Anno decimo

Georgii III. Regis.

An Act for completing the Navigation of the River *Swale*, from its Junction with the River *Ure* to *Morton Bridge*, and of *Bedale Brook* in the County of *York*; and for repealing Part of an Act made in the Seventh Year of His present Majesty's Reign relating thereto.

WHEREAS in the Seventh Year of the Reign of His present Majesty an Act of Parliament passed, "For making navigable the River Ouse, from below "Widdington Ings, at or near Linton, "to the Junction of the Rivers Swale "and Ure; and for making navigable "the said River Swale from the said "Junction to Morton Bridge, and also the Brook running "from Bedale into the River Swale, in the County of "York:" And whereas the Commissioners appointed in the said Act for putting in Execution so much of the said Act as relates to the said Navigation from the Junction of the said Rivers Swale and Ure, up the said River Swale to Morton Bridge, and up the said Brook to Bedale aforesaid, have proceeded in the Execution of the said Preamble.

Act, and have caused several Works to be begun and carried on, and have borrowed several considerable Sums of Money on the Credit of that Part of the said Act; which Sums have been nearly exhausted towards effecting the Purposes of such Part of the said Act: And whereas the Monies borrowed will not be sufficient to carry on and complete the said Works, which are now at a Stand; and no Person or Persons are now found willing to lend any further Sum upon such Security as the said Commissioners are impowered to give by virtue of the said Act; so that all those who have already advanced Money for the Purposes aforesaid, are in Danger of losing their Money so advanced; which will tend to the Discouragement of all Persons willing to engage in such useful Undertakings, and the Publick will lose the Benefit of such Navigation, unless some further Provision be made by Law for raising and securing a proper and sufficient Fund for effecting, completing, and maintaining the same: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Dame Frances Anderson, John Appleby, William Atkinson, Ralph Bell the younger, Joseph Butler, Richard Bowes, John Clough, Edward Clough, William Clough, William Cass, Thomas Chapman, Matthew Dodsworth, Dorothea Fothergill Spinster, Ambrose Grey, John Hardcastle, William Hill, William Hopwood, Thomas Hedden, John Jackson, William Law, Edward Montagu, John Saurey Morritt, John Milbanke, the Reverend Thomas Moon, Timothy Mortimer, Richard Morley, the Reverend Edward Place Rector of Bedale, William Prest, Dame Dorothy Robinson Relict of Sir William Robinson Baronet, Thomas Raper, John Rockliffe, Thomas Stapleton, Simon Scroope, Miles Stapleton, Leonard Smelt, Thomas Swan, Samuel Steele, James Simpson, Sir Marmaduke Asty Wyvill Baronet, John Wastell, being the Persons who have advanced the Money so borrowed on the Credit of the aforesaid Part of the said recited Act, or such of them as are now living, their several and respective Executors, Administrators and Assigns, and the several and respective Executors, Administrators and Assigns, or the personal Representatives of such of them as as are now dead, and their several and respective Executors, Administrators, and Assigns, together with such other Person or Persons as are or hereafter shall be possessed of One or more

Proprietors Names.

