Anno tricesimo primo

Georgii II. Regis.

An Act for extending the Navigation of the River *Calder*, to or near to *Sowerby Bridge*, in the Parish of *Halifax*; and for making navigable the River *Hebble*, *Halig* or *Halifax Brook*, from *Brookfmouth* to *Salter Hebble Bridge*, in the County of *York*.

WHEREAS the Rivers Aire and Calder, in the County of York, were, by virtue, and in pursuance, of an Act of Parliament passed in the Tenth and Eleventh Years of the Reign of his late Majesty King William the Third, made navigable for Boats, Barges, Lighters, and other Vessels, from Weeland upon the River Aire, to the Towns of Leeds and Wakefield respectively, which has tended manifestly to the Encouragement and Increase of the Woollen Manufactury, and the Trade and Commerce of that Country: And whereas the continuing and carrying on a Navigation up the River Calder to Brookfmouth, and from thence up the River called Hebble, Halig or Halifax Brook, to Salter Hebble Bridge, Preamble.

and from Brookſmouth, or from the River Hebble aforeſaid, to or near Sowerby Bridge, in the Parish of Halifax, in the ſaid County of York, will be of general Utility: Wherefore, may it pleaſe your moſt Excellent 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 Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable Lord Viſcount Downe in the Kingdom of Ireland, the Right Honourable Lord Viſcount Gallway in the Kingdom of Ireland, the Right Honourable John Lord Pollington in the Kingdom of Ireland, the Right Honourable Thomas Hay, commonly called Lord Dupplin; the Honourable George Carey, the Honourable and Reverend John Stanley Rector of Bury, Sir George Savile, Sir Rowland Wynn, Sir Walter Blackett, Sir John Armitage, Sir William Lowther, Sir William Wentworth, Sir John Ramſden, Sir John Liſter Kaye, Sir Lionel Pilkington, Sir William Meredith, the Reverend Sir John Moſeley, Sir Ralph Aſheton, Sir Henry Ibbetſon, Sir George Dalſton, Sir George Strickland, Sir William Milner, Sir Brian Cooke, Sir Charles Sheffield, Sir John Ingleby, Sir Henry Slingſby, Baronets; Sir Ellis Cunliffe Knight, Peter Bold, Francis Reynolds, Edward Marton, Nicholas Fazakerley, Edmund Starkey, Charles Pole, Peter Legh, Randle Wilbraham, the Honourable Richard Barry, Thomas Liſter, Aſheton Curzon, Samuel Egerton, James Winſtanley, Richard Acklom, Robert Allenſon, Henry Athorpe, John Arthington, Robert Arthington, James Aſpenal, John Aldcroft, Jonathan Acklom, George Armitage, John Aſhton, Samuel Acton, Joſeph Alexander, Joſeph Allen, Robert Ayrton, Richard Allen, James Ambler, Thomas Arrowſmith, Roger Allen, Henry Atkinſon, John Atkinſon, John Armitage, George Armitage, Samuel Armitage, James Allott, Bryan Allott Clerk, Thomas Arthington, Charles Allanſon, John Baldwin, William Baldwin, Benjamin Bartlett, Peter Birt, Joſeph Bright, Richard Burton, John Bradſhaw, James Bayley, Edmund Barker, Edmund Barker junior, Barnard Biſhcoff, Thomas Barſtow, Roger Brandwood, John Bamford, Samuel Brooke, John Brooke, John Brooke, Joſeph Bilton, Hans Buſk, Thomas Buckley, Joſeph Baker, Thomas Batterſbee, Gabriel Brooke, George Bell, Francis Blaydes, John Blaydes, James Burnell, Thomas Birch, Joſeph Birch, Aſhton Blackburn, Robert Benſon, William Blackburne, William Bowes Eſquire,

Commiſſioners Names.

Eſquire, John Clavering, Miles Bower, Benjamin Bower, Richard Broome, John Broome, Edward Burron, Edward Byrom, Chriſtopher Byron, Timothy Battie, Richard Beaumont, Samuel Burroughs, Muſgrave Briſco, William Bamford, Daniel Bayley, Robert Booth, Ralph Brown, John Buckley, Ralph Banks, Richard Barton, Samuel Bayley, Joſiah Birch, Robert Birch, Thomas Boardman, Samuel Bower, John Bower, William Beckwith, William Broome, John Bullock, William Burron, Edward Byrom the younger, Richard Barlow, Thomas Barlow, Peter Baron, Robert Booth, Samuel Baron, Roger Booth, James Barlow, Godfrey Boſville, William Beaumont, William Brookes, Thomas Beaumont, James Burnell, Arthur Burton, Richard Buxton, William Beatſon, Jeremiah Barſtow, William Beatſon of Holingthorpe, John Caygill, Richard Cooke, Anthony Cooke, Nathanael Cholmley, Edward Chetham, Thomas Chadwick, John Clough, Thomas Clowes, Edward Coke, James Clegg, John Clough, John Cookſon, Thomas Cookſon, William Clowes, Otho Cooke, Iſaac Crewdſon, Nicholas Coulthurſt, Matthew Coulthurſt, Job Staunton Charlton, Benjamin Cooke, James Cooke, Thomas Cotton, Henry Cunliffe, John Chadwick, Samuel Clowes, Joſeph Clowes, Joſeph Champion, James Clough, John Clowes, Samuel Clowes the younger, John Cooke, Thomas Crompton, John Cockſhut, Richard Cotton, George Cotton, John Cookſon Doctor of Phyſick, William Crowle, John Dearden, George Dunſtan, John Dyſon, Simon Dearden, James Dawſon, William Dawſon, John Dickenſon, John Diggles, Jeremiah Dixon, Samuel Davenport, John Dawſon, Samuel Dyſon, Thomas Diggles, James Dearden, Charles Downs Clerk, Henry Dickanſon, John Dickenſon the younger, Robert Deniſon, Thomas Deniſon, William Deniſon, William Danby, Edward Elmſall, Robert Entwiſle, Jadmes Edge, Samuel Edgley, Anthony Eyre, Robert Entwiſle the younger, William Edge, William Ethelſtone, Vincent Eyre, John Finch Eſquire, James Farrer, Abraham Frith, Joſhua Fielden, Jonathan Fildes, Thomas Ferrand, John Fletcher, Charles Ford, James Fletcher, Benjamin Ferrand, Abraham Fielden, John Fielden, Freeman Flower, John Forth, Abraham Fletcher, Henry Fielden, Litchford Flitcroft, William Fowden, John Fox, Edward Fenton, Thomas Fenton, James Fenton, William Fenton, William Gream, John Greenwood, Ambroſe Greenwood, Edward Greaves, Benjamin Gaſkel, John Gatliffe, Robert Gartſide, John Gorton, James Greatrix, James Gream, Richard Gore, William Greenwood, Daniel Gaſkel, Edward Gregg, John Gatley, Thomas Gardner, Edward Goddard, James

Gorton, John Graves, James Green, Harpum Green, Richard Greene, Thomas Gill, Edward Gower, John Haigh, Stanhope Harvey, John Helliwell, Richard Hey, Samuel Harper Clerk, William Hird, Samuel Hill, Henry Hitch, William Horton, John Huſtler, William Horton, John Hamer, Richard Hill, Robert Holt, John Hutchinſon, Joſeph Haigh Clerk, William Holt, Thomas Holme, John Hargreaves of New Church, John Hadfield, Richard Hall, Anthony Hall, James Hall, Robert Hamilton, James Hardman, Jeffrey Hart, John Harriſon, John Heywood, Robert Hibbert the younger, William Haigh, Walter Hawkſworth, John Hewett, Richard Hill, Nathanael Holden, Joſhua Horton, Abraham Haworth, Hallows Hamer, Samuel Hill, Thomas Holt, Francis Holt, Thomas Hutchinſon, Joſeph Holden, Edmund Holme Clerk, Edmund Holme the younger, John Halliwell, John Howorth, John Hague, Edward Hall, James Hamer, William Hampſon, John Hardman of Mancheſter, William Heginbotham, Robert Hibbert, James Hilton, James Hodſon, Richard Holme, Robert Hyde, Robert Higginſon, Thomas Hutchinſon, Edward Holme, Robert Holt the younger, Samuel Haworth, John Hutchinſon, Robert Harper, Samuel Harper, John Hawkeſworth, Charles Ingram, Thomas Johnſon, George Johnſon, Cyril Jackſon, Avery Jebb, William Johnſon, William Ingram, Walter Joddrell, Alan Johnſon, Richard Kaye, Ralph Knight, John Kay, George Kenyon, Marſden Kenyon, Thomas Kay, Thomas Kirkham, William Kirk, Samuel Kay Doctor of Phyſick, Robert Kay, John Kenworthy, Edward Kenyon, Ralph Kirkall, Ralph Kirſhaw, Samuel Kirſhaw Clerk, George Fox Lane, William Lamplugh Clerk, George Legh Doctor of Laws, John Liſter Clerk, Samuel Liſter, George Lloyd, Henry Lonſdale, John Lord of Broad Clough, Edward Leeds, Samuel Liſter, Japhet Liſter, John Liſter, Miles Lonſdall, Thomas Lee, George Lumley, Thomas Lodge, Edmund Lodge, James Lancaſhire, Edmund Lord of Greave, Edmund Lord of Rochdale, John Leach, John Lea, John Lees, Samuel Lees, Robert Liveſay, Henry Lonſdall, William Lawſon, Laurence Lord, John Lord, George Law, John Lee, James Liptrot, Thomas Locker, John Lancaſhire, Robert Lane, William Lowther Clerk, Edwin Laſcelles, Daniel Laſcelles, Henry Laſcelles, Timothy Lee Doctor in Divinity, John Liſter of Bawtry, John Maſſon, James Maud, William Melliſh, Robert Milnes, Pemberton Milnes, Peter Mainwaring Doctor of Phyſick, Thomas Marriott, James Mills, Joſhua Marriott, Edward Markland, James Marſden, Samuel Mellor,

