer being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk to the said Company shall have registered in a proper Book or Books to be provided by the said Company and kept for that Purpose, an Entry of such Transfer and Sale, for the Use of the said Company, and shall have testified or indorsed the Entry of such Transfer accordingly on the same, for which Three Shillings and Sixpence, and no more, shall be paid, and the said Clerk is hereby required to enter the same accordingly; and until the same shall have been entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Navigation, nor any Dividend on such Share or Shares paid unto him, her, or them, or any Vote or Votes in respect thereof, as Proprietor or Proprietors of the said Navigation.

Conveyance of Shares to be entered in Company's Books.

LXXII. And whereas by the Marriage or Death of Proprietors of Shares in the said Navigation, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore further enacted, That before any Person or Persons, who shall claim any Part of the Profits of the said Navigation in right of Marriage, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, an Affidavit or solemn Affirmation by any Person of the Society of *Quakers* in Writing, containing the Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person, before a Master or Master Extraordinary in Chancery, or any one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry and Transfers of Sales of Shares in the said Navigation; and that before any Person or Persons who shall claim any Part of the Profits of the said Navigation by virtue of any Bequest or Will, or in the Course of Administration shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator shall be made and sworn to, or solemnly affirmed to by the Executor or Executors of the said Will, or the Administrator or Administrators with the Will annexed, before a Master or Master Extraordinary in Chancery, or any one of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and that in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Navigation shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons, by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to, or solemnly affirmed by one or more credible Person or Persons, before a Master or Master Extraordinary in Chancery, or any one of His Majesty's Justices of the Peace as aforesaid,

Regulation as to Acquisition of Shares;

by Marriage;

by Will or in course of Administration;

by any other Means.

said, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Navigation: Provided always, that such and similar Entries shall be made in the Register Books of the said Company of all Transfers, or Acquisitions, or Devolutions of Mortgages, Assignments, or Securities on the said Tolls, Rates and Duties (if any) by Sale or Assignment, Marriage, Will, Intestacy, or by any other Means as aforesaid, in order to ascertain the Parties who shall from Time to Time be Creditors on the said Navigation, and entitled to receive the Interest of or Dividends in respect of such Mortgages, Assignments, or Securities as aforesaid, as are herein-before directed with respect to Shares in the Joint Stock of the said Company, *mutatis mutandis*; and that the Clerk of the said Company shall be entitled to receive for each and every such Entries as is or are herein-before directed, the Sum of Two Shillings and Sixpence, and no more.

The like as to Mortgages or Securities on the Navigation.

The Company may buy up Shares.

LXXIII. And be it further enacted, That if the said Company of Proprietors or their Committee of Directors shall deem it expedient, out of any surplus Money or otherwise, to buy up any Share or Shares in the said Navigation or Undertaking which shall be offered to Sale, then and in such Case it shall be lawful for any General Meeting of the said Company of Proprietors, either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company, in Trust for the said Company; and that such Share or Shares may in such last-mentioned Case, at any time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards erecting, rebuilding, or repairing of any Buildings or Works requisite for or belonging to the said Navigation, or any other Purpose necessary for carrying on, continuing, and maintaining the same.

Shares to be Personal Estate.

LXXIV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Person and Persons of and in the said Navigation and Undertaking, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

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

LXXV. And be it further enacted, That all and every the Lands, Dwelling Houses, Wharfs, Warehouses, Lock Houses, and other Houses hereby vested in the said Company, or to be purchased, taken, erected, made, or built under the Authority of this Act, shall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the several Townships where they are respectively situated.

Tolls.

LXXVI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or such Person or Persons

Persons as they or any Three or more of them shall appoint from Time to Time, and at all Times hereafter, to ask, demand, recover, and receive any such Sum or Sums of Money as shall be from Time to Time ascertained by the said Company of Proprietors, at any of their General Meetings to be held in pursuance of this Act, not exceeding the several Tolls, Rates, and Duties herein-after mentioned; that is to say,

For every Chaldron of Coals, Cinders, and Lime, containing Thirty-two Bushels heaped *Winchester* Measure, carried and conveyed upon the said River *Ure*, and Cuts or Canals, or any of them, the Sum of One Shilling and Sixpence; and so in proportion for any greater or lesser Quantity than a Chaldron:

For every Ton of Bricks, Tiles, Stone, Slate, Turf, and Wood for Fire, carried and conveyed upon the said River *Ure*, and Cuts or Canals, or any of them, the Sum of One Shilling and Sixpence; and so in proportion for any greater or less Quantity than a Ton:

And for every Ton of Butter, Timber, Marble, and other Goods, Wares, Merchandize, and Commodities carried and conveyed upon the said River *Ure*, and Cuts or Canals, or any of them, the Sum of Three Shillings; and so in proportion for any greater or less Quantity than a Ton.

For ascertaining Weight of Timber and light Goods.

LXXVII. And be it further enacted, That Forty Cubic Feet of Oak, Ash, Elm, Beech, Birch, or other Timber, and Fifty Cubic Feet of Fir or Deal, Balk, and all other Description of light Goods, shall be deemed and taken to be one Ton; and in all Cases, One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One hundred Weight, and Twenty such Hundred Weight as one Ton.

No Tolls to be taken unless the Vessel pass a Lock on the Navigation or Canal, nor for Timber, &c. for Use of Navigation.

LXXVIII. Provided always nevertheless, and be it further enacted, That no Boat or Vessel navigating the said River *Ure*, shall be subject to the Payment of any Duties, Rates, or Tolls, unless such Boats or Vessels shall pass through any Lock or Locks erected or to be erected on the said River, Cuts or Canals: Provided also, that no Tonnage, Tolls, Rates, or Duties, shall be due, paid, or demanded for any Timber, Stones, Bricks, Lime, or other Materials to be used for the making or repairing of any of the Dams, Weirs, Pens, Locks, Sluices, Cuts or Canals, Warehouses, Watchhouses, or other Works for perfecting the said Navigation, or any Part thereof.

Continuing a certain Privilege to the Owners of Newby Hall.

LXXIX. And whereas *William Weddell* Esquire of *Newby Hall*, granted to or for the Use of the Proprietors of the said Navigation a Piece or Parcel of Ground for a Wharf at *Milby*, whereupon Buildings were erected, and the said Wharf has continued and is now in Use for the Purposes of the said Navigation: And whereas in consideration of the said Grant the said *William Weddell* enjoyed, and since his Death the Owner of *Newby Hall* aforesaid has enjoyed the Privilege of receiving all Goods, Wares, and Merchandizes, and other Commodities conveyed by the said Navigation, and delivered at *Newby* or *Westwick*, at Two-third Parts only of the Tolls, Rates, and Duties which would have been payable, if the same had been delivered at

Ripon; be it therefore enacted, That the Owner and Owners, Occupier and Occupiers of *Newby Hall* aforesaid, shall continue to enjoy the said Privilege of receiving, at *Newby* and *Westwick* aforesaid, Goods, Wares, Merchandizes and other Commodities, at Two-third Parts only of such Tolls, Rates, and Duties as by virtue of this Act would be payable in case the same were delivered at *Ripon* aforesaid.