more Share or Shares as hereafter mentioned of the said Navigation, are and shall be united into a Company, for the better carrying on, making, completing, and maintaining the said Navigation from the Junction of the said Rivers Swale and Ure, up the said River Swale to Morton Bridge, and up the said Brook to Bedale aforesaid; and for erecting, making, and maintaining Dams, Locks, Cuts, and Canals, in, upon, and over, or on the Side of the said River Swale, above the said Junction, to Morton Bridge, and in, upon, and over, or on the Side of the said Brook, and for building Toll-houses and other Conveniencies near any such Locks, and for making, completing, and maintaining all such other Works as may be necessary for the said Navigation above the said Junction, according to the Rules, Orders, and Directions herein after expressed; and shall for that Purpose be One Body Politick and Corporate, by the Name of The Company of the Proprietors of the River *Swale* and *Bedale* Brook Navigation; and by that Name shall have perpetual Succession, and a Common Seal; and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase Lands to them and their Successors and Assigns, for the Use of the said Navigation, without incurring any of the Penalties and Forfeitures of the Statutes of Mortmain; and the said Company of Proprietors, their Successors and Assigns, shall be, and are hereby authorised and impowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make and keep navigable and passable at all Times, for Keels, Boats, Barges, Lighters, and other Vessels, the said River, Brook, Cuts, and Canals respectively; and for that Purpose, as Occasion shall require, to conduct, cleanse, scour, open, deepen, enlarge, alter, turn, or straiten the same, or any Part or Parts thereof, and any other Streams, Brooks, Springs, or Watercourses which do come or may be brought into the same, or made to communicate therewith; and to dig, cut, or raise the Banks of the said River, Brooks, Cuts, or Canals, and of any other Streams, Brooks, or Watercourses, for bringing Water into the said River, Brook, Cuts, or Canals; and to make such new Cuts or Canals, Trenches or Passages for Water, in, upon, or through the Lands or Grounds adjoining or near the said River, Brook, or such Streams or Watercourses as aforesaid; and also to make such Reservoirs as shall be necessary for the more conveniently supplying the Locks and Cuts or Canals with

Their Powers.

Stile of the Company.

with Water, as the said Proprietors shall think necessary and proper for effecting the Purposes of this Act; be it in or upon the Ground and Soil of the King's most Excellent Majesty, his Heirs and Successors, or of any other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate whatsoever; and also to dig up, cut, remove, and take away all Trees, Roots, Beds of Gravel or Sand, or any other Obstructions or Impediments whatsoever, which may any Way hinder or prevent the said intended Navigation, either in sailing, haling, or towing of Keels, Boats, Barges, Lighters, or other Vessels, with Men, Horses, or otherwise; and also to build, erect, set up, and make, over or in the said River, Brook, Streams, Cuts, Canals, Trenches and Watercourses, or upon the Lands adjoining, or near to the same, or any of them, such and so many Dams, Locks, Bridges, Sluices, Weirs, Pens for Water, Tunnels, Stanks, Quays, Winches and other Engines, Posts, and Stoups, Landing-places, and Weighing-beams, for the Purpose of making and preserving the said Navigation, and other Works and Conveniencies, as and where the said Proprietors shall think necessary and proper for completing, maintaining, and using the said Navigation; 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 River, Brook, Streams, Cuts, Canals, Trenches, or Watercourses; 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, manufacture, and deposit 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 Stones, 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 or near to the said River, Brook, Streams, or Watercourses, or where the said Materials

rials can be most conveniently got (not being at this Time the Ground whereon a House stands, or Garden, Yard, Park, Orchard, Paddock, planted Walk or Avenue to a House); and also to make, set out, appoint, maintain, and keep Towing-paths, Banks and Ways convenient for towing and drawing with Men, Horses, or otherwise, of Keels, Boats, Barges, Lighters, and other Vessels, passing through and upon the said River, Brook, Cuts or Canals hereby intended to be made navigable, as the said Proprietors shall think convenient and necessary; and also to do, perform, and execute, all other Works, Matters, and Things which the said Company of Proprietors shall judge necessary or proper for carrying on, compleating, and maintaining the said intended Navigation, and for executing the Purposes of this Act; and to make Contracts with any Person or Persons for performing any of the Works, Matters, or Things that shall be thought necessary in the Execution of this Act; the said Company of Proprietors, their Successors and Assigns, and their Servants, Agents, and Workmen, doing as little Damage as may be to and upon the Premises, and making Satisfaction in Manner herein after mentioned, to the Owners and Occupiers of, and Persons interested in any Mills, Weirs, Lands, Tenements, or Hereditaments respectively, for all Damages to be sustained by the Owners or Occupiers of such Mills, Weirs, Lands, Tenements, or Hereditaments, Waters, Watercourses or Brooks respectively, as shall be taken, used, removed, diverted, or prejudiced in or by the Execution of all or any of the Powers of this Act: And this Act shall be sufficient to indemnify the said Company of Proprietors, their Successors and Assigns, their Servants, Agents, and Workmen, and all other Persons whatsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Satisfaction to be made for Damages.