John

John Moss, John Murgatroyd, Darcy Molyneaux, Richard Micklethwait, Richard Markham, George Mason, Daniel Maud, Charles Milner, Francis Milner, Joseph Milner, Lancelot Meyers, Thomas Morley, Charles Mellish, John Milnes, Bacon Morrit, John Marriott, Robert Mills, John Mills, John Markland, Wyant Marriott, James Massey, James Mellor, James Magnal, Thomas Medhurst, Thomas Maude, William Maude, William Marsden, Thomas Marsden, William Marsden **the younger**, John Micklethwait, John Milnes, James Milnes, Jonathan Nicholl, Thomas Nuttall, Robert Nuttall, George Nelson, Josiah Nicholls, Richard Nangreave, John Nuttall, Posthumus Nixon, Anthony Noguier, Lawrence Newall, Charles Newdigate, Richard Nicholls, James Nelthorpe, Fletcher Norton, Francis Norton, Robert Ord **Lord Chief Baron** of Scotland, William Osbaldeston, Abel Oldham, John Ormerod, William Ormerod, John Ord, George Oates, Josiah Oates, Samuel Oates, George Osbaldeston, James Oldham, Aaron Orme, Laurence Ormerod, Joseph Ormerod, Theophilus Ogden **the younger**, George Ormerod, Thomas Percival, Harrison Pilkington, William Prescott, Henry Pawson, William Priestley, George Perrot, William Preston, John Priestley, John Parker, Samuel Powell, Jonathan Patten, Richard Pattison, Nathanael Philips, Thomas Parker, John Pilkington, John Pointon, John Prescott, Thomas Percival, Thomas Pigot, Thomas Parrot, Jonathan Patten **the younger**, Thomas Phillips, William Plant, Michael Pilkington, Metcalfe Proctor, Thomas Pulleyn, Edward Prince, William Radcliffe, Ingram Ryder, Abraham Radcliffe, Robert Ramsden, Jeremiah Rawson, Richard Richardson, John Roebuck, William Rooks, John Royds, Charles Radcliffe, John Ramsden, John Ramsden, Christopher Rawson, William Westbrooke Richardson, Jeremiah Royds, Richard Royds, Robert Royds, William Royds, Samuel Ridings, Nathan Rosbotham, John Rigby **the younger**, John Robinson, Robert Robinson, James Rothwell, John Royds, Peter Rasbottom, Dorning Rasbotham, John Rigby, Josiah Roberts, Samuel Robinson, Thomas Reynolds, Robert Reyner, John Ridsdale, Samuel Sanford **Clerk**, John Sylvester Smith, William Southern, Robert Stansfield, Valentine Stead, Thomas Stead, James Starky, George Stansfeld, John Smith, John Scholefield, Joseph Smallwood, James Stringfellow, Roger Sedgwick **the younger**, George Scholes, Richard Scholes, Jonathan Staniforth **Esquire**, William Starky, Thomas Stott, John Smith, Thomas Smith **Clerk**, John Stanhope, David Stansfeld, Valentine Stead **the younger**, Henry Scott, Robert Smithson, John Shepley, John

John Scotchard, Walter Stanhope, John Starky, Joſeph Starky, Thomas Stead, Walter Stanhope of Leeds, John Suttel, Richard Stephenſon, Iſaac Smith, Nicholas Shuttleworth, Edmund Smith, Roger Sedgwick, Samuel Scholes, Robert Scholes, Thomas Scholes, Edward Smalley, John Stott of Mancheſter, John Stott, Samuel Shore, Samuel Shore the younger, William Stamforth, John Smith of Heath, John Silveſter Smith, Joſeph Steer, Sidney Swinney Clerk, John Stanhope, Peter Simon Clerk, Thomas Strother, William Serjeantſon, Thomas Thornhill, Thomas Clerk, Charles Turner, John Touchet, Robert Taylor, Samuel Taylor, Samuel Taylor the younger, Richard Townley the younger, the Reverend Samuel Townſon Clerk, Richard Taylor, John Taylor of Mancheſter, Samuel Taylor of Moſton, John Taylor of Crumpſal, Thomas Tipping, Nicholas Torr, William Topham, Chriſtopher Topham, William Tottle, Peter Touchet, John Taylor of Smethurſt, William Thompſon, William Turner, William Turner, Thomas Touchet, John Taylor, James Taylor, Richard Townley, Humphrey Trafford, Charles Turner, Ralph Taylor, the Reverend Doctor Tunſtall Vicar of Rochdale, Samuel Taylor, Joſhua Taylor, Robert Thyer, Thomas Tipping the younger, Samuel Touchet, John Townſend, Abraham Taylor, William Todd, John Upton, Allen Vigor, John Vavaſour, Walter Wade, John Walker, Thomas Wentworth, Peregrine Wentworth, John White, Richard Wilſon the younger, John Woolmer, Wrighte, John Wood, George Walmſley, the Reverend Abel Ward Archdeacon of Cheſter, James Walker, Edward Walker, William Walker, Michael Walton, Woodyeare Eſquire, Wadſworth Eſquire, Thomas White, Charles White, James Winterbottom, Peter Worſley, William Walker, John Waterhouſe, Godfrey Wentworth, James Wetherherd, Taylor White, Thomas Wilſon, William Wrightſon, John Whitworth, John Walmſley, John Whiteley, Richard Wilſon, Thomas Woolrich, John Wilks, Thomas Whitaker, Henry Wrigley Clerk, James Walker Doctor of Phyſick, Woodfield Beckwith, Peter Walker, Thomas Walker, James Walmſley, Michael Walton the younger, John Wilſon, Richard Wordſworth, Colonel E. Wynn, Rowland Wynn, John Wade, Edward Wortley, Edward Wortley the younger, Francis Wood, William Wood, William Wrightſon, Benjamin Wilſon Clerk, Thomas Wilſon Clerk, James Wilkinſon Clerk, Andrew Wilkinſon, Henry Wickham Clerk, Field Silveſter Wadſworth, William Watſon, John Yorke, Henry Zouch Clerk, Elkanah Hoyle, Richard Royds, John Haworth, Joſiah Hotham, John Watſon, John Radcliffe, Jeremiah Holroide,

Holroide, John Greenwood, Daniel Dyson, William Sutcliffe, John Kenworthy, William Alexander, Richard Thomas Israel Wilde, Jeremiah Riley, John Ramsden, John Tillotson, Joshua Tillotson, John Butterworth, Luke Greenwood, William Moore **the younger**, Nathanael Moore, John Moore, Robert Parker **Esquire**, Richard Hopwood, John Wood, Richard Townley **Esquire**, Elkanah Holroide, Joseph Wells, John Walker, James Greenroyd, William Rawson, James Ryley, John Sutcliffe, James Gibson, Henry Greenwood, Henry Cockcroft, William Cockeroft, William Cockeroft, Stephen Atkinson, Joseph Farrer, James Walton, John Marten, Thomas Marten, Thomas Milne, Richard Towne, Michael Wainhouse, Japhet Lister, Jeremiah Rawson **Esquire**, Thomas Hirst **Esquire**, Thomas Murgatroyd, Richard Taylor, George Ryley, John Wheelwright, Joseph Wilkinson, Henry Dyson, John Dyson, John Wells, John Sutcliffe, Henry Horsefield, Samuel Barnes, John Sutcliffe, Thomas Oldfield, Timothy Oldfield, Isaac Farrer, Thomas Oldfield **the younger**, **the Honourable** Christopher Dawnay, **the Honourable** John Dawnay, Abraham Balme, Thomas Busfield, William Banks, Miles Barne, Charles Booth **Clerk**, Stephen Croft, William Cockroft, John Fell, Ayscough Fawkes, Richard Farrer, John Field, Sellwood Hewett, Richard Hey, Thomas Hirst, Josiah Morley, Robert Parker, William Parker, Edward Parker, Spencer **of** Cannon Hall, James Stoven, George Thornhill, Patientius Ward, Jeremiah Batley, John Batley **the younger**, Joseph Hullme **Doctor of Physick**, Nathanael Holden, Richard Holden, John Holden, Christopher Wetherherd, John Whitaker, James Wigglesworth, Edward Salisbury, Thomas Salisbury, Emor Rishton, John Hammerton, Edward Foxcroft, William Guy, Peter Wilson Overend, James Farrer, Francis Lister, William Birkbeck, John Birkbeck, William Hall, Thomas Hall, Matthew Wilson, Matthew Wilson **the younger**, John Mason, Hugh Tillotson, James Morley, John Alcock, Henry Alcock, Thomas Wilkinson, Richard Heber, Danson Rowndall, Robert Parker, Thomas Fenwicke, Thomas Chamberlain, Luke Hoyle, John Kirshaw, John Kighley, Jonathan Priestley, John Bramley, Joseph Bramley, Jonathan Laycock, Joshua Laycock, John Simpson, John Simpson **the younger**, William Wood, Thomas Lees, John Holt, Thomas Holt, John Holt, John Greame, Samuel Waterhouse, John Watson, John Alexander, **and their Successors, shall be, and are hereby appointed Commissioners for continuing the said Navigation from the most proper Part of a Piece of Ground called** Fall-Ing **near**

Specification of the Places where the Navigation is to be carried on and continued.