Company may vary the Tolls:

LXXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any of the General Meetings of the said Company, from Time to Time to lower and reduce all or any of the Tolls, Rates, and Duties hereby granted; and afterwards from Time to Time, at any such Meetings to advance and raise all or any of the said Tolls, Rates, and Duties which shall have been so lowered or reduced: Provided always, that the Tolls, Rates, and Duties so to be advanced or raised as aforesaid, shall not in any case exceed the respective Sums granted and limited by this Act.

May demise the Tolls.

LXXXI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Meeting of the said Company, by any Instrument in Writing under the Common Seal of the said Company of Proprietors, to let or demise all or any Part or Parts of the said Tolls, Rates, and Duties granted by this Act, for any Term not exceeding Three Years at any one Time, to any Person or Persons, for the highest Rent that can be had or got for the same, by public Bidding or otherwise; provided that Two Calendar Months previous Notice be given in some of the *York* or *Leeds* Newspapers, or such other Newspapers as the said Company shall direct the same to be advertised in, of the Intent to lease or demise the said Tolls, Rates and Duties; and so as the Person or Persons renting or agreeing to take the same shall give satisfactory Security, by Articles in Writing, for the true Performance of his, her, or their Bargain, Contract, or Agreement; and the Person or Persons so renting or agreeing to take the said Tolls, Rates, and Duties shall have full Power and Authority to ask, demand, collect and receive the same, and shall in every respect be deemed and taken to be a Collector or Collectors appointed by the said Company of Proprietors, and shall have the same Powers and Remedies for Recovery thereof, as the said Company of Proprietors or the Collectors so to be appointed by them.

For Recovery of Tolls, Rates, and Duties.

LXXXII. And be it further enacted, That the Tolls, Rates, and Duties by this Act authorized to be taken, shall be paid to such Person or Persons at such Place or Places, upon or near to the said Navigation, and in such Manner and under such Regulations as the said Company of Proprietors or their Committee of Directors shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Tolls, Rates, and Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the Person or Persons to whom such Tolls, Rates, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered to seize and distrain the Goods, Wares, Merchandizes, or Commodities for or in respect of which such Tolls, Rates, or Duties ought to have been

been paid as aforesaid, or any Part thereof, and the Boat, Barge, or other Vessel or Raft laden therewith, or any other Boat, Barge, Vessel or Raft, Goods, or Commodities, belonging to the Owner of such first mentioned Boat, Barge, Vessel or Raft, and lying and being upon the said River *Ure*, Cuts and Canals, or any of them, or upon any Wharf, or in any Warehouse adjoining thereto, and to detain the same respectively, until full Payment shall be made of such Tolls, Rates, and Duties, and of all Arrears of the same, which shall or may be then due from the Owner of such Boat, Barge, Vessel, or Raft, to the said Company of Proprietors, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

The Navigation to be free to all Persons.

LXXXIII. And be it further enacted, That the said River *Ure*, and Cuts or Canals herein-before mentioned, shall be and continue a free Navigation; and that all the King's liege People whatsoever shall and may have and lawfully enjoy free Passage along, in, through, or upon the said Navigation, with and for Barges, Boats, Lighters, and other Vessels, and also the Use of the Towing or Haling Paths, and all other necessary and convenient Liberties for navigating the same, without any Let, Hindrance, or Obstruction from any Person or Persons whatsoever, subject nevertheless to the Payment of such Rates and Duties as by the Tenor and true Meaning of this Act are or ought to be paid to the said Company of Proprietors, or such Person or Persons as they or their Committee of Directors shall appoint to collect the same.

Masters of Vessels to give an Account of their Loadings.

LXXXIV. And be it further enacted, That every Master or other Person having the Command of any Boat, Barge, Lighter or other Vessel, passing on the said River *Ure*, and Cuts or Canals, shall make and give a just, true, and perfect Report or Account in Writing, signed by himself, unto such Person or Persons as shall from Time to Time be nominated and appointed by the said Company of Proprietors, or their Committee of Directors for that Purpose; or to collect such Rates and Duties as aforesaid, and at such Place or Places as shall be assigned and appointed for the Attendance of such Person or Persons, Collector or Collectors for that Purpose, of the Quantity, Quality, and Weight of such Goods, Wares, Merchandize, and other Commodities and Things which shall be in or belong to such Boat, Barge, Lighter, or other Vessel; and also of the Quantity, Quality, and Weight of such Goods as shall have been discharged or taken out of such Boat, Barge, Lighter or other Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account or Report is to be made and given; and in failure of making or giving such Account or Report, or in case of his or their making or giving a false Account or Report, every such Master or other Person having the Command of such Boat, Barge, Lighter or other Vessel, shall forfeit any Sum not exceeding the Sum of Five Pounds for every such Offence.

LXXXV. And

Power to Collectors to weigh, measure or gauge Goods in Dispute.

LXXXV. And be it further enacted, That if any Dispute or Difference shall arise between the Collectors of the Rates and Duties made payable by this Act, and the Owner, Master or Person having charge of any Boat, Barge, Lighter, or other Vessel, or the Owner of any Goods, Wares, and Merchandizes or other Things chargeable with or liable to the Payment of any of the said Rates and Duties, concerning the Weight and Quantity of the same, it shall and may be lawful to and for such Collector to stop and detain any such Boat, Barge, Lighter or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured or gauged, all such Goods, Wares, and Merchandizes, or other Things, as shall be in any Vessel or Vessels, where and when any Dispute shall arise; and in case such Goods Wares, and Merchandizes, or other Things shall, upon such weighing, measuring, or gauging, appear to be as much in Weight or Quantity as, or of greater Weight or Quantity than, such Collector did insist and affirm the same to be before the weighing, measuring or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, and Merchandizes, or other Things, then and in such case the Master or Owner of such Boat, Barge, Lighter or other Vessel, or the Owners of such Goods, Wares, and Merchandizes so weighed, measured, or gauged, shall pay the Costs and Charges of such weighing, measuring or gauging thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Duties made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandizes, or other Things, shall upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be, before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to the Master or Person having the Charge of such Boat, Barge, Lighter or other Vessel, or to the Owner or Owners of such Goods, Wares, and Merchandizes, One Shilling for every Hour that such Boat, Barge, Lighter or other Vessel shall be detained by Occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of the said Company of Proprietors, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the County, Riding, Liberty or Place where such Collector shall reside, rendering the Overplus to the Owner or Owners thereof, after such Distress and Sale made, if any be.