And be it further enacted, That it shall and may be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes-covert, or other Person or Persons, and to and for all Femes-covert who are or shall be seised, possessed of, or interested in their own Right, and to and for every Person or Persons however incapacitated, who are or shall be seised, possessed of, or interested in any such Messuages,

Bodies Politick, &c. impowered to treat.

Messuages, Mills, Weirs, 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, sell, and convey unto the said Company of Proprietors, their Successors and Assigns, or to such other Person or Persons as they shall nominate or appoint, for the Use of the said Navigation, all or any Part of such Messuages, Mills, Weirs, Lands, Tenements or Hereditaments; and where, by making the said Dams, Locks, Cuts or Canals, Ways, Paths and Passages, or any of them, the Property of any Land Owner or Land Owners, shall be separated, so as to render the Occupation thereof inconvenient, it shall and may be lawful for such Bodies Politick, Corporate, and Collegiate, and other such Land Owners, by and with the Consent of the Commissioners to be appointed as herein after mentioned, or any Three or more of them, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of, and attested by, Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange, in lieu of other Lands, all or any Part of such Messuages, Mills, Lands, Tenements, or Hereditaments, through or near which the said intended Dams, Locks, Cuts, or Canals, Ways, Paths, Passages, or other Works, or any of them, shall be made, to the said Company of Proprietors, their Successors or Assigns, or to any Person or Persons whomsoever, for such Price or Prices in Money, or other Equivalent, as the said Commissioners, or any Three or more of them, shall esteem reasonable; and also it shall and may be lawful to and for the said Company of Proprietors, their Successors or Assigns, or such other Person or Persons to whom such Conveyance shall, by any Writing or Writings to be by them in like Manner sealed and delivered, to sell and dispose of, or to convey in Exchange, all or any Part of such Messuages, Mills, Forges, Lands, Tenements, or Hereditaments, which they may purchase as aforesaid; and that all such Contracts, Agreements, Sales, Conveyances and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in any wise notwithstanding; and all Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, or they, or any of them, shall respectively do by virtue of, or in pursuance of this Act;

and that all such Contracts, Agreements, Bargains, Sales, Leases, Conveyances, and Assurances, other than those which concern any Purchase or Exchange between any such respective Land-owners so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors and Assigns, be inrolled in the publick Register-office for registering Deeds and Conveyances for the North Riding of the said County; and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment and Copies, the Register of the said Office shall have and receive the Sum of Two-pence for every Two hundred Words, and so in proportion for a greater or lesser Number of Words, and no more; and for every Inspection or Perusal thereof One Shilling, and no more.

Copies deemed Evidence.

Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of all Lands or Tenements which are of the Nature of Copyhold, shall be executed and compleated by Surrender thereof in the respective Courts of the Manors whereof such Lands are held, according to the Custom of the said Manors respectively; and shall remain and continue subject to such and the same Fines, Rents, and Services as are due and payable, or of Right accustomed, in such and the same Manner as if this Act had not been made.

For preserving Copyhold Rights.

And whereas Differences may arise between the said Company of Proprietors and the several Owners of, and Persons interested in any Messuages, Mills, Weirs, Lands, Tenements, Hereditaments and Premises, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, concerning the Purchase-money to be paid, or Recompence to be made to them respectively; be it therefore enacted, That the Right Honourable Sir Fletcher Norton Knight Speaker of the Honourable House of Commons, the Right Honourable Percy Wyndham Earl of Thomond in the Kingdom of Ireland, the Right Honourable John Earl of Wandesford in the Kingdom of Ireland, the Right Honourable Charles Lord Viscount Fairfax in the Kingdom of Ireland, the Right Honourable John Lord Viscount Downe in the Kingdom of Ireland, the Right Honourable William Lord Viscount Gallway in the Kingdom of Ireland, the Right Honourable George Cavendish commonly called Lord George Cavendish, the Right Honourable Frederick Cavendish commonly called Lord Frederick Cavendish, the Right Honourable John Cavendish commonly called Lord John Cavendish, the Right Honourable John Manners

Commissioners Names.