near Wakefield, up to a Place called Brookfmouth, in the Townfhips of Skircoat and Southowram, where the faid River called Hebble, Halig or Halifax Brook, falls into the Calder, and from thence, up the faid River, to Salter Hebble Bridge, near the Town of Halifax; and for carrying on and continuing the faid Navigation from Brookfmouth aforefaid, up the faid River Calder, to Sowerby Bridge, in the Parifh of Halifax aforefaid, or within Five hundred Yards of the faid Bridge; and the faid Perfons fo appointed Commiffioners, or fuch Perfon or Perfons as they, or any Nine or more of them, fhall, by Writing or Writings under their Hands and Seals, nominate or appoint their Agents, Officers, Workmen, and Servants, fhall be, and are hereby impowered and authorized to make and keep navigable and paffable, for Barges, Boats, Lighters, and other Veffels, the faid Rivers; and for that Purpofe, to cleanfe, fcour, open, deepen, enlarge, or ftraiten, the fame, and any other Streams, Brooks, or Watercourfes which do come, or may be brought into, or made to communicate therewith; and to dig, cut, or raife, the Banks of the faid Rivers, and of any other the Streams, Brooks, or Watercourfes aforefaid, for bringing Water into the faid Rivers, or either of them; and to make fuch new Cuts, Canals, Trenches, or Paffages for Water in, upon, or through, the Lands or Grounds adjoining, or near unto, the fame Rivers, or fuch Streams, Brooks, or Watercourfes, as aforefaid, or any of them, as they the faid Commiffioners, or any Nine or more of them, fhall think proper, for effecting the Purpofes of this Act (be it the Ground or Soil of the King's moft Excellent Majefty, His Heirs, and Succeffors, or of any other Perfon or Perfons, Bodies Politick or Corporate whatfoever) and alfo to dig up, cut, remove, and take away, all Trees, Roots, Beds of Gravel or Sand, or any other Obftructions or Impediments whatfoever, which may any way hinder or prevent the faid intended Navigation, either in failing, haling, or towing, of Boats, Barges, Lighters, or Veffels, with Men, Horfes, or otherwife; and alfo to build, erect, fet up, and make, over or in the faid Rivers, Brooks, Streams, Cuts, Canals, Trenches, and Watercourfes aforefaid-mentioned, or upon the Lands adjoining or near to the fame, or any of them, fuch and fo many Bridges, Sluices, Locks, Wears, Pens for Water, Stanks, Dams, Quays, Winches, and other Engines, Poffs, and Stoops, Landing-places, Weighing-beams, Warehoufes, for the Purpofes of making and preferving of the Navigation only, and other Works and Conveniencies, as and where the faid Commiffioners, or

The faid Rivers to be made navigable for Barges, Lighters, and other Veffels; for which Purpofes all fuch Purchafes fhall be made, and Works erected by the Commiffioners and their Agents as fhall be deemed proper and neceffary for the effecting thereof;

or any Nine or more of them, shall think fit, and, from time to time, as often as shall be proper and convenient, to alter, repair, increase, enlarge, and amend the same; and also to make, amend, widen, turn, alter, or enlarge, any Ways, Passages, or other Conveniencies, for the carrying and conveying of Goods, Commodities, or other Things, to or from the said Rivers, Brooks, Streams, Cuts, Canals, Trenches, and Watercourses, herein before-mentioned; and also to carry and convey in, over, and upon, any Lands or Grounds, all Sorts of Materials for making, perfecting, improving, and finishing, the said Works and Navigation, and for altering, repairing, and maintaining the same; and also to lay, work, and manufacture the said Materials, on the Ground near to the Place or Places where the said Works, or any of them, shall, or are intended to be made, erected, or done; and also to amend, alter, or heighten, any Bridge or Bridges, Cuts, and Watercourses, as may any ways hinder or obstruct the said intended Navigation; and also to get, dig, take, and carry away, Soil, Clay, Gravel, or Stone, and other Materials, proper, requisite, and convenient, for making, carrying on, altering, and continuing, the said Works and Undertakings, in or from any Ground of any Person or Persons adjoining or lying contiguous to the said Rivers, Brooks, Streams, Cuts, or Watercourses (not being the Ground whereon any House stands, or an Orchard, Paddock, planted Walk, or Avenue to a House) and also to make, set out, appoint, fence off, maintain, and keep, Towing-paths, Banks, and Ways, convenient for towing and drawing with Oxen, Horses, or otherwise, of Boats, Barges, Lighters, and other Vessels, passing in, through, and upon, the said Rivers, Cuts, and Canals, hereby intended to be made navigable, as the said Commissioners, or any Nine or more of them, shall think convenient; and also to make and erect any Dam or Dams, Reservoir or Reservoirs, at or near Salter Hebble Bridge aforesaid, or any other Part of the said River or Brook running under the same, in order to facilitate and supply the said intended Navigation, from time to time, as there shall be Occasion or Necessity; and also, from time to time, to repair, preserve, and maintain, such Dam or Dams, Reservoir or Reservoirs; and also to do and perform all other Works, Matters, and Things, which the said Commissioners, or any Nine or more of them, shall judge necessary or proper for carrying on, compleating, and maintaining, the said intended Navigation, and for executing the Purposes of this Act; they the said Commissioners doing as little Damage

they making Satisfaction and Recompence to the Persons interested, for the Damages they shall receive thereby.

as may be to and upon the Premisses, and first giving Satisfaction to the Owners and Occupiers of, and Persons interested in, any Mills, Wears, Lands, Tenements, or Hereditaments respectively, for any Damage that may happen or be occasioned to such Mills, Wears, Lands, Tenements, or Hereditaments, for or on Account of the said intended Navigation, as the said Commissioners, or their Successors, or any Nine or more of them, shall, for that Purpose, order, adjudge, direct, or appoint, according to the Tenor and true Meaning of this Act.

Power given to the Commissioners to contract for such Premisses as shall be necessary for carrying on the Purposes of this Act; and to the Parties interested, to sell, convey, or demise the same.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall be, and are hereby impowered to agree with the Owners or Proprietors of, and Persons interested in, any Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Nine or more of them, shall judge necessary or proper to be cut, digged, altered, removed, or used for the Purposes of this Act; and it shall be lawful for all Bodies Politick and Corporate, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, or Femes Covert, and to and for all and every other Person and Persons whatsoever who are or shall be seized or possessed of, or interested in any such Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, either to demise or lease the same, or any Part thereof, for any Term or Number of Years at a certain yearly Rent, or otherwise to contract for, and to sell and convey the Inheritance in Fee Simple of all or any such Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, unto the said Commissioners, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall nominate and appoint; and that all such Contracts, Agreements, Bargains, Sales, Leases, and Conveyances, shall be good and valid in the Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Persons whatsoever, and all Claiming or to claim by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and that all Persons so demising,

ing, leasing, or conveying, as aforesaid, are and shall be indemnified for what they shall do by virtue and in pursuance of this Act; and the said Commissioners, or any Nine or more of them, may also adjust what Proportion of the Annual Rent, or Sum in gross so agreed to be paid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest, in any of the Premisses; and that all such Leases, Sales, and Conveyances, so to be made as aforesaid, shall be inrolled by the Clerk of the Peace for the said West Riding, and True Copies of the same, signed by the Clerk of the Peace for the time being, shall be deemed and taken to be good Evidence thereof in all Courts whatsoever.

The Leases, Sales, and Conveyances, to be inrolled by the Clerk of the Peace, &c.

And it is hereby further enacted, That if any such Bodies Politick or Corporate, or any Person or Persons whatsoever, shall, for the Space of Thirty Days next after Notice in Writing given to the Principal Officer or Officers of such Bodies Politick or Corporate, or to such Person or Persons respectively, or to the Tenant or Tenants in Possession of the Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, intended to be cut, digged, altered, removed, or used, as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Commissioners, or any Nine or more of them, or by reason of Absence shall be prevented from treating touching the Matters aforesaid (except such Absence shall be occasioned by his or their necessary Attendance upon either House of Parliament) then, and in every such Case, the said Commissioners, or any Nine or more of them, shall and may, and they are hereby authorized and impowered, from time to time, to issue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the County of York for the time being; or in case such Sheriff shall happen to be interested in the Matter in Question, or any ways related to any of the Parties interested or concerned therein, then to One of the Coroners of the said County, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury; and the said Sheriff or Coroner respectively, to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impanel, summon, and return, a Jury of Twenty four able and sufficient Men, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Issues joined in his Majesty's Courts at Westminster, to appear before the said Commissioners, or any Nine or more of them, at such Time and Place as by such Warrant or Warrants shall be directed and appointed, not being less than Ten

Where the Parties interested shall, after due Notice given them, refuse to agree, or shall be prevented from treating,

A Jury is to be summoned to settle the Damage and Recompence;

Days after such Warrant shall be served upon the said Sheriff or Coroner respectively, or more than Twenty Days after such Service, upon Pain to forfeit for every Default in not making such Return, Twenty Pounds, to be sued for and recovered in the Manner herein after directed; and also to return in Issues upon every Person so impanelled and returned not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which shall be levied upon the Goods and Chattles of the Person not appearing as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Nine or more of them; And in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner 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; and the said Commissioners, or any Nine or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all and every such Person and Persons as shall be thought proper or necessary, to be examined as Witnesses, touching the Matters in Question; and the said Commissioners, or any Nine or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Question; which Jury, upon their Oaths, to be administered by the said Commissioners, or any Two or more of them (and which Oath, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Two or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain such Damages and Recompence, as they shall adjudge fit to be awarded to the Owners and Occupiers of, and Persons interested in, any such Mills, Wears, Lands, Tenements, or Hereditaments, or any Part thereof; and the said Commissioners, or any Nine or more of them, shall give Judgement for such Damages and Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon declared or pronounced by the said Commissioners, or any Nine or more of them, and the Value and Recompence so assessed (Notice in Writing being first given of their Meeting, at least Fourteen Days before such Meeting, to the Parties concerned, or left at their Dwelling-houses, or usual Places of Abode, or with the

40 *l.* Issues returnable upon all Jurymen not attending.