Power for Justices in case of Disputes to settle Rates.

LXXXVI. And be it further enacted, That in case any Dispute or Disputes shall arise between the Collectors of the Tolls, Rates, or Duties, and the Masters of Boats or other Vessels liable to the Payment of any such Tolls, Rates, or Duties, respecting the Distance which any Boat shall have passed upon the said Navigation, Cuts and Canals, or respecting the Proportion of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall and

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

A Reservation of Rights to Land Owners, Lords of Manors, &c.

LXXXVII: Provided always, and be it further enacted, That it shall and may be lawful to and for the Lord or Lords of the respective Manors, and the Owners and Occupiers of any Lands or Tenements adjoining to the said River *Ure*, and navigable Cuts or Canals, or any of them, to use any Pleasure Boat or Boats upon the same, without the Hindrance or Interruption of the said Company of Proprietors, or any of them, and without paying any of the Rates or Duties aforesaid, so as such Pleasure Boat or Boats is or are not used for carrying Coals, Stone, Slate, Wood, or any other Goods, Wares, or Merchandizes, charged or chargeable with any of the Duties by this Act granted and made payable; and the Lord or Lords of the respective Manors, or any other Person whatsoever, shall have full Liberty to fish, fowl, and exercise all other Royalties on the said River *Ure* and navigable Cuts or Canals, to which they are now legally entitled; any thing herein contained to the contrary notwithstanding, so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free Use of the said Navigation, Cuts, or Canals.

Company to maintain the Banks in sufficient Repair.

LXXXVIII. And be it further enacted, That the said Company shall and they are hereby required from Time to Time and at all Times to maintain and keep the Banks of the said River *Ure*, and Cuts or Canals, in good and sufficient Repair; and from Time to Time to strengthen and support the same when necessary, for containing all the Waters of the said River *Ure*, so as that the adjacent Lands and Grounds may not be subjected to be overflowed or damaged by Water, except in cases of Flood, and during the Continuance thereof.

Company to maintain the Ford at Westwick Wath.

LXXXIX. And be it further enacted, That the said Company of Proprietors shall from Time to Time maintain and keep the Common Ford or Highway through the said River *Ure*, near unto a Place called *Westwick Wath*, in good and sufficient Repair, and safe and passable, except in Times of Flood, for the Convenience of all

Persons having Occasion to pass through or over the same; or the said Company of Proprietors shall and may keep, or cause to be kept, a good Boat and an able Boatman at or near the said Ford, to carry over, without Fee or Reward, all Persons having Occasion to pass over the same.

Bridges or Arches to be made where the Canal crosses Roads

XC. And be it further enacted, That the said Company shall, at their own Costs and Charges, from Time to Time make, maintain, and support a good and sufficient Bridge or Bridges, Arch or Arches, Passage or Passages across the said Cuts or Canals 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, from Time to Time make, maintain, and support such and so many other convenient Bridges, Arches, or Passages over or across the said Cuts or Canals, or any Brooks, Streams, Drains, or Watercourses running into the same, or into the said River *Ure*, in such Places and in such Manner as the Justices of the Peace of the Riding or Liberty where such Bridges, Arches, or Passages shall be situate, 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 and Hereditaments adjoining to the said Cuts or Canals and River *Ure*, or any of them: Provided always, that nothing herein contained shall extend to subject or make liable the said Company to repair any Bridges, Arches, Ways, or Passages heretofore built or made, to the Repair of which the said Company has not been heretofore subject or liable by Law; nor to exempt any Person or Party from the Repairs of any Bridges, Arches, Ways, or Passages already built or made, or to be hereafter built or made, to the Repairs of which such Person or Party is or are or may be liable by Law.

For fencing off Towing Paths, &c.

XCI. And be it further enacted, That the said Company shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on the Side of the said River *Ure*, and Cuts or Canals, or such Part or Parts thereof respectively as shall be declared necessary by any Two Justices of the Peace for the Riding, Liberty, or Place where such Towing Paths shall be situate, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Walls, Ditches, Trenches, Banks, or other sufficient Fences, to be set out and made on the Lands or Grounds of the said Company, or which has been or shall be purchased for the Purposes of the said Navigation; and the said Company shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made for the Purposes aforesaid; and shall also, at their own like Costs and Charges, from Time to Time make, maintain, and support such and so many convenient Gates and Stiles in and through all such Hedges and Fences on the Side of such Towing Paths, within such Time and in such Manner as any Two Justices of the Peace of such Riding or Liberty shall from Time to Time judge necessary and appoint, for

for the Use of the Owners and Occupiers of the Lands and Grounds and Hereditaments adjoining to the said River *Ure* and Cuts or Canals.

Back Drains, Watering Places for Cattle, &c. to be made.

XCII. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, to make, maintain, and support such Arches, Tunnels, Culverts, Drains, or other Passages, over, under, by the Side of or into the said River *Ure*, and Cuts or Canals, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions, in such Manner and within such Time as any Two Justices of the Peace of the Riding or Liberty where the same shall be situate, shall from Time to Time judge necessary, and appoint to convey the Water clear from the Lands adjoining or lying near to the said River *Ure*, and Cuts or Canals, without obstructing or impounding the same; and likewise to make, maintain, and support such Back Drain or Drains, as such Justices shall judge necessary and appoint, to carry away any Water which may ooze or pass through any of the Banks of the said River, Cuts, or Canals, to the Prejudice of any of the Lands or Grounds contiguous or near thereto; and also to make Watering Places for Cattle in all Cases where, by means of the said Cuts or Canals, the Cattle of any Person or Persons occupying Lands adjacent to the same shall be deprived of their ancient Watering Place, and to supply the same at all Times with Water; provided nevertheless, that nothing herein contained shall extend to enforce or authorize the admitting of any Water arising from Floods into the said River, Cuts, or Canals, which may injure the said Navigation.

If Company neglect to make Bridges, &c. Land Owners, &c. may do it at the Company's Expence.