commonly called Marquis of Granby, the Right Honourable Hugh Percy commonly called Earl Percy, the Right Honourable John Stewart commonly called Lord Mount Stewart, the Right Honourable Thomas Belasyse commonly called Lord Belasyse, the Honourable Christopher Dawnay, the Honourable Marmaduke Langdale, the Honourable Thomas Robinson, the Honourable George Carey, the Honourable Frederick Robinson, George Perrott One of the Barons of his Majesty's Court of Exchequer, Sir George Armytage, Sir Job Brooke, Sir Alexander Bannerman, Sir George Caley, Sir Lawrence Dundas, Sir John Eden, Sir William Foulis, Sir Belingham Graham, Sir Robert Hildyard, Sir James Long, Sir James Lowther, Sir Henry Lawson, Sir Ralph Milbank, Sir William Pennyman, Sir John Pennington, Sir William Robinson, Sir Thomas Robinson, Sir George Savile, Sir Brian Stapylton, Sir Savile Slingsby, Sir Marmaduke Asty Wyvill, Sir John Webb, Baronets; Sir Clifton Wintringham Knight M. D. William Aislabie, Charles Allanson, Cuthbert Allanson Clerk, John Arden, John Arden junior, James Addison Clerk, James Allan of Leyburn, James Allan of Snazeholm, Richard Attkinson, John Anderson, John Ascough, Codrington Bethell, Ralph Bell, Ralph Bell junior, Peter Bell, Simon Butterwick, John Bower, Robert Bower, Henry Bower, Francis Blackburne Clerk Archdeacon of Cleveland, Robert Bewlay, Robert Bewlay junior, Robert Burton, Thomas Burstow, Thomas Burstow junior, Francis Bacon, William Beardmore Clerk Residentiary of York, William Baines, Richard Bowes, Miles Barne, Philip Bendlowes, Woodifield Beckwith, John Bartlet, William Bland, Thomas Beckett, Joseph Butler, Willim Brown, John Bywell, Brunchnell Clerk, George Bell, John Booth, John Buckton, Francis Buckle, John Beeson, Robert Bishoprick, John Bowes, Leonard Bramley, Nathaniel Cholmley, William Cholmley, Francis Cholmley, Christopher Crowe, George Crowe, Robert Cust, Thomas Cust of Northallerton, Thomas Cust of Danby Hill, Stephen Croft, Stephen Croft junior, Shelden Craddock, Job Staunton Charlton, Jacob Costobadie Clerk, Henry Chaytor, Henry Chaytor junior, William Chaytor, Peter Consett, Thomas Cowling, Thomas Cordley, Thomas Collins Clerk, James Collins, James Collins junior, Edward Carter, Francis Crosfield, Charles Cowper Clerk Residentiary of York, Charles Cowper junior Clerk, William Cowper Clerk, William Cornforth, Thomas Cornforth, Richard Chapman, William Chapman, John Clough, Edward Clough,