Jury may be challenged.

Power of summoning and examining Witnesses.

Number of the Jury to view the Places in Question.

Damages to be assessed on Oath;

and Judgement to be given thereupon.

Parties interested, having had due Notice of such Meetings,

the Tenant or Occupier of the Premisses, or at his or her usual Place of Abode) shall be binding and conclusive to all Intents and Purposes, against the King's Majesty, His Heirs, and Successors; and against all and every other Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Mills, Wears, Lands, Tenements, or Hereditaments, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politick and Corporate, Infants, Ideots, Lunaticks, Femes Covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under him, her, or them, or any of them.

the Verdict and Judgement thereon to be binding and conclusive.

Provided always, and be it further enacted, That the said Commissioners, and each of them, before he or they take upon him or themselves the Execution of any of the Powers or Authorities hereby given to him or them (other than the administering the Oath following to one another, which they hereby respectively have Power to administer to one another) shall take the Oath following; videlicet,

Commissioners to take the following Oath before they act.

I *A. B.* shall, and will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Commissioner appointed in pursuance of an Act intituled, *An Act for extending the Navigation of the River* Calder *to or near to* Sowerby Bridge, *in the Parish of* Halifax; *and for making navigable the River* Hebble, Halig *or* Halifax Brook, *from* Brooksmouth, *to* Salter Hebble Bridge, *in the County of* York.

The Oath.

Which Oath the said Commissioners, or any Two or more of them, are hereby authorized and impowered to administer at their First Meeting, or at any subsequent Meetings in pursuance of this Act.

Provided also, and be it enacted by the Authority aforesaid, That if any Person or Persons summoned as aforesaid to give Evidence, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in the Warrant or Warrants granted by the said Commissioners, or any Nine or more of them, or appearing, shall refuse to be sworn, or examined by, or give Evidence before, the said Commissioners; or if any Person summoned as a Juryman, as aforesaid, shall, after his Appearance, refuse to be sworn, or being sworn, refuse

5. Penalty on Witnesses and Jurymen not attending, or neglecting their Duty in the Premisses.

refuse to give, or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premisses, contrary to the true Intent and Meaning of this Act; every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, or any Nine or more of them, shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds, to be levied on the Goods and Chattles of the Person or Persons so offending, by Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or any Nine or more of them, by Distress and Sale of the Offenders Goods, rendering the Overplus to the Owner thereof, after such Penalty and the Charges of such Distress and Sale are deducted.

Expence of summoning and maintaining the Juries, how to be ascertained and paid.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Jury to be summoned and sworn as aforesaid, shall give a Verdict for more Monies as a Recompence or Satisfaction, for any Messuages, Mills, Wears, Lands, Tenements, or Hereditaments, or for any Damage to be done thereto, than what shall have been offered by the said Commissioners, or any Nine or more of them, before the summoning or returning of such Jury, for such Recompence or Satisfaction; that then the Expences of summoning and maintaining such Jury, and the Witnesses, shall be paid by the said Commissioners, or any Nine or more of them, out of the Monies to arise by virtue of this Act: But if any such Jury shall give a Verdict for no more, or for less Monies than shall have been offered by the said Commissioners, or any Nine or more of them, before the summoning and returning such Jury for such Recompence or Satisfaction; that then the Expences of summoning and maintaining such Jury and the Witnesses, shall be borne by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; and such Expences having been ascertained and settled by Two of his Majesty's Justices of the said West Riding, shall be deducted and taken out of the Monies so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies, shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged.

Verdicts and Judgements to be signed and sealed by the Commissioners.

And it is hereby further enacted, That the said Verdicts and Judgements shall be set down in Writing without any Stamps thereupon, under the Hands and Seals of the Commissioners acting in the Premisses, or any

Five

Five or more of them, and be kept amongst the Records and Writings of the Quarter Sessions of the Peace for the West Riding of the County of York, by the Clerk of the Peace for the time being of the said Riding; and the same, or true Copies thereof without Stamps, shall be taken, adjudged, and deemed, good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse to the same gratis, at all convenient Times, and may take Copies thereof without Stamps, paying for every Copy not exceeding Two hundred Words, the Sum of Six Pence, and so proportionably for any greater or lesser Number of Words.

and kept amongst the Records of the Quarter Sessions.

Copies thereof to be admitted as Evidence.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, Bodies Politick or Corporate, at any Time after the said Commissioners, or any Person or Persons employed or authorized by them, shall have begun to carry this Act into Execution, for making the said Rivers navigable, or shall have compleated the same, shall happen to sustain any Damages or Injury, in his, her, or their Lands, Grounds, Mills, Wears, Bridges, or Premisses, for which they shall have had no Recompence or Satisfaction, by any Act, Neglect, or Default, of the said Commissioners, or of their Agents, Workmen, or Servants, or by reason of any Alteration which shall be made by them, or any or either of them, on the said Rivers, Cuts, Canals, or Works, to be made by virtue of this Act, then and in every such Case, if the said Commissioners, or any Nine or more of them, and the Parties by whom such Damages shall have been sustained, shall not agree touching such Damages, the said Commissioners, or any Nine or more of them, shall enquire of and ascertain such Damages by a Jury to be impanelled and returned as aforesaid, and give Judgement for the Party or Parties aggrieved, and record the same accordingly, in the very same Manner and Form as the Damages and Recompences are hereby appointed to be assessed and adjudged, for any Lands, Tenements, Hereditaments, Mills, Wears, and Premisses, which shall be in any wise made use of, cut, or damnified, in making navigable the said Rivers, or either of them.

Provision for Damages happening subsequent to the carrying on of the Works, for which no Recompence shall have been made.

And it is hereby further enacted and declared, That upon Payment of the Sum or Sums so agreed on, contracted for, or assessed and adjudged for Damages and Costs to the Parties concerned, or for the Purchase of any such Lands, Tenements, or Hereditaments, or legal Tender thereof made to them respectively; which Sum or Sums of Money the said Commissioners, or any Nine or more of

Upon Payment or Tender of the Sums assessed, &c. Commissioners may enter upon the Premisses, and apply the same for the Purposes of this Act.

of them, are hereby authorized to pay out of any Monies to be raised by virtue of this Act; and in case any such Parties cannot be met with, or shall refuse to accept the same, then upon Payment of such Sum into the Hands of such Person or Persons as the said Commissioners, or any Nine or more of them, shall, under their Hands in Writing, appoint, for the Use of the Parties interested as aforesaid; it shall and may be lawful to and for the said Commissioners and their Agents, Workmen and Servants, to enter upon, remove, dig, cut, or use, such or so much of the said Lands, Tenements, or Hereditaments, for which such Satisfaction shall have been contracted for, agreed on, assessed, or decreed, as aforesaid, and thereon to make, erect, or do, any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, or for executing any of the Powers of this Act, as the said Commissioners, or any Nine or more of them, shall think requisite; and this Act shall be sufficient to indemnify, as well the said Commissioners, as all Persons employed or authorized by them, against the said Owners, Occupiers, or other Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons, to all Intents and Purposes whatsoever.

Qualification of Commissioners.

Provided always, and be it further enacted, That no Person or Persons shall sit or act as a Commissioner or Commissioners, in any Case where he or they respectively shall be, in any wise directly or indirectly interested or concerned in the Matter or Matters in Question, nor shall sit or act in any of the Cases before or herein after mentioned, unless such Commissioner or Commissioners shall be respectively seised of, or intitled, at the Time of such sitting or acting, to an Estate of Freehold, Copyhold, or Leasehold, of Land, Tenements, or Hereditaments, in Possession for his own Life, or the Life of another Person, of the yearly Value of One hundred Pounds, or be possessed of, or intitled to, a Personal Estate alone, or a Real and Personal Estate together, of the Value of Three thousand Pounds; and in case any Commissioner shall sit or act being so interested, or not having such an Estate as aforesaid, every such Person so sitting and acting, shall

Penalty on acting where interested, or not qualified.

forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and upon any such Suit or Prosecution, the Proof of such Qualification shall

shall lie upon, and be made out by, every Commissioner, so to be sued or prosecuted.

Election of new Commissioners, in the Room of such as shall die or refuse to act.

And be it further enacted by the Authority aforesaid, That when any of the said Commissioners shall die or refuse to act, then and so often as it shall so happen, any Three or more of the surviving or remaining Commissioners may appoint a Meeting of Commissioners, at the Town of Halifax aforesaid, for the Election of One or more new Commissioner or Commissioners, as the Case shall require, to supply the Place or Places of the Person or Persons so dying or refusing to act; and shall give Notice of the Time and Place of such Meeting or Meetings, by affixing Notices in Writing upon the Market Crosses in the Towns of Halifax, Wakefield, and Rochdale, and upon Sowerby Bridge, Ten Days before the Time of such Meeting; and in case there shall be Nine or more of the said Commissioners assembled together, at the Time and Place to be appointed for such Meeting, they shall and may proceed to elect One or more new Commissioner or Commissioners in lieu of such of the said Commissioners as shall be dead or refuse to act, and the Person and Persons who shall be so chosen and appointed by the Majority of such Nine or more of the said Commissioners then present, by an Instrument in Writing under their Hands, shall, from thenceforth be, and act as a Commissioner or Commissioners, and shall have the same Power and Authority in all Things relating to the Execution of this Act, as if they had been expressly named and appointed by this Act.