XCIII. And be it further enacted, That in case the said Company, or their Officers or Servants, shall refuse or neglect to make, maintain, or support such Bridges, Arches, or Passages as herein-before directed, or to divide and separate, and keep divided and separated, the said Towing Paths as herein-before directed, or to make, maintain, and support such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths as herein-before directed, or to make, maintain, and support such Arches, Drains, and Passages for Water, and Watering Places for Cattle, as herein-before directed, for the Space of Fourteen Days next after Notice thereof in Writing shall have been given to the said Company, by or on Behalf of the Owners or Occupiers of any Lands and other Hereditaments, or other Person or Persons who shall find himself, herself, or themselves aggrieved by or by reason of any such Refusal or Neglect; 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, or Hereditaments, or other Person or Persons who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal (after having applied for and obtained the Approbation of, and an Order in Writing from, any Two or more of the Justices of the Peace for the Riding, Liberty, or Place where such Lands, Grounds, or Hereditaments shall be situate, which Order the said Justices are hereby authorized and empowered from Time to Time, as often as there shall be Occasion, at

at their Discretion to make and grant), to make, erect, and set up, or repair all such Bridges, Arches, Passages, Fences, Gates, Stiles, Watering Places for Cattle, and other Conveniences, as shall be necessary, and to maintain, repair, and support any such Works, from Time to Time as Occasion shall require; so that in making and maintaining such Works, the said Navigation and Cuts or Canals, and the Banks thereof, or the Fences or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof to be settled and allowed by the said Justices, shall be repaid by the said Company to the Person or respective Persons who shall have so erected and made, repaired or maintained such Works as aforesaid; and such Person or Persons, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, for the Space of Ten Days after Demand thereof made in Writing upon the said Company, such Costs and 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 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.

Limiting the Ascent to Bridges.

XCIV. And be it further enacted, That the Ascent to every Bridge made or to be made over the said River *Ure*, and Cuts or Canals, for the Purpose of any public Road, shall not be more than One Foot in Thirteen, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of such Bridge.

Proper Places to be made for Boats to turn or lie in, for others to pass, &c.

XCV. And be it further enacted, That the said Company of Proprietors shall and may, and they are hereby required, in such Parts of the said navigable Cuts or Canals as shall not be of a sufficient Breadth for admitting a Boat or Vessel to turn about or lie, or Two Boats or other Vessels to pass each other, to open, cut, or make proper Spaces or Places in the Lands adjoining thereto, (not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to a House) at convenient Distances from each other, for turning, lying, or passing of such Boats or Vessels; and that the said Boats or other Vessels sailing or being haled or navigated upon the said Cuts or Canals, or any of them, shall, upon meeting any other Boat or Vessel, stop at or go back to and lie in such Spaces or Places, in such Manner as the said Company of Proprietors or their Agents or Officers shall direct or appoint, or otherwise the Master or Owner thereof shall forfeit and pay any Sum not exceeding Five Pounds.

Allowance for Goods remaining upon Wharfs.

XCVI. And be it further enacted, That if any Coals, Cinders, Lime, Stone, or other Goods whatsoever, which shall be carried or conveyed upon the said River, Cuts, or Canals, shall remain in or upon any Warehouse or Warehouses, Wharf or Wharfs, erected or to be erected for the Use of the said Navigation, for above the Space of Twenty-

Twenty-four Hours, then and in such Case the Owner or Owners of such Coals, Cinders, Lime, Stone, or other Goods, shall pay such further Rates for the same, over and above the Tolls, Rates, or Duties herein-before granted or authorized to be taken, as the said Company of Proprietors at any General Meeting shall fix and ascertain: Provided always, that no more than the Sum of Three-pence *per* Ton shall be demanded or taken by the said Company of Proprietors, or any of their Officers or Servants, for the Wharfage or Warehousing of any Goods or other Things, unless such Goods or other Things shall remain on or in such Wharf or Warehouse longer than Six Days.

Goods not to remain upon the Wharfs for more than Twenty-four Hours.

XCVII. And be it further enacted, That it shall not be lawful for any Person who shall have landed or laid any Goods, Wares, or Merchandizes, or any other Things whatsoever, upon any of the Quays, Wharfs, or Landing Places belonging to the said Navigation, or to the said Company of Proprietors, to permit the same or any Part thereof to remain longer than Twenty-four Hours, without the Licence and Consent of the said Company of Proprietors, or their Committee of Directors, or any Three or more of them, or the Agent or Collector of the said Company, at any such Wharf, Quay, or Landing Place, first had and obtained for that Purpose; and if any such Goods, Wares, or Merchandizes, or other Things so landed or laid upon any of the said Wharfs, Quays, or Landing Places, shall remain thereupon for a longer Space of Time than Twenty-four Hours, without such Licence as aforesaid, it shall and may be lawful for any such Collector or Agent of the said Company of Proprietors, or other Person authorized by them, or their Committee of Directors or any Three or more of them for that Purpose, to remove such Goods, Wares, and Merchandizes, or other Things, to a Place of Safety, and there detain the same till Payment of the Charges of such Removal and Detention; and if such Charges shall not be paid within Twenty-eight Days after Demand by the Collector or Agent of the said Company, the Goods or Chattels so removed, or a sufficient Part thereof, shall and may be sold for Payment of such Charges, and the Expences attending such Sale; such Charges and Expences, in case of Dispute, to be settled and determined by any Two or more Justices of the Peace for the Riding, Liberty, or Place where such Wharfs, Quays, or Landing Places shall be situate.

Recovery of Warehouse Rent.

XCVIII. And be it further enacted, That the Rates for Wharfage or Warehouse Room for Goods, Wares, and Merchandize, which shall be delivered upon or into the Wharfs or Warehouses of the said Company of Proprietors, shall in every Case be payable and paid within Two Calendar Months next after the same shall have been received upon or into such Wharfs or Warehouses; or in case such Goods, Wares, or Merchandize shall be removed from the Wharfs or Warehouses of the said Company before the Expiration of Two Calendar Months, then the said Rates shall be payable and paid in respect of the same, previous to such Removal thereof; and in case Default shall be made in Payment of the said Rates, or any of them, for the Space of One Calendar Month next after the Expiration of such Two Calendar Months as last aforesaid, it shall be lawful for the said

Company of Proprietors to sell or cause to be sold all or any Part of such Goods, Wares, and Merchandize, for which the said Rates or any Part thereof shall remain payable, and out of the Monies thence arising, to retain and pay all the Rates which shall be payable to the said Company of Proprietors, in respect of such Goods, Wares, and Merchandize, and all Charges and Expences of making such Sale, returning the Overplus (if any) of the Monies arising by the said Sale, and such of the said Goods, Wares, and Merchandize as shall remain unsold, to the Person or Persons who shall be entitled thereto.

Lords of Manors, &c. may build Warehouses, &c.