John Cloſe, William Clarke, Thomas Clark, Oliver Coghill, Euſtace Caſs, Thomas Caſs, William Coates, Richard Calvert, William Wingle Carr, Anthony Cooper, Thomas Coopland, Crawford of Weſt Layton, Thomas Core, Thomas Duncombe, Charles Duncombe, Henry Duncombe, William Danby, Thomas Dundas, Matthew Dodſworth, William Danby junior, John Dalton, Charles Dalton Clerk, John Dealtry M. D. William Daviſon Clerk, William Dawſon, Jerom Dring, William Driffield, John Dent Clerk, John Dale Clerk, George Dinſdale, Daggett of Kirbywiſke, Timothy Dickinſon Clerk, Frederick Dodſworth Clerk, Matthew Dixon, William Downes, William Dockeray Clerk, Francis Dupont, Gregory Elſley of Mount Saint John, Gregory Elſley of Frompton, Gregory Elſley Clerk, Giles Earle, George Ewbank, George Ewbank junior, William Edmund, Thomas Eeles, Thomas Elliot, Edward Elliot, Layton Ethrington Clerk. Vice Admiral Thomas Frankland, Laton Fewen, Marmaduke Fothergill, Alexander Fothergill, Thomas Fairfax, Richard Fenton, John Fountayne D. D. Dean of York, Robert Raikes Fulthorpe, Chriſtopher Fell, Thomas Forſter, Chriſtopher Forſter, John Fawdington, William Frankland, Francis Firby Fothergill, Roger Gale, Thomas Gill, John Graves, John Grey Clerk, Roger Gee, Henry Gale, Chriſtopher Goulton, Thomas Gurnell, Richard Garland, Ambroſe Grey, John Hardcaſtle, William Hardcaſtle, Leonard Hartley, George Hartley, Leonard Hartley junior, John Harriſon, John Hutton, Henry Hewgill Clerk, Edmund Hodgſhon Clerk, D'Arcy Hilyard, Peter Hammond, Jeremiah Hutchinſon, Ralph Hutchinſon, Thomas Hutchinſon, Timothy Hutchinſon, William Hill, Thomas Hill, William Hodſhon, Matthew Hornſey, John Huggate, Thomas Heddon, John Hopper, Thomas Harriſon Clerk, Robert Hutton, Edward Holmes Clerk, James Hutton, Thomas Humphry, James Hutchinſon, Peter Johnſon, William Tuffnell Jolliff, John Jackſon, William J'Anſon, Thomas Kilvington M. D. Henry Kilvington, Richard Kitchingman Clerk, Thomas Kitchinman, John Kitching, Charles Kitching, Thomas Kay Clerk, Edwin Laſcelles, Daniel Laſcelles, Edward Laſcelles, William Lawrence, William Law, Ralph Lodge, Thomas Lamplugh Clerk, George Laſcelles, Boynton Langley, Theophilus Lindſey Clerk, Samuel Lindſey, Edward Liſter, John Lonſdale, John Lawſon, Edward Montagu, Bacon Morritt, John Sawrey Morritt, Chriſtopher Morritt, Thomas Mouliverer, John Milbank, Mark Milbank, William Martin, William Maſterman, Philemon March Clerk,

Clerk, William Maſon Clerk Precentor of York, Henry Moors, Thomas Marſit junior, George Metcalfe, Bernard Metcalfe, Timothy Mortimer, Thomas Moon Clerk, Moiſes Clerk, Thomas Maude, Thomas Metcalfe Clerk, John Metcalfe, William Marwood, Thomas Morley, Richard Morley, Randolph Marriott, William Norton, Fletcher Norton, Edward Norton, Captain William Norton, Thomas Nelſon Clerk, John Neſfield, Fountayne Wentworth Oſbaldeſton, Henry Peirſe, Edward Place Clerk, Marwood Place Clerk, Edward Place Clerk Dean of Middleham, Thomas Place of Green Hammerton, Lionel Place, Thomas Place of Middleham, John Pratt, James Pennyman, George Powlett, Edward Purchaſe, Robert Pigott Clerk, William Preſton, William Peacock, William Preſt, Joſeph Pearſon, Chriſtopher Pickering, William Parker, Robert Piper Clerk, John Pulleyn, Henry Pulleine, Thomas Robinſon, William Robinſon, Amos Robinſon, Roger Robinſon, John Robinſon, Matthew Robinſon, Thomas Raper, John Raper of Bedale, John Raper of York, John Raper of Sinderſby, Cuthbert Redſhaw, Caleb Redſhaw, Henry Ravely, William Richardſon M. D. Thomas Richardſon, John Read, John Raikes Clerk, Thomas Robſon, Raper of Holme; William Rocliffe, Robert Ratcliffe Clerk, John Rocliffe junior, James Shuttleworth, Thomas Stapleton, Miles Stapleton, Leonard Smelt, Simon Scrope, Turner Staubenzie, William Standiſh, Francis Smith, Francis Smith junior, John Strangways, Henry Strangways, John Hall Stephenſon, William Stables, Thomas Swann of Bedale, Thomas Swann of York, John Swann, Thomas Salvin, Miles Stavely, Robert Shepherd, Francis Shipphard, Edward Squire, William Squire, Marmaduke Sedgſwick, Robert Strickland Clerk, Richard Seymour, George Stenny, Edmund Smith, Edmund Smith, Robert Strickland, William Turner, Charles Turner, Roger Talbot, John Thompſon, Henry Thompſon, Beilby Thompſon, Henry Thompſon, Edward Thompſon, Charles Tancred, Francis Topham LL. D. Edward Topham, Francis Thornborough, John Talbot Clerk, Francis Trapp, Robert Thiſtlethwaite Clerk, John Tanfield, William Tindale, William Weddell, Charles Weddell, Thomas Weddell, Francis Wanley D. D. Dean of Ripon; Andrew Wilkinſon, Charles Wilkinſon, Andrew Wilkinſon junior, James Wilkinſon, Thomas Worſley, James Worſley Clerk, John Waſtell, Henry Waſtell Clerk, Childers Walbanke, John White, John Wynn Clerk, Robert Ward, John Weatherill, Thomas Stubbs Walker, John Warcupp Clerk, Iſaac Wilſon Clerk, Iſaac William, Captain Webſter,