Collector appointed by the Commissioners impowered to take the following Tolls.

And it is hereby further enacted, That it shall and may be lawful to and for the said Commissioners, or such Person or Persons as they, or any Nine or more of them, by Writing under their Hands, shall nominate and 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 Commissioners, or any Thirteen or more of them, not exceeding the several Rates and Duties herein after mentioned; that is to say, For every Ton of Stone, Slate, or Flags, navigated, carried, or conveyed, upon the said Rivers, Cuts, and Canals, or any of them, the Sum of One Shilling and One Penny Half-penny, and so in Proportion for a greater or less Quantity than a Ton; and for every Ton of Lime or Lime-Stone navigated, carried, or conveyed, upon the said Rivers, Cuts, and Canals, or any of them, the like Sum of One Shilling and One Penny Half-penny, and so in Proportion for a greater or less Quantity than a Ton; and for every

The Tolls.

Ton

Ton of Coal navigated, carried, or conveyed, up the Stream or Current, the like Sum of One Shilling and One Penny Half-penny, and so in Proportion for a greater or less Quantity than a Ton; and for every Ton of all other Goods, Wares, Merchandizes, and Commodities whatsoever, navigated, carried, or conveyed, either up or down the Stream or Current, the Sum of Eight Shillings, and so in Proportion for every greater or less Weight than a Ton; and for every Ton of Stone, Slate, Flags, Lime or Lime-stone, Coal, Goods, Wares, Merchandizes, and Commodities herein before mentioned and specified, which shall be navigated, carried, or conveyed, in or upon the said Rivers, Cuts, and Canals, or any of them, for any less Space or Distance than the Whole, such Proportion of the said Tolls, Rates, and Duties, as shall be equal to such Distance, or as near the same as conveniently may be, to be settled by the said Commissioners, or any Nine or more of them: And in case of Refusal, Neglect, or Denial of Payment, on Demand, of the several Tolls, Rates, and Duties above mentioned, or any Part thereof, the said Commissioners, or any Five or more of them, in the Name of their Treasurer or Clerk, shall or may sue for the same by Action of Debt, or upon the Case, in any Court of Record; or it shall be lawful for the Collector or Collectors of such Tolls, Rates, and Duties, to stop, detain, or make stay of any Goods or Vessels for which the said Tolls, Rates, and Duties, ought to be paid, until he or they shall be satisfied and paid the same.

Tolls to be apportioned to the Distance the Goods, &c. are carried on the said Rivers.

Method of Recovery of the Tolls.

Provided always, and it is hereby enacted, That no Tonnage, Tolls, or Duties shall be due, paid, or demanded, for Stones, Timber, or for Gravel, Sand, or other Materials, to be used for making and repairing of any Will or Wills within the Limits of the said intended Navigation, or for any Soaper's waste Dung, or any Sorts of Manure for Land, other than Lime or Lime-stones; any thing herein contained to the contrary notwithstanding.

Exemptions from Toll.

And be it further enacted by the Authority aforesaid, That all such Tolls, Rates, and Duties, are hereby vested in the said Commissioners, and shall be applied, in the first Place, in discharging the Expences incurred in, and in relation to, the obtaining of this Act; and afterwards for making, continuing, compleating, and maintaining the said Navigation, and carrying this Act, and the several Provisions, Powers, and Authorities therein contained into effectual Execution.

Tolls vested in the Commissioners for the Purposes of carrying this Act into effectual Execution.

And

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall be, and are hereby impowered, by Writing under their Hands, from time to time, to appoint such Person or Persons as they shall think fit, to be Collector or Collectors of the Tolls, Rates, or Duties hereby granted or authorized to be taken; and also a Treasurer or Treasurers to receive all Monies arising by virtue of this Act (such Treasurers and Collectors giving Security to the Satisfaction of the said Commissioners, or any Nine or more of them, for the due Execution of their respective Offices) and such Collector or Collectors, and all other Persons who shall receive any Money by virtue of this Act, shall, from time to time, pay over all the Monies so collected or received, into the Hands of the said Treasurer or Treasurers, at such Times, and in such Manner, as the said Commissioners, or any Nine or more of them, shall direct and appoint; and the said Commissioners, or any Nine or more of them, may also appoint a Clerk or Clerks, and such other Officers as they shall think fit to employ in the Execution of this Act; and may allow to such Treasurers, Collectors, Clerks, and other Officers, such Salaries or Recompence out of the Monies to be raised by virtue of this Act, as they the said Commissioners, or any Nine or more of them, shall think reasonable; and all such Officers shall be, from time to time, removeable at the Will and Pleasure of the said Commissioners, or any Nine or more of them; and that the said Commissioners, or any Nine or more of them, shall and may, from time to time, at such Time and Times as they shall think proper, summon before them, and, if they think fit, examine upon Oath (which Oath any One of the said Commissioners is hereby impowered to administer) all or any of the said Treasurers, Collectors, Clerks, and all other Officers and Persons employed in, or intrusted with, the Receipt or Expenditure of all or any of the Monies to be raised by virtue of this Act, and every such Treasurer, Collector, Clerk, and other Officer and Person employed or intrusted as aforesaid, is hereby required to render to the said Commissioners, or any Nine or more of them, a true, exact, and perfect Account in Writing of all and every Sum and Sums of Money so by him respectively received or expended as aforesaid: And in case any or either of such Treasurers, Collectors, Clerks, or other Officers or Persons so employed or intrusted, shall be found in Arrear, or refuse to account, or to pay the Money due upon the Balance of such Account, according to the Orders and Directions of the said Commissioners;

Collectors, Treasurers, and other proper Officers, to be appointed by the Commissioners;

and reasonable Salaries to be allowed them.

Officers to render an Account of the Monies received and disbursed by them.

Balance remaining in their Hands on Default of Payment, may be levied by Distress and Sale;

sioners, or any Nine or more of them; it shall be lawful for the said Commissioners, or any Nine or more of them, by Warrant or Warrants under their Hands and Seals, to levy by Distress and Sale of the Goods and Chattles of the Person or Persons so found in Arrear, or refusing to account, or to pay the Money due upon the Balance of such Account such Sum or Sums of Money as he or they shall be required to account for, or as shall be found due upon the Balance of his or their Account or Accounts; and for want of sufficient Distress, it shall be lawful for such Commissioners, or any Nine or more of them, by like Warrant or Warrants under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County, Division, or Place, wherein such Offender or Offenders shall then be or reside, there to remain without Bail or Mainprize until he or they shall have made a true and perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands, to the said Commissioners, or any Nine or more of them, or according to their Appointment, or shall have compounded for the same, and paid such Composition-monies; which Composition the said Commissioners, or any Nine or more of them, are hereby impowered to make; or such Commissioners, or any Nine or more of them, may and are hereby impowered to bring, or cause to be brought, any Action or Actions in their own Names, or in the Name of any One or more of them, against any such Officer or Person so refusing, neglecting, or making Default as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Officer or Person respectively.

and for want of Distress, the Party may be committed,

till Payment or Composition be made.

Monies may may be borrowed on the Credit of the Tolls;

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Nine or more of them, at any Meeting to be held in pursuance of this Act, from time to time to assign over the Tolls, Rates, and Duties, arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls, Rates, or Duties) as a Security for any Sum or Sums of Money to be borrowed, with Interest not exceeding Five Pounds per Centum per Annum, to such Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words for that Purpose:

Interest for the same not to exceed 5 *l. per Cent. per Ann.*

Form of Assignment.

BY virtue of an Act made in the Thirty first Year of the Reign of His Majesty King *George* the Second, for extending the Navigation of the River *Calder* to or near to *Sowerby Bridge*, and for making navigable the River *Hebble* from

from *Brookſmouth* to *Salter Hebble Bridge*, in the County of *York*, we, Nine of the Commiſſioners, do aſſign unto *A. B.* his Executors, Adminiſtrators, or Aſſigns, in Conſideration of the Sum of from this Day of in the Year of our Lord until the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum*, ſhall be repaid, ſuch Proportion of all the Tolls, Rates, and Duties, ariſing by virtue of the ſaid Act, as the ſaid Sum of ſhall bear to the whole Sum advanced on the Credit of the ſame.

And all and every Perſon or Perſons to whom the ſaid Commiſſioners, or any Nine or more of them, ſhall at any Time make ſuch Aſſignment or Aſſignments, ſhall be equally intitled to their Proportion of the ſaid Tolls, Rates, and Duties, according to the reſpective Sums in ſuch Aſſignment mentioned to be advanced to ſecure the Repayment thereof, with Intereſt as aforeſaid, without any Preference by reaſon of Priority of Aſſignment, or on any other Account whatſoever; and the Money ſo borrowed ſhall be applied in the Firſt Place in diſcharging the Expences incurred in and in relation to the obtaining of this Act, and afterwards in ſuch Manner as the Tolls, Rates, and Duties, are directed to be applied, and to no other Uſe or Purpoſe; and Entries or Memorials of every ſuch Aſſignment or Aſſignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Commiſſioners, which ſaid Book or Books ſhall and may be peruſed, at all ſeaſonable Times, by all Perſons whomſoever, without Fee or Reward; and all and every Perſon or Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made, as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from time to time, aſſign or tranſfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, before One credible Witneſs, the following Words, or Words to the like Effect:

Application of the Monies.

Entry to be made of all Aſſignments.

Tranſfers may be made thereof.

I Do tranſfer this Aſſignment, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due, to *C. D.* his Executors, Adminiſtrators, or Aſſigns. Dated this Day of

Form of tranſferring.