XCIX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to obstruct or hinder the Lord or Lords of the Manor or Manors, or the Owner or Owners of any Lands or Grounds lying upon or near the Banks of the said River *Ure*, or of any Lands or Grounds through which the said Cuts or Canals are made or carried, from making or erecting any Warehouses, Weighbeams, Cranes, Quays, Landing Places, or Wharfs upon the Banks of the said River *Ure*, and Cuts or Canals, in and upon their own Lands, Wastes, or Grounds, so that the erecting or using of such Warehouses, Cranes, or Wharfs, do not obstruct or prejudice the said Navigation, or any of the Powers given by this Act; and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the same Warehouses, Weighbeams, Cranes, Quays, Landing Places, and Wharfs respectively, shall be and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, Wastes, and Grounds respectively, who shall make or erect any such Warehouses, Weighbeams, Cranes, Quays, Landing Places or Wharfs, upon his, her, or their Lands, Wastes, or Grounds lying upon the said River *Ure*, or Cuts or Canals, so that no more than the Sum of Three-pence *per* Ton shall be demanded or taken for the Wharfage of such Goods or other Things, unless such Goods or other Things shall remain on such Wharf for more than Six Days.

Regulations for Vessels passing Locks.

C. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel or Raft, which shall pass through any of the Locks of the said Navigation, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel or Raft to pass through the same; and that every such Boatman or other Person, on going down the said River *Ure*, Cuts or Canals, from the higher to the lower Levels thereof, shall, previously to his bringing his Boat, Barge, or other Vessel or Raft into any Lock, shut the lower Gates of such Lock and the Sluices thereto belonging, before he shall draw the Cloughs or Sluices of the upper Gates thereof; and after he shall have brought his Boat, Barge, or other Vessel or Raft in the said Lock, he shall then shut the upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Cloughs or Sluices of the lower Gates thereof; and in going up the said River *Ure*, Cuts or Canals, towards a higher Level thereof, such Boatman or other Person shall, as soon as he shall have passed with his Boat, Barge, or other Vessel or Raft out of the said Lock, shut up the upper Gates

thereof, and the Sluices thereto belonging, and afterwards draw the Sluices of the lower Gates thereof, unless there shall be then a Boat, Barge, or other Vessel or Raft in sight of the said Lock coming down the said River, Cuts or Canals, in which Case the lower Gates of the said Lock, and the Sluices thereof, shall be left shut, and the upper Gates shall be left open; and at all Times the Vessels or Rafts going up the River *Ure*, Cuts or Canals, if within sight of any Vessel or Raft coming down, and at a Distance not exceeding Four hundred Yards below any Lock, shall pass through such Lock before the Vessel or Raft coming down, and then the Vessel or Raft above such Lock shall come down; and if there shall be more Vessels or Rafts than one below and above any Lock at the same Time, within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for ascertaining the same), such Vessels or Rafts shall go up and come down through such Locks by Turns as aforesaid, until all the Vessels or Rafts going up and coming down shall have passed the same, in order that one Lock full of Water may serve Two Vessels; and every such Boatman or other Person who shall open any Gate or Gates in the Haling Ways or Towing Paths, for the passing of Men or Horses, haling any Vessel or Raft up or down the said River *Ure*, Cuts and Canals, or any of them, shall with all convenient Speed shut such Gate or Gates after the said Men or Horses shall have passed through the same; and any Person who shall offend in any of these Particulars shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Lock-keepers, &c. giving undue Preference.

CI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Person employed by, or Servant belonging to the said Company of Proprietors, shall give any undue Preference to any Boat, Barge, Vessel, or Raft, in passing through any Lock or Locks upon the said River *Ure*, Cuts and Canals, or in loading or unloading any Goods, Wares, or Merchandizes at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company of Proprietors, every Person so offending shall, upon Conviction, forfeit and pay any Sum not exceeding Five Pounds.

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

CII. And be it further enacted, That every Owner, Master, or Person having the Charge or Command of any Boat, Barge, or other Vessel navigating or passing on the said River *Ure*, Cuts or Canals, shall cause his or her Name and Place of Abode, and the Name or Number of his or her Boat, Barge, or other Vessel to be entered with the Clerk to the said Company of Proprietors; and shall also cause the Name of such Owner, Master, or other Person as aforesaid, and the Name or Number of such Boat, Barge, or other Vessel to be painted on a Black Ground, in large White Capital Letters and Figures, Four Inches high at least, and of a proportionable Breadth on the Outside of the Stern of every such Boat, Barge, or other Vessel, so high that no Part of such Letters or Figures shall be under Water when any such Boat, Barge, or Vessel shall be full laden; and that every Owner, Master, or Person having the Charge or Command of any such Boat, Barge, or Vessel, shall from Time to Time when thereto required permit and suffer the same to be gauged and measured, by such Person or Persons who shall be appointed for that Purpose by the Company of

Boats, &c. to be gauged;

and graduated Indexes affixed when required.

of Proprietors, or their Committee of Directors; and shall also, at his, her, or their own Costs and Charges, fix or cause to be fixed on each Side of such Boat, Barge, or other Vessel, Two Indexes of Copper, Lead, or other Metal, of such graduated Figures, denoting the Weight or Tonnage, at such Distances, and under such Regulations as the said Company of Proprietors, or their Committee of Directors, shall from Time to Time direct or appoint, so that the true Weight of the Lading of every such Boat, Barge, or other Vessel may at all Times clearly appear; and that every Owner, Master, or other Person having the Charge or Command of any Boat, Barge, or other Vessel who shall navigate the same on the said River *Ure*, Cuts and Canals, without having such Names, Marks, or Figures thereon, as hereinbefore directed, or who shall refuse or neglect to put and renew the same as often as may be thought necessary by the said Company of Proprietors, or their Committee of Directors, or shall otherwise deface or destroy the same, or any Part thereof, or shall put any false Names, Marks, or Figures on such Boat, Barge, or other Vessel, or shall refuse to permit any such Boat, Barge, or other Vessel to be gauged and measured as aforesaid; and also any Master, Owner, or other Person having the Charge or Command of any Boat, Barge, Vessel, or Raft, who shall navigate the same upon the said River *Ure*, Cuts and Canals, and who shall cause or permit such Boat, Barge, Vessel, or Raft, to be at any Time unloaded, without a Stage being laid from the Side of any such Boat, Barge, Vessel, or Raft, to the Bank of the said River *Ure*, Cuts and Canals, in order to prevent any Dirt or Rubbish falling into the same, shall for every such Offence respectively, forfeit and pay any Sum not exceeding Twenty Pounds.

Managers of Vessels obstructing the Passage how punishable.