Webſter, Robert Wenſley, William Wailes, John Winde Clerk, Williamſon Clerk, Chriſtopher Watſon, Alexander Whaley, John Watſon, William Whitelock, John Wardell, John Wright of Bolton, Daniel Watſon Clerk, William Whytehead, Thomas Wilkinſon, James Williamſon, Watſon, Samuel Wrather, William Wrather, John York, Thomas York junior, John Yorker, Luke Yorker, and the Dean of York for the Time being, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Commiſſioners for the ſettling, determining, and adjuſting all Queſtions, Matters and Differences which ſhall or may ariſe between the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or any of them, and the ſeveral Owners of, and Perſons intereſted in any Meſſuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments that ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the ſaid Commiſſioners, or any Three or more of them, are hereby impowered, by Writing under their Hands and Seals, with the Conſent of the Parties concerned, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid Proprietors, their Succeſſors and Aſſigns, or any of them, either by an annual Rent or Payment, or by a Sum of Money in Groſs, by and at the Election of the ſaid Owners of and Perſons intereſted in ſuch Meſſuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, to ſuch Bodies Politick, Corporate, or Collegiate, Perſon or Perſons reſpectively, who ſhall be intitled or intereſted as aforeſaid, for the abſolute Purchaſe of any Meſſuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, to be cut, digged, damaged, altered, removed, or uſed for the Purpoſes of this Act, or to facilitate the carrying on and effecting the ſaid Navigation, or any Part thereof, or other the Purpoſes herein mentioned, or which have already been heretofore cut, digged, damaged, removed, or uſed; and alſo to determine and adjuſt the Recompence to be made for any Damages occaſioned or to be occaſioned by any of the Works of the ſaid Navigation, which have been heretofore, or may be hereafter at any Time or Times whatſoever, ſuſtained by ſuch Bodies Politick, Corporate, or Collegiate, or any Perſon or Perſons reſpectively, being Owners of or intereſted in any Meſſuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, for or by the reaſon of the making, repair-

Commiſſioners are to determine between the Proprietors and Perſons intereſted in Lands, &c.

ing, or maintaining the said Navigation, or any of the Banks, Cuts, Trenches, Passages, Gutters, Watercourses, or Sluices, or of supplying the same or any of them with Water as aforesaid, or by obstructing and impounding the Water, or by the flowing, leaking or ousing of the Water over or through the Banks of the said Cuts, Trenches or Sluices, or over or through any Passages, Gutters, or Watercourses which shall be made pursuant to the Powers hereby given, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning and diverting any Streams or Brooks into the same as aforesaid, or by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Successors and Assigns, Agents, Workmen, or Servants, or by means or in consequence of any of the Works made or to be made for the Purpose of the said Navigation, in case such Price or Value, Damages and Recompence respectively, have not already been settled, adjusted, and agreed for, or cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors, their Successors and Assigns, and the Persons interested in any Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments as aforesaid: And if the said Company of Proprietors, their Successors and Assigns, for and on the Part and Behalf of themselves, or any such Bodies Politick, Corporate, or Collegiate, or other Person or Persons so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or any Three or more of them, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase-money or annual Rent, or such Recompence as shall be so determined to be paid; or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors and Assigns, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture or other Impediment cannot treat for themselves,