Witneſs *G. H.* *A. B.*

Which

Entry to be made of all Transfers.

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said Original Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Commissioners, or any Nine or more of them, shall appoint, not exceeding the Sum of

Fees for Entry.

One Shilling; and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees may in like manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Provisions with respect to the due opening and shutting the Locks by Boats, &c. passing up and down the Rivers, and Canals.

And it is hereby further declared and enacted by the Authority aforesaid, That if any Boatman, or Person having the Care of, or passing with any Boat, Barge, Lighter, or other Vessel, through any Lock upon the said Rivers, or either of them, or any of the Cuts or Canals out of the same, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Barge, Lighter, or Vessel, to pass through any such Lock, and shall not, in coming down the said Rivers, Cuts, or Canals, or any of them, shut the lower Gates of such Lock before he or they shall draw the Cloughs of the upper Gate thereof; and after he or they shall have brought his or their Boat, Lighter, or Vessel, into the said Lock, shall not shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; or in going up the said Rivers, Cuts, or Canals, or any of them, shall not, as soon as he or they shall have passed with his or their Boat, Lighter, or Vessel, out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat, Barge, Lighter, or Vessel, within Four hundred Yards of the said Lock, coming down the said Rivers, Cuts, or Canals, or any of them; or if any Person or Persons shall open any Gate or Gates in the Haling Ways for the passing of Men or Horses, haling any Boat, Barge, Lighter, or other Vessel, up or down the said Rivers or Cuts, and shall not shut such Gate or Gates after the said Men or Horses shall have passed through the same; every Person offending in any of these Particulars, and being convicted thereof before any

20 s. Penalty on offending against any of the Provisions.

Justice

Justice of the Peace for the said Riding, upon Oath of any One or more Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, and in Default of Payment thereof, the Person or Persons so offending shall, by Warrant of such Justice, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice of the Peace shall direct, not exceeding Two Months, One Moiety of which Penalty shall be paid to the Informer or Informers.

Offender, on Default of Payment to be committed.

And be it further enacted by the Authority aforesaid, That the Owner or Master of every Boat, Barge, Lighter, or Vessel, shall be and is hereby made answerable for any Damage or Mischief that shall be done by such Boat, Barge, Lighter, or Vessel, or by any of the Crew, Boatmen, Lightermen, or Watermen, belonging to any such Boat, Lighter, Barge, or Vessel, to any of the Wears, Locks, Dams, Bridges, or other Works, which shall be made or maintained by virtue of this Act, or for any Trespass done to the Owner or Occupier of any Lands, Grounds, or Tenements, adjoining to the Rivers, Cuts, or Canals, or any of them, as aforesaid, or by drawing, or leaving running, any Clough or Cloughs in any of the said Locks or Cuts, when such Boat, Barge, Lighter, or Vessel, shall have passed through the same, contrary to the Tenor, Purport, and true Meaning, of this Act; and such Owner or Master of any such Boat, Barge, Lighter, or Vessel, shall and may be sued for the same, as if such Trespass or Damage had been done or committed by himself; and if such Owner, Master, or Person, having the Charge of, or belonging to, any such Boat, Barge, Lighter, or Vessel, shall be found guilty, or Judgement shall be given against him upon Demurrer, or by Default, the Plaintiff or Plaintiffs shall not only recover his or their Damages thereby sustained, but also his, her, or their Double Costs of Suit.

Master answerable for any Damage done by his Boat or Crew.

Double Costs.

And be it further enacted by the Authority aforesaid, That every Owner, Master, or Person, having the Charge of any such Boat, Barge, Lighter, or other Vessel, shall cause the Name of the Owner to be set in large White Capital Letters in some conspicuous Place on each of the Outsides of every such Boat, Barge, Lighter, or other Vessel, higher than the same shall sink into the Water when loaded; and if the Owner, Master, or Person having the Charge of any such Boat, Barge, Lighter, or other Vessel, shall not, at all Times, have the Owner's Name put on the Outsides of his Boat, Barge, Lighter, or other Vessel, as aforesaid; every such Master, Owner, or Person having the Charge thereof, shall, for

Owner's Name to be set on the Outsides of all Vessels, &c.

under Penalty of 5*l.*

every such Neglect or Default, forfeit and pay the Sum of Five Pounds.

Penalty of obstructing the Passage of the River;

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 Rivers, 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 immediately, upon Request made, remove such Boat, Barge, Lighter, or other Vessel; he shall, for every such Offence, forfeit 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 Commissioners, 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.

and Remedy for removing the same, and Payment of Charges.

Vessels sunk in the Rivers to be forthwith weighed by the Owners;

And be it further enacted by the Authority aforesaid, That if any Boat, Barge, Lighter, or other Vessel, shall happen to be sunk in the said Rivers, 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 hale the same out of the Way of other Vessels passing and repassing upon the said intended Navigation; it shall and may be lawful to and for the Agents or Servants of the said Commissioners 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 or Servants to cause Sale to be made thereof, for reimbursing the said Expences, or other incident Charges, returning the Overplus (if any be) to the Owner or Master of the said Boat, Barge, Lighter, or Vessel.

if not, by the Agents of the Commissioners:

Charges thereof how to be paid.

And be it further enacted by the Authority aforesaid, That the said Agents or Servants shall and may, and they are hereby authorized and impowered, to measure all and every or any of the said Boats, Barges, Lighters,

or

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or Vessels, by putting Weights into the same for that Purpose, and to set Figures or Marks at each End of every such Boat, Barge, Lighter, or Vessel, on the Outside thereof, shewing how much, or how far, every Ton Weight of Loading which shall be put into such Boat, Barge, Lighter, or Vessel, will sink the same into the Water; and, from time to time, may re-measure every such Boat, Barge, Lighter, or Vessel, and to mark again such Boats, Barges, Lighters, or Vessels, as aforesaid: And if the Owner or Owners, Master or Masters, Person or Persons, having the Charge of any such Boat, Barge, Lighter, or Vessel, shall refuse, hinder, or obstruct, the weighing, measuring, or marking, of any such Boat, Barge, Lighter, or Vessel, as aforesaid; every Person so refusing, hindering, or obstructing, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds: And if any such Owner or Owners, Master or Masters, Person or Persons, shall alter, deface, remove, erase, or destroy, any such Mark or Marks, Figure or Figures, or shall suffer the same to be altered, defaced, removed, erased, or destroyed; every such Owner or Owners, Master or Masters, or Person or Persons, so offending, shall forfeit and pay, for every such Offence, the Sum of Five Pounds.

Vessels navigating the said Rivers, &c. to be measured and marked according to their Tonnage.

Penalty of obstructing the same, 20l.

Penalty on altering, &c. the Marks, 5l.

And, for preventing the throwing down or damaging any of the Works which shall be erected or made in pursuance of this Act; be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Banks or other Works, to be erected or made for the Purpose aforesaid, whereby the Water shall be so much spent and wasted, as thereby to hinder or prevent the said intended Navigation, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent, the carrying on, completing, supporting and maintaining, the said intended 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 and hereby 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.

Penalty of damaging the Works, to the Prejudice of the Navigation,

Transportation for 7 Years.

And be it further enacted by the Authority aforesaid, 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, or shall suffer any Boat,

40s. Penalty of maliciously or wantonly opening the Locks or Sloughs, &c.

Barge,

or otherwise offending in any of the Particulars here mentioned.

Barge, Lighter, or Vessel, to be moored unto, or to lie under, any of the Bridges in the said Rivers, Cuts, and Canals, or any of them; or shall leave any of the Cloughs running, after any Boat, Barge, Lighter, or Vessel, shall have passed any Lock belonging to the said intended Navigation; or if any Person or Persons shall draw, or cause to be drawn, any Clough or Cloughs, in the Lock-gates on the said Rivers, Cuts, and Canals, or any of them, so as to mispend or waste the water of the said Rivers, Cuts, or Canals, or any of them, to the Prejudice of the said intended 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 said Riding, by the Oath of One or more Witness or Witnesses, shall forfeit and pay the Sum of Forty Shillings; 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 Months.

Millers, upon due Notice and Application, to open or shut the Cloughs of any Sluices that shall be deemed necessary and proper,

And be it further enacted by the Authority aforesaid, That if any Owner, Occupier, or Miller of any Mill or Mills, do, or shall, upon reasonable Request made, and Twenty four Hours Notice given, and upon Payment or Tender of such Recompence or Satisfaction as is herein after mentioned, to him or them made, by the said Commissioners, or any Three or more of them, or any other Person or Persons employed as their Surveyor or Agent, neglect or refuse either to draw up or open, or to shut or put down, any Clough or Cloughs of any Sluice or Sluices, which shall be necessary to be opened or shut respectively, for making and effecting the said intended Navigation, and the Works requisite for that Purpose, and for altering and repairing the same; every Person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds.

on Penalty of 20*l.*

Recompence to be paid to the Millers on that Occasion

And it is hereby also enacted and declared, That the Owners or Occupiers of any such Mill or Mills, shall, and may, in such Case, lawfully demand, have, and receive, and there shall become due and payable to him or them, as a Recompence and Compensation for such drawing up or opening, or putting down or shutting, such Clough or Cloughs respectively, the Sum of One Shilling and Three Pence for every Hour that any Wheel of any such Mill shall by that Means, or on that Occasion only, be stopped or hindered from working; and so in Proportion

Proportion for any greater or leſſer Time that ſuch Stoppage or Hindrance ſhall continue.

40 *s.* Penalty on Millers doing any Thing wilfully, to obſtruct or prevent the Navigation.