CIII. And be it further enacted, That if any Person having the Care and Management of any Boat, Barge, Lighter, or other Vessel, shall put or lay such Boat, Barge, Lighter, or Vessel, in any Part of the said River *Ure*, and Cuts or Canals, or any of them, so as to obstruct the Passage of any other Boat, Barge, Lighter, or Vessel, or hinder the opening or shutting of any of the said Locks, and shall not with all convenient Speed, upon Request made, remove such Boat, Barge, Lighter, or other Vessel, he shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Shillings for every Hour such Boat, Barge, Lighter, or Vessel shall continue to obstruct such Passage, or prevent the opening or shutting of any Lock as aforesaid; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat, Barge, Lighter, or Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for avoiding any Obstruction in the Navigation and in the Use of such Locks, and to detain such Boat, Barge, Lighter, or Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are discharged, paid, and satisfied.

Boats sunk, to be weighed up by the Owners immediately.

CIV. And be it further enacted, That if any Boat, Barge, Lighter, or other Vessel shall happen to be sunk in the said River *Ure*, and Cuts or Canals, or any of them, and that the Owner or Person having the Charge, Command, or Rule thereof, do not without Loss of Time weigh or draw up the same again, and haul the same out of the Way of

of other Vessels passing and repassing upon the said Navigation, it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors to cause such Boat, Barge, Lighter, or other Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all Expences occasioned thereby; and if Payment be not made in Twenty-one Days after such Boat, Barge, Lighter, or other Vessel be drawn up, then and in such Case it shall and may be lawful to and for such Agents and Servants to cause Sale to be made thereof, for reimbursing the said Expences and other incident Charges, returning the Overplus (if any) to the Owner or Master of the said Barge, Boat, Lighter, or Vessel.

Persons throwing Ballast, &c. into the Navigation how punishable.

CV. Provided always, and be it further enacted, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or Dirt into any Part of the said River *Ure*, and Cuts or Canals, or any of them, or any Cuts made from or into or to communicate with the same, every Person so offending and being convicted thereof before any Justice of the Peace for the County, Riding, Liberty, or Place where the Offence shall be committed, upon the Oath of One or more Witness or Witnesses, shall forfeit any Sum not exceeding the Sum of Twenty Shillings.

Persons obstructing the Navigation without Cause to be fined.

CVI. And be it further enacted, That if any Owner, Occupier, or Miller of any Mill or Mills within the Limits of the said Navigation, or other Person employed by him, her, or them, shall wittingly or wilfully do or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby or by means whereof the said Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause in Extenuation, to be allowed by the Justice before whom Complaint of the Offence shall be made, every such Owner, Occupier, or Miller, or other Person whosoever, shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Penalty for stanging of Mill Wheels.

CVII. And be it further enacted, That if any Owner, Occupier, or Miller of any Mill within the Limits of the said Navigation, shall stop or stang, or cause or wittingly or willingly suffer to be stopped or stanged, any Wheel or Wheels of any such Mill, so as to let the Water pass or run waste through any of the Sluices or Flood Gates of or belonging to such Mill, while the Wheel or Wheels of such Mill is or are not working, and thereby obstruct, prevent, or delay the Passage of any Boat, Barge, Lighter, or other Vessel up or down the said River *Ure*, and Cuts or Canals, or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Penalty upon Persons maliciously or wantonly drawing of Cloughs, &c.

CVIII. And be it further enacted, That if any Person or Persons shall maliciously or wantonly open or cause to be opened, any Lock or Clough belonging to the said Navigation, Cuts or Canals, or shall suffer any Boat, Barge, Lighter, or Vessel to be moored unto, or to lie under any of the Bridges in the said River *Ure*, and Cuts or Canals, or any of them, or shall leave the Water running through any of the Cloughs, after any Boat, Barge, Lighter, or Vessel shall have passed any Lock belonging to the said Navigation; or if any Person or Persons shall

shall draw or cause to be drawn any Clough or Cloughs in the Lock Gates on the said River *Ure*, and Cuts or Canals, or any of them, so as to mispend or waste the Water of the said River *Ure*, and Cuts or Canals, or any of them, to the Prejudice of the said Navigation; every such Person or Persons offending in any of the said Particulars, and being thereof convicted before One or more Justice or Justices of the Peace for the County, Riding, Liberty, or Place where such Offence shall be committed, upon the Oath of One or more Witness or Witnesses, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds; and in default of Payment thereof the Person or Persons so offending shall, by Warrant or Warrants of such Justice or Justices, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice or Justices shall direct, not exceeding Two Calendar Months.

Persons damaging the Works, to be adjudged guilty of Felony.

CIX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Navigation, Cuts, or Canals, break, throw down, damage, or destroy any Banks or other Works erected or made, or to be erected or made for the Purposes thereof, whereby the Water shall be so much spent and wasted as thereby to hinder or prevent the said Navigation, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said Navigation, such Person or Persons shall be adjudged guilty of Felony; and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Courts by and before whom such Person or Persons shall be tried shall, by virtue of this Act, have Power and Authority to transport every such Felon for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, or otherwise the Court may in Mitigation of such Punishment (if they shall think fit) award any such other Punishment as the Law directs in Cases of Petty Larceny.

To prevent Obstructions on Towing Paths.

CX. And be it further enacted, That if any Person or Persons shall cast or lay on any Part of any Bank or Towing Path belonging to the said River *Ure*, Cuts or Canals, or any of them, any Dung, Manure, Dust, Ashes, Rubbish, or other Matter, otherwise than on the Wharfs or other Places for the loading or unloading of Goods, Wares, or Merchandizes, or shall wash any Sheep on the Sides of the said Haling or Towing Paths, or make a common Carriage or Riding or Horse or driving Road for Cattle, on or along such Haling or Towing Paths (except such Right of Road or Way as any of the Occupiers of the adjoining Lands or Grounds now have and are legally entitled to for the necessary Occupation thereof), or shall bathe in the said River *Ure*, Cuts and Canals, or any of them, without the Consent or Permission of the said Company of Proprietors or their Agents, it shall be lawful for any Justice of the Peace within his Jurisdiction, and he is hereby required, upon Complaint to him made, and on the Oath or solemn Affirmation (in case of any Person or Persons being of the Society of Quakers) of any one or more credible Witness or Witnesses of any such Offence, to issue a Summons for the Party or Parties accused to appear before him; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend,

apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver such Offender or Offenders into the Custody of a Peace Officer, in order to be brought before some Justice of the Peace of the County, Riding, Liberty, or Place where such Offence shall be committed; and on the Party or Parties appearing or not appearing in pursuance of such Summons, or being brought before such Justice, he is hereby required to proceed to examine on Oath, or by solemn Affirmation as aforesaid, any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of any such Offence by his, her, or their own Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for each and every such Offence respectively, and if more than one, shall severally forfeit and pay any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her, or them incurred, together with the Costs and Charges of such Conviction, such Justice is hereby required to commit such Offender to the Common Gaol of the County or House of Correction for the Riding, Liberty, or Place in which such Offence or Offences was or were committed, there to be kept to hard Labour for any Time not exceeding One Calendar Month; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be committed, unless such Penalty and Costs shall be sooner satisfied; and that One Moiety of such pecuniary Penalty or Penalties, if paid, shall be paid to the said Company of Proprietors, and the other Moiety to the Informer.