On Refusal to submit to the Determination of Commissioners, &c.

themſelves, or make ſuch Agreement as ſhall be convenient for promoting the Navigation and other Works aforeſaid; or ſhall not produce and evince a clear Title to the Premiſes they are in Poſſeſſion of, or to the Intereſt they claim therein; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Three or more of them, ſhall, and they are hereby required and impowered, from Time to Time, to iſſue a Warrant or Warrants under their Hands and Seals to the Sheriff of the ſaid County of York for the Time being; and in caſe ſuch Sheriff, or his Under Sheriff, ſhall happen to be One of the Company of Proprietors of the ſaid Navigation, or enjoy any Office of Truſt or Profit under them, or ſhall be intereſted in the Matter in Queſtion, then to the Coroner or Coroners of the ſaid North Riding of the ſaid County of York, not intereſted as aforeſaid; requiring ſuch Sheriff or Coroner reſpectively to impanel, ſummon, and return a Jury of Twenty-four ſufficient and indifferent Men, qualified according to the Laws 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 Three or more them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine Days, nor more than Twenty Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Sheriffs, Coroner or Coroners reſpectively; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners, or any Three or more of them, are hereby impowered to ſummon and call before them all and every ſuch Perſon and Perſons who ſhall be thought neceſſary to be examined as Witneſſes concerning the Matters in Queſtion; and the ſaid Commiſſioners, or any Three or more of them, may order and authoriſe the ſaid Jury, or any Six or more of them, to view the Place or Places or Matters in Controverſy; which Jury upon their Oath, to be adminiſtered by the ſaid Commiſſioners, or any One of them; and that Oath, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any One of them, are hereby impowered to adminiſter; ſhall inquire of, aſſeſs, and aſcertain, the Sum or Sums of Money

they are to iſſue their Warrant to the Sheriff, or Coroner, for impanelling a Jury.

Jurors may be challenged.

or annual Rent to be paid for the Purchase of such Lands or Grounds, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid; and the said Commissioners, or any Three or more of them, shall give Judgement for such Purchase-monies, Rent or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Three or more of them, shall be binding and conclusive to all Intents and Purposes, against the King's Majesty, His Heirs and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

Judgement of Commissioners to be final.

Provided always, and be it enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises; every such Person, for every such Offence, shall forfeit the Sum of Twenty Pounds: And if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence; every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, or any Three or more of them, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said acting Commissioners, or any Three or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending; rendering the Overplus to the Owner thereof, after such Penalty, and the Charges of such Distress and Sale, shall be deducted.

Penalty on Sheriff, &c. making Default.

Provided also, and be it enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Mills, Forges, Weirs, Lands, Hereditaments, or Property of any Person or Persons whatsoever, than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors or Assigns, or than had been determined and assessed by the said Commissioners; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, or any Three or more of them, and be defrayed by the said Company of Proprietors,

Expences of Jury, how to be borne.

prietors, their Successors or Assigns: But if any Verdict or Assessment shall be given or made for no more, or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors or Assigns, or than had been determined and assessed by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest shall be settled in like Manner by the said Commissioners, or any Three or more of them, and be borne or paid by the Person or Persons with whom the said Company of Proprietors, their Successors, or Assigns, shall have such Controversy or Dispute.

Persons requesting a Jury, to enter into Bond to pay Costs.

Provided also, and be it enacted, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first to enter into Bond, with One or more sufficient Sureties, to the Clerk to the said Company of Proprietors, their Successors and Assigns for the Time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more or a less Sum than had been offered by or on Behalf of the said Company of Proprietors, their Successors and Assigns, or than had been assessed by the said Commissioners, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damages aforesaid.

Complaint to be made within 6 Months.

Provided also, and be it further enacted, That the said Commissioners shall not, nor shall any of them, be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, unless Application in Writing hath been or shall be made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, their Successors or Assigns, or to their known Agent or Agents, or to some Collector or Collectors of the Rates or Duties made payable by this Act, within the Space of Six Calendar Months next after the passing of this Act, or next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Penalty on giving false Evidence.

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

On Payment, or Tender, of Purchase-Money,

And be it further enacted, That upon Payment of such Sum or Sums of Money, or annual Rent as shall be contracted or agreed for between the Parties, or be determined and adjudged by the said Commissioners, or any Three or more of them, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments as aforesaid, to the Owners thereof, or other Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Owner or other Person or Persons, or to the principal Officer or Officers of any Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed; or, if he, she, or they cannot be found, or shall refuse to accept such Money or Rent, upon Payment thereof to such Person or Persons as the said Commissioners, or any Three or more of them, shall, by Writing under their Hands, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Owners or Persons respectively as aforesaid; then, and in every such Case, such Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments, respectively, and the Fee-simple and Inheritance thereof, shall from thenceforth be vested in and become for ever the sole Property of the said Company of Proprietors, their Successors and Assigns; and it shall and may be lawful for them, their Agents, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the making, using, maintaining and repairing the said Navigation, and Towing-paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be agreed for, determined, or assessed as aforesaid; and thereupon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation,

Premises to vest in the Company, &c.

3

vigation, and for the supporting and maintaining the same, as the said Company of Proprietors, their Successors or Assigns shall think requisite; and to have, use and enjoy the Premises to and for their own Use and Benefit, for the Purposes of the said Navigation, discharged of all Rights and Claims whatsoever thereon; and this Act shall be sufficient to indemnify as well the said Commissioners, as the said Company of Proprietors, their Successors and Assigns, and their Agents, Servants, and Workmen, for what they or any of them shall do by virtue of the Powers hereby granted.

Verdict to be inrolled.

And be it further enacted, That all the Determinations of the said Commissioners, or any Three or more of them, which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, being first signed by Three or more of the Commissioners, who shall be present at the making of such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be inrolled in the publick Register-office in the North Riding of the said County of York, and shall be deemed to be Records to all Intents and Purposes; and the same, or true Copies thereof respectively, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrollments of such Contracts, Agreements, Sales and Conveyances as are herein before mentioned, paying for each Inspection the Sum of One Shilling; and to take Copies thereof without Stamps, paying for every Copy, not exceeding Two hundred Words, the Sum of Twopence, and so in proportion for any Number of Words; and immediately on such Payment, and Entries of such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Court and Juries, all the Estates, Right, Title, Interest, Use, Trust, Property, Claim and Demand, in Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of the said Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, shall vest in the said Company of Proprietors, their Successors and Assigns, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person, having any Estate in the Premises, had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Recovery, or any other legal Conveyance whatsoever; and such

Copies thereof deemed Evidence.

Payment

Payment shall not only bar all Right, Title, Interest, Claim and Demand of the Person or Persons to whose Use such Payment was made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, in Reversion or Remainder, against the Issue or Issues of such Person and Persons, and all and every other Person and Persons whomsoever, as effectually as a Fine and Recovery, or either of them, would do, if levied or suffered by the proper Parties in due Form of Law.

Purchase money due to Corporations, &c. to be laid out to the same Uses as the Estates purchased.

And be it further enacted, That all Sums of Money which are paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Ideots, Femes-covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Lands or Grounds aforesaid, shall, in case the same exceeds the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands Guardians, Committees, or other Trustees, Person or Persons seised of Lands or Grounds so limited in strict Settlement, be laid out, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments in Fee-simple, and conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or to and for such other Person and Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies as the Lands or Grounds, for or in respect whereof such Purchase-money or Monies received in Exchange shall be so paid as aforesaid, were limited, settled and assured, at the Times such Purchase-monies were so agreed for or ascertained respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land Owners as aforesaid, to be made at the Expence of the said Company of Proprietors, their Successors or Assigns; and in the mean Time, and until

such

such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the publick Funds, or on Government or real Securities, in the Name of Two Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Three or more of them; and the Interest arising, or to be produced from such Funds or Securities, and also the annual Rent for such Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, which shall be a Rent-charge charged and chargeable upon the Rates and Duties hereby authorised to be taken by the said Company of Proprietors, their Successors and Assigns, shall be paid to such Person or Persons respectively as would, for the Time being, be intitled to