And it is hereby further enacted and declared, That if any Owner or Occupier, or Miller of any Mill or Mills, within the Limits of the ſaid intended Navigation, or other Perſon employed by him, her, or them, ſhall, in the Judgement and Opinion of any Nine or more of the Commiſſioners, wittingly or wilfully do, or cauſe or permit to be done, any Act, Matter, or Thing whatſoever, whereby, or by Means whereof, the ſaid intended Navigation ſhall be interrupted or obſtructed, impeded or prevented, and not ſhew ſufficient Cauſe, to be allowed by the ſaid Commiſſioners, or any Nine or more of them, ſo aſſembled, for ſo doing; every ſuch Owner, Occupier, or Miller, or other Perſon whatſoever, ſhall, for every ſuch Act, Matter, or Thing, forfeit and pay ſuch Sum and Sums of Money, as the ſaid Commiſſioners ſhall order, decree, or award, not exceeding the Sum of Forty Shillings for each Offence.

20 *s.* Penalty on Millers letting the Water run to Waſte, while the Mill is not working.

And it is hereby further enacted, That if any Owner, or Occupier, or Miller, of any Mill, within the Limits of the ſaid intended Navigation, ſhall ſtop or ſtang, or cauſe to be ſtopped or ſtanged, any Wheel or Wheels of any ſuch Mill, ſo as to let the Water paſs or run waſte through the Sluices or Flood-gates of ſuch Mill or Mills, while the Mill is not working, and thereby obſtruct or prevent the Paſſage of Boats, Barges, Lighters, or other Veſſels, up or down the ſaid Rivers, Cuts, and Canals, or any of them, every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds.

Deficiency of Water at *Dewſbury Lower Mill*, to be occaſionally ſupplied by the Water of the *Upper Mill*.

Provided always, That if at any Time there ſhall not be a ſufficient Head or Quantity of Water at Dewſbury Lower Mill, for the neceſſary working the ſame; then, and in ſuch Caſe, and from time to time, as it ſhall ſo happen, it ſhall and may be lawful to and for the Owner, Occupier, or Miller, of Dewſbury Upper Mill, to ſtang or ſtop the Water Wheel or Wheels of ſuch Mill, and let the Water paſs and run through the Sluices and Flood-gates thereof, for the Purpoſe only of ſupplying the ſaid Lower Mill with Water for working the ſame; any thing herein contained to the contrary notwithſtanding.

Maſters to make Report to the Collectors of the Quality and Contents of their Freight.

And, for the more eaſy collecting the Rates and Duties hereby made payable, be it further enacted by the Authority aforeſaid, That every Maſter or other Perſon having the Command of any Boat, Barge, Lighter, or other Veſſel, paſſing on the ſaid Rivers, Cuts, or Canals, intended to be made navigable as aforeſaid, ſhall make and

agree 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 Commissioners, or any Five or more of them, 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 the Goods, Wares, Merchandizes, 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, or 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 intended 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 the Sum of Five Pounds for every such Offence.

and also of such Part thereof as shall have been discharged in their Passage, on Penalty of 5 *l.*

Method of settling and determining Disputes between Collectors and Boat-masters, &c. concerning the Weight and Quantity of Goods liable to Payment of Tolls; and the Charges attending the same.

And be it also further enacted by the Authority aforesaid, 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 other 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,

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, and 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 present 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, and gauging; and shall also pay to the Master, Owner, 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 Chattles of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the said West Riding, rendering the Overplus to the Owner or Owners thereof, after such Distress and Sale made, if any be.

The Navigation discharged from any Statute of Sewers.

And be it further enacted by the Authority aforesaid, That the said Rivers, Cuts, and Canals, shall not be under the Survey or Order of any Commissioners 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 any wise notwithstanding.

Power of erecting convenient Gates, Bridges, Passages, and Stiles, in proper Places;

Provided always, and be it enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, at any publick Meeting, Ten Days Notice at the least of such Meeting having been affixed to the Market Crosses of Wakefield, Halifax, and Rochdale, shall and may cause to be made, set up, and, from time to time, maintained and kept in Repair, convenient Gates, Bridges, Passages, and Stiles, in and over all the Ditches and Fences in the Towing Paths, Haling Paths and Ways to be set out for the Purposes of this Act, where the same shall respectively be wanting; and also sufficient Bridges, with proper Battlements, or Posts and Rails on each Side over the new Cuts, Trenches, and

Passages,

Passages, for Water where necessary, for the Use of the Occupiers of the Lands, Tenements, and Hereditaments, thereunto adjoining, to make them convenient Passages to come to and from their Lands, for the Use and Occupation of the same; and also that if the said Commissioners, or any Nine or more of them, shall find it necessary to deepen the said River Calder in any Part or Parts where there now are common or usual Fords, or Highways, through the same, so as such Fords or Highways shall thereby be rendered impassable or dangerous, then, and in such Case, the said Commissioners, or any Nine or more of them, shall first cause a sufficient Bridge or Bridges to be erected, or such other Conveniencies as the said Commissioners, or any Nine or more of them, shall judge proper, where such Fords or Highways now are, or as near thereto as conveniently may be, and shall from time to time maintain and keep the said Bridges or Conveniencies in Repair, for the Convenience of all Persons having Occasion to pass over the same.

and of deepening the River *Calder*, in the common fordable Places, and erecting convenient Bridges over the same.

Tolls exempted from Payment of Taxes.

And be it also further enacted and declared, That the said Tolls, Rates, and Duties, shall, at all Times hereafter, be exempted from the Payment of any Taxes, Rates, Assessments, or Impositions whatsoever; any Law or Statute to the contrary notwithstanding.

Penalty of throwing Ballast or Rubbish, &c. into the Rivers.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall throw any Ballast, Gravel, Stones, Rubbish, or Dirt, into any Part of the said Rivers hereby intended to be made navigable, or either of them, or any Cuts made for or into, or to communicate with the same, every Person so offending, and being convicted thereof before any Justice of the Peace for the said Riding, upon the Oath of One or more Witness or Witnesses, shall, by Warrant from the said Justice, be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice of Peace shall direct, not exceeding One Month.

Penalty of giving false Evidence before the Commissioners.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who, in any Examination directed to be taken by this Act, shall give false Evidence before the Commissioners appointed, or to be appointed by virtue of this Act, or before any Justice or Justices of the Peace, shall and may be prosecuted for the same; and such Person or Persons as shall be convicted thereof, shall be subject and liable to the same Punishments and Disqualifications, which any Person or Persons can or may be subject or liable to for wilful and corrupt Perjury, by any of the Laws and Statutes of this Realm.

And

And be it further enacted by the Authority aforesaid, That if the said Commissioners, or any Person or Persons authorized or employed by them, or any Nine or more of them, shall, by making or raising any Wear or Dam, or otherwise, raise the Water of the said Rivers, or either of them, by this Act to be made navigable, above the ancient or usual Height of such Water, whereby the adjacent Lands and Grounds may be more liable to be overflowed or damaged, than they have anciently or usually been, then the said Commissioners, or any Nine or more of them, shall and are hereby required to cause the Banks thereof to be proportionably raised and strengthened, so that the new Banks shall be able and sufficient to contain the Water at such their raised Height, as the old Banks were to contain the Water at their ancient and usual Height; and also shall, from time to time, maintain and repair the said Banks so to be raised in pursuance of this Act, as often as Occasion shall require.

Banks to be kept of a due Height, to prevent the Waters overflowing to the Damage of the adjacent Lands.

And it is hereby further declared and enacted by the Authority aforesaid, That no Coals shall be loaden or put on Board any Boat, Barge, Lighter, or other Vessel, to be carried or conveyed by Water, down the Current or Course of the said Rivers, Cuts, or Canals, towards Wakefield, save only for necessary Fuel or Firing, for the Use of the Boats, Barges, Lighters, and other Vessels, navigating on the said Rivers, Cuts, or Canals, under the Penalty of Fifty Pounds; One Moiety thereof to the King's Majesty, and the other Moiety to such Person or Persons as shall sue for the same.

50 *l.* Penalty on carrying Coals down the said Rivers, other than for necessary Fuel for the Boats Use.

And it is hereby further enacted by the Authority aforesaid, That when and as the said Rivers, Cuts, and Canals, herein before mentioned shall be made navigable, then and from thenceforth the same Rivers, Cuts, and Canals, shall be a free Navigation, and that all the King's Leige People whatsoever, shall and may have, and lawfully enjoy, free Passage along, in, through, or upon, the said Rivers, Cuts, and Canals, with and for Barges, Boats, Lighters, and other Vessels, not exceeding the Burthen of Twenty four Tons; 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 such Rates and Duties as, by the Tenor and true Meaning of this Act, are or ought to be paid to the said Commissioners, or such Person or Persons as they, or any Nine or more of them, shall appoint to collect the same.

Navigation declared to be free to all Vessels not exceeding 24 Tons Burthen, as also the Towing Paths, *&c.* upon Payment of the Tolls, *&c.*

20 *l.* Penalty on demanding greater Tolls or Duties than what are allowed by the Act, or shall be ascertained by the Commissioners.

And it is hereby further declared and enacted by the Authority aforesaid, That if any Collector or Receiver of the Rates and Duties granted or made payable by this Act, shall at any Time or Times directly or indirectly, ask, demand, or receive, for Lock Duties, of or for any Goods, Wares, Merchandizes, or any other Things, any Sum or Sums of Money whatsoever, over and above the Rates and Duties herein before mentioned, or that shall be ascertained by the said Commissioners, or any Nine or more of them, to be received, every Person so offending, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds; to be recovered by the Party aggrieved, or any other Person or Persons that will inform or sue for the same.