Boatmen not to land, &c. on certain Premises of Lord Grantham.

CXI. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to empower or authorize any Owner or Master of any Boat, Barge, Lighter, or Vessel, or any of the Boatmen, Lightermen, Watermen, Crew, Passengers, or others, to moor, tie, fasten, or lay to, or put any Plank from or out of any such Boat, Barge, Lighter, or other Vessel, or to load or unload any Goods or Things therefrom, on the North Side of the said River *Ure*, upon or against or within the Distance of One hundred Yards above or below the Gardens or Plantations of or belonging to the Right Honourable *Thomas Philip Weddell* Lord *Grantham*, at *Branton*, or upon or against or within the Distance of One hundred Yards above or below the Gardens, Plantations, or Grounds of the said Lord *Grantham*, in the Lordship of *Newby*, nor to empower or authorize any such Owner or Master, Boatman, Lighterman, Waterman, Crew, Passengers, or others, to land or come on Shore at, upon, or against, or within the Distance of the respective Places aforesaid, on the North Side of the same River; and in case any Person or Persons shall offend in any of the said Particulars, he, she, or they so offending and being thereof convicted before One or more Justice or Justices of the Peace for the County, Riding, Liberty or Place where such Offence shall be committed, upon the Oath of one or more Witness or Witnesses, shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds; and in default thereof, the Person or Persons so offending shall by Warrant or Warrants of such Justice or Justices be sent to the Common Goal or House of Correction, there to be kept to hard Labour for

for such Time as such Justice or Justices shall direct, not exceeding One Calendar Month.

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

CXII. And be it further enacted, That the Master or Owner of any Boat, Barge, Vessel, or Raft navigating or passing upon the said River *Ure*, Cuts or Canals, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief, as shall be done by his Boat, Barge, Vessel, or Raft, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, and others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, or other Works, in, upon, or belonging to the said Navigation, 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 Damages that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Grounds adjoining or lying near to the said River *Ure*, Cuts and Canals, or by drawing or leaving the Water running through any of the Clough or Cloughs in any of the said Locks or Cuts, when such Boat, Barge, Vessel or Raft shall have passed through the same, and for any other Trespass or Offence whatsoever, contrary to the 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, or (in the Case of any Person or Persons being of the Society of Quakers) on the solemn Affirmation or Affirmations of one or more credible Witness or Witnesses (which Oath or Oaths and solemn Affirmation or Affirmations such Justice is hereby empowered and required to administer and receive) pay the Person or Persons injured, the Damages to be ascertained by such Justice, provided such Damages shall not exceed the Sum of Twenty 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 the Provisions of this Act to be levied; or if the Damages shall exceed the Sum of Twenty Pounds, the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

Owners may recover from their Servants.

CXIII. And be it further enacted, That if the Owner or Owners of any Boat, Barge, Vessel, or Raft, navigating or passing on the said River *Ure*, Cuts and Canals, shall be compelled to pay any Penalty or to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants, Boatmen or Watermen, or any of them, then and in such Case every such Servant, Boatman, and Waterman, shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath (or solemn Affirmation by any Person or Persons being of the Society of Quakers) made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have not been repaid to him or them, by such Servants, Boatmen, or Watermen, or any of them, although demanded, (such Oath or solemn Affirmation to be made before any one or more of the Justices of the Peace of

the County, Riding, Liberty, or Place where such Penalty shall have been recovered) the Amount thereof shall be recovered in like Manner as such Penalties or Satisfaction for Damages are by the Provisions of this Act to be recovered.

Penalty for taking away Materials got by the Company for use of the Works.

CXIV. And be it further enacted, That if any Person or Persons whomsoever shall take away any Stones, Gravel, Sand, Clay, Rubbish, Timber, or other Materials, which shall have been cut, dug, got, or gathered, by or by the Order of or for the said Company of Proprietors, in any Waste Lands, or open Fields or Grounds, Rivers or Brooks, for the Purposes of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

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

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

For Recovery and Application of Penalties.

CXVI. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof, except in Cases where the Manner of hearing and determining the same is otherwise directed, shall and may be made before one or more Justice or Justices of the Peace for the County, Riding, Liberty, or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the Appearance or Non-appearance of such Person or Persons, pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person, such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal, or Hands and Seals, for levying the Penalty or For-

feiture by virtue of this Act or of any Bye Law made in pursuance thereof, imposed for any such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful to and for any such Justice or Justices to order any Person so convicted to be detained and kept in the Custody of any Constable, or other Peace Officer, until it can be ascertained whether such Person hath any Goods or Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found, whereon to make such Distress, or such Fine, Penalty, or Forfeiture shall not forthwith be paid, it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offenders to the Common Gaol of the County, or to the House of Correction of the Riding, Liberty, or Place wherein such Justice or Justices shall have Jurisdiction respecting such Offence as aforesaid, for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, or Forfeitures, when recovered, shall, where the Application is not otherwise directed, be paid into the Hands of the Overseers of the Poor of the Township or Place where the Penalty shall be incurred, for the Use of the Poor of such Township or Place, and the Overplus (if any) arising by such Distress or Sale, shall be (after Payment of the Penalty and the Costs and Charges attending the same), returned to the Owner of the Goods and Chattels so distrained upon Demand.

Power for Company to give Informer Part of Penalties.

CXVII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or their Committee of Directors, if they shall think fit, to pay and apply any Part of the said Penalties, Forfeitures, and Fines to and for the Use of the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them, who shall not have been a Witness or Witnesses on the Trial of the Information or Informations; any thing herein contained to the contrary notwithstanding.

For apprehending and committing Offenders.

CXVIII. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall see any Offence committed against the Provisions of this Act, by any Person destroying or doing any wilful Damage to the Navigation of the said River *Ure*, Cuts or Canals, or any Buildings or Works thereto belonging, or otherwise, contrary to any other Provisions in this Act contained, to apprehend and detain any such Offender without any Warrant or other Authority than this Act, and to carry such Offender or cause him to be carried by some Constable or other Peace Officer before any Justice of the Peace as before-mentioned.