First Meeting of the Commissioners.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall meet on the Twenty eighth Day after the Passing of this Act, at the House known by the Sign of the Talbot, now in the Possession of John Melling, in the said Town of Halifax, and shall then proceed to the Execution of this Act; and the said Commissioners, or any Nine or more of them, shall hold One General Meeting on the Thursday next before Midsummer Day in each Year, in the said Town of Halifax; and the Commissioners, or any Nine or more of them, assembled at such First Meeting, and at every General Meeting, may then, and from time to time afterwards, at any intermediate Times of the Year, adjourn, and hold their Meetings at such Place or Places, as shall be most convenient for putting in Execution the Authorities of this Act; and if at any Time a sufficient Number of Commissioners shall not attend to adjourn, then, and in every such Case, and from time to time afterwards, as often as such Case shall so happen, the Meeting appointed to be there held, shall be deemed adjourned till that Day Three Weeks, and be held at the same Place where such Meeting was appointed to be held; but the Clerk or Treasurer to the said Commissioners, shall cause Notice in Writing of all Meetings, to be affixed upon the Market Crosses in Halifax, Wakefield, and Rochdale, Ten Days at the least before every such Meeting is held; and at all their Meetings, the Commissioners shall bear and defray their own Expences.

Their General annual Meetings.

Their adjourned Meeting.

Power given to Commissioners to make Bye laws, with Penalties, for the orderly Government of the Navigation;

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, at any of their Meetings, of which Meetings Ten Days Notice in Writing shall be affixed upon the Market Crosses in the Towns of Wakefield, Halifax, and Rochdale,

dale, shall, from time to time, have full Power and Authority, by any Writing or Writings under their Hands and Seals, to make such Bye-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well governing of the Watermen and Boatmen, who shall convey Goods on any Part thereof; and to appoint Committees to inspect and settle the Accounts, direct the Works, and controul the Officers and Servants employed in pursuance of this Act; and in such Bye-laws, Orders, and Constitutions, may impose upon all Persons offending against the same; such Fines and Forfeitures as the said Commissioners, or any Nine or more of them, shall think proper, so as no such Fine or Forfeiture shall exceed the Sum of Five Pounds on any One Person, for any One Offence; which Bye-laws, Orders, and Constitutions, shall be binding to, and observed by all Parties, and shall be sufficient to justify all Persons who shall act in pursuance thereof; and such Fines and Forfeitures shall be recovered in such Manner, as the Penalties and Forfeitures are herein after directed to be recovered.

and to appoint Committees to audit the Accounts, and direct the Works.

Provided always, and it is hereby declared and enacted by the Authority aforesaid, That nothing in this Act contained, shall extend to authorize the said Commissioners by any Manner of Work whatsoever to be made in pursuance of this Act, to hinder, obstruct, or prejudice any Navigation, which hereafter may be thought proper to be made, from the Mouth of the River Coln, to the Town of Huddersfield, in the said Riding; any thing herein contained to the contrary notwithstanding.

Navigation of the *Coln* to *Huddersfield*, not to be prejudiced or obstructed.

And whereas certain Meadows, Lands, or Grounds, of William Gream Esquire, called Pighill, Lady Pighill, or Pye Pighill, in the Parish of Halifax aforesaid, which have always of Right been watered and flooded, from time to time, and as often as it hath been necessary, by the Water of the River Hebble, Halig or Halifax Brook, will by means of making Navigable the said River to Salter Hebble Bridge aforesaid, be deprived of the Benefit of such watering and flooding, to their great Prejudice and Detriment; for making some Satisfaction for which, be it further enacted and declared by the Authority aforesaid, That from and after the said Navigation shall be completed to Salter Hebble Bridge aforesaid, the said William Gream, or such other Person or Persons as shall from time to time be in Possession of the Grounds aforesaid, shall be intitled to, and shall have the sole Property in all such Mud, Manure, or Soil, as may from time to time lodge in the Reservoir, to be made at the Head of the

Property of the Soil and Manure which shall occasionally lodge in the Reservoir, granted to *William Gream*, Esq; and his Successors.

the said Navigation; and that it shall and may be lawful to and for him or them to take and carry away the same, and that he or they shall, from time to time, at his and their own Costs and Charges, cleanse the said Reservoir, in such Manner, and at such Times, as the said Commissioners, or any Nine or more of them, shall, by Writing under their Hands, direct and appoint.

How far the said Rivers are to be made navigable.

And it is hereby further enacted and declared, That the said River Calder shall be made navigable to or within Five hundred Yards of Sowerby Bridge aforesaid; and the River Hebble, Halig or Halifax Brook, shall be made navigable to Salter Hebble Bridge aforesaid, within Three Years after the said River Calder shall be made navigable to Brooksmouth, or the River Hebble.

Method of Recovery, and Application of Penalties in general, where not otherwise provided for.

And it is hereby further enacted and declared, That all the pecuniary Penalties and Forfeitures inflicted and made payable by this Act, except in such Cases wherein it is hereby otherwise ordered, directed, and provided, shall in all Cases where such Penalties or Forfeitures do not exceed the Sum of Five Pounds, be recovered by Distress and Sale of the Offender's Goods and Chattles, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said West Riding of the County of York; and in case sufficient Distress shall not be found, it shall be lawful for any such Justice or Justices to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Three Months; and all such Penalties and Forfeitures, or such Parts thereof as are not herein before directed to be applied, shall be paid into the Hands of the Treasurer to the said Commissioners, to be applied for the Purposes of this Act; and that all such Penalties or Forfeitures as exceed the Sum of Five Pounds, shall and may be recovered, with Double Costs of Suit, by any Person or Persons who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Liberty of Appeal granted to Persons aggrieved.

Provided always, and be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, upon Account of any Offence committed, or supposed to be committed, against this Act, may appeal to the Justices of the Peace for the said West Riding, at their next General or Quarter Session; the Person or Persons so appealing giving Security to the Satisfaction of the said Justice or Justices,

to

to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said General or Quarter Session, in case such Order or Judgement shall be affirmed; and the Justices in the said General or Quarter Session are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, and to award such Costs, as to them shall appear just, which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster, or elsewhere.

Proceedings not to be quashed for want of Form.

Provided nevertheless, and be it further enacted, That no Order or other Proceedings to be made or had by, or before, any Justice of the Peace, in relation to the Premisses, shall be quashed or vacated for want of Form only.

Accounts to be entered in proper Books, and signed by the Commissioners, or their Clerk.

And be it further enacted by the Authority aforesaid, That Accounts of all Monies which shall be received, raised, and borrowed, by virtue of this Act, and of the Expenditure of such Monies respectively, and also of all Debts, Contracts, Orders, and Proceedings, of the said Commissioners, or any of them, in Execution of, or relating to, this Act, shall be, from time to time, regularly and fairly entered in Books to be kept for that Purpose; and such Entries being signed by any Five or more of the Commissioners, or the Clerk to the said Commissioners, shall be deemed Originals, and shall be admitted to be read in Evidence in all Courts whatsoever.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Commissioners in the Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That each of the said Commissioners, who shall be in the Commission of the Peace for the County of York, or the said West Riding, shall and may, and is hereby impowered to act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner.

Provided always, and it is hereby declared and enacted, That it shall and may be lawful to and for the Owners

Liberty granted to Pleasure Boats to pass on the Rivers Toll-free;

and Occupiers of any Lands or Tenements adjoining to the said River and navigable Passages, or any of them, to use any Pleasure Boat or Boats upon the same, without the Hindrance or Interruption of the said Commissioners, their Successors, 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 that the Lord or Lords of the respective Manors, or any other Person whatsoever, shall have full Liberty to fish, fowl, and exercise all other Royalties, on the said River, and navigable Passages, to which they are now legally intitled, 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 intended Navigation.

and of fishing and fowling, &c. on the Rivers.

Owners of Lands, &c. impowered to erect Warehouses, Weigh Beams, &c. on their own Grounds, so as not to obstruct the Navigation; and the Rates and Duties payable for the Use thereof are vested in them.

Provided always, and be it enacted by the Authority aforesaid, 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, or of any Lands or Grounds through which the said Cuts shall be made, from making or erecting any Warehouses, Weigh Beams, Cranes, Quays, Landing Places, or Wharfs, upon the Banks of the said River or Cuts, 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, Weigh Beams, 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, Weigh Beams, Cranes, Quays, Landing Places, or Wharfs, upon his, her, or their Lands, Wastes, or Grounds, lying upon the said River or Cuts.

Constables to whom any Warrants are directed, to execute the same.

And be it further enacted by the Authority aforesaid, That all and every Warrant and Warrants that shall or may be granted by any Person or Persons enabled or impowered to grant the same, under or by virtue of this Act, shall and may be directed to the Constable, Headborough, or other Officer, of the Township, Parish, or Place,

5

Place, where the Offender or Offenders shall live, reside, or inhabit; which Constable, Headborough, or other Officer, is hereby authorized and required to execute the same.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing to be done in pursuance of this Act, or in relation to the Matters herein contained, every such Action or Suit shall be brought and commenced within the Space of Six Calendar Months next after the doing the Matter or Thing for which such Action or Suit shall be so brought or commenced, and not afterwards; and shall be brought, laid, and tried, in the County wherein the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants, in all such Actions and Suits, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing was done in pursuance of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid or brought in any other County; then, and in either or any of such Cases, the Jury or Juries shall find for the Defendant or Defendants; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance after the Defendant or Defendants shall have appeared; or if, upon any Demurrer or Demurrers, Judgement shall be given for the Defendant or Defendants; then, and in either or any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for his and their Costs in other Cases by Law: And this Act shall be adjudged and taken to be a Publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Limitation of Actions.

General Issue.

Treble Costs.

Publick Act.

FINIS.