For compelling Witnesses to attend, and Penalty in

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

committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers, on solemn Affirmation), and to give Evidence before the said Justice, then and in either of the said Cases, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered; and all and every Person and Persons appearing as a Witness or Witnesses as aforesaid, who shall knowingly give false Evidence before any such Justice, in any such Case, Matter, or Thing relating to the Execution of this Act, shall be liable and subject to the Pains and Penalties by Law inflicted in Cases of wilful and corrupt Perjury.

Cases of false Swearing, &c.

CXX. And be it further enacted, That in case of any Dispute, Suit, or Litigation respecting the said Tolls, Rates, or Duties, or other Matter or Thing relating to the said Navigation, no Officers, Agents, or Servants of, or other Person or Persons acting by or under the Authority of the said Company of Proprietors, or of this Act, shall for that Reason alone be disqualified from giving Evidence in such Dispute, Suit, or Litigation respecting any thing ministerially done by them, or any of them, in the Execution of their respective Offices or Authorities.

Persons acting under Authority of Company not to be disqualified from being Witnesses.

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

Form of Conviction.

'To wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the at for that he the said *A. B.* at did [*as the Case may be, specifying the Offence and the Time and Place of committing it*] contrary to an Act passed in the First Year of the Reign of King *George* the Fourth, [*here set forth the Title of this Act.*] Given under my Hand and Seal the Day and Year first above mentioned.'

CXXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the

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

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 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.

Plaintiff not to recover without Notice nor after Tender of Amends.

CXXIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Suit to be commenced against the said Company of Proprietors, or any Person or Persons, for any thing done in pursuance of this Act, or in Execution of the Powers thereof, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his or their last or usual Place of Abode, or left with the Clerk or any Agent of the said Company, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by and on Behalf of the said Company of Proprietors, or other Defendant or Defendants, before such Action shall have been brought; and in case no such Tender shall have been made, it shall be lawful to and for such Company of Proprietors, or other Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, and at any Time before Issue joined, to pay into Court such Sum of Money as the said Company of Proprietors or such other Defendant or Defendants as aforesaid shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given, in and by such Court, as in other Actions wherein Defendants are allowed to pay Money into Court.

Appeal to the Quarter Sessions.

CXXIV. And be it further enacted, That any Person or Persons who shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by any Proceedings before or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may complain to the Justices of the Peace at the next General Quarter Sessions of the Peace to be held for the County, Riding, Liberty, or Place where the Cause of Appeal shall have arisen, which shall be held from and after the Expiration of Two Calendar Months after such Order shall be made or given, the Person or Persons appealing having given at least Fourteen Days clear Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, and to the Clerk of the said Company of Proprietors, and forthwith after such Notice, entering into a Recognizance before some Justice of the Peace of such County, Riding, Liberty, or Place, with Two sufficient Securities conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions, or if they think proper, adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County, Riding, Liberty, or Place, and if they see Cause, may mitigate any Forfeitures or Fines,

and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

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

CXXV. Provided always, and be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings to be had or taken, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or be removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Limitation of Actions.

CXXVI. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any thing done in pursuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Directions hereby given or granted, after Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, after Six Calendar Months next after the doing or committing of such Damages shall have ceased; and every such Action, Suit, or Information shall be laid or brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall or may plead the General Issue, and give this Act and the Special Matter in Evidence in 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 if any Action, Suit, or Information shall be brought before Thirty Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case, the Jury shall find for the Defendant or Defendants; and in such Case, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits or Informations, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

For Service of Notices, &c. on the Company.

CXXVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary under the Provisions of this Act or otherwise, for any Person or Persons, or Party or Parties, to serve upon the said Company of Proprietors, any Notice or Notices, Writ or Writs, or other judicial or legal Proceedings, the Service upon any one of the said Company of Proprietors, or upon the Clerk of the said

said Company, or left at the Office or usual Place of Abode of such Clerk, or upon any Agent or Officer of the said Company of Proprietors, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the Company.

Justices, &c. not to act when interested.

CXXVIII. Provided always, and be it further enacted, That no Justice of the Peace, Sheriff, or Coroner, or Person authorized by this Act to act in the Stead of such Sheriff, shall be capable of acting as such Justice of the Peace, Sheriff, or Coroner, or in the Stead of such Sheriff, in the Execution of this Act, during the Time he shall be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or be personally or individually interested in any Contract under the said Company.

Navigation not subject to Commissioners of Sewers.

CXXIX. And be it further enacted, That the said River *Ure*, and Cuts or Canals, or any of them, shall not be under the Survey or Order of any Commissioner of Sewers, nor subject to a Commission of Sewers, or any Law or Statute made for Sewers; any Law or Statute to the contrary in anywise notwithstanding.

Saving Rights of the Archbishop of York and other Lords of Manors.

CXXX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right and Title of the said Lord Archbishop of *York*, or other the Lord or Lords, Lady or Ladies, of any of the Manor or Manors through which the said River *Ure* passes, or the said Cuts or Canals are made or carried, for the Time being, of, in, or to any Seigniories, Royalties, and other Manorial Rights incident or belonging thereto; but that the said Lord Archbishop and other the Lord or Lords, Lady or Ladies of the said respective Manors, and their Lessees, and all other Person and Persons claiming by, from, through, under, or in Trust for them respectively, shall and may, from Time to Time, and at all Times hereafter, have, hold, and enjoy all Royalties, Jurisdictions, and Privileges to the said Manor or Manors respectively incident or appendant, belonging or appurtenant, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as they respectively might or ought to have done in case this Act had not been passed.

Company required to expend 3000l. in Repairs within Five Years.

CXXXI. And be it further enacted, That the said Company shall and they are hereby required, with all convenient Speed, to proceed to cause the several Shoals and Obstructions which have accumulated in the said River *Ure* and Cuts or Canals to be removed, and the Banks and Towing Paths, and the several Locks, Weirs, Dams, Bridges, Quays, Buildings, and Works belonging to the said Navigation, to be put and maintained in a proper and sufficient State of Repair; and to lay out and expend thereon or therein the Sum of Three thousand Pounds at the least, within the Space of Five Years from the passing of this Act.

For paying Expences of the Act.

CXXXII. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and all other Costs, Charges, and Expences attending the same, shall be borne, paid, and

defrayed by the said Company of Proprietors, out of any Money already raised or received upon the said Navigation, or hereafter to be raised or received by virtue of this Act: Provided always, that if any individual Member of the said Company of Proprietors, or any other Person or Persons, shall have previously advanced or paid, or shall so advance or pay, any Money in discharge of the Fees or other Expences of obtaining and passing this Act, the Money so advanced and paid shall be repaid and satisfied to the Person or Persons advancing and paying the same, out of the first Monies so to be raised and received, together with lawful Interest for the same.

Money advanced to be repaid with Interest.

CXXXIII. 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.

Public Act.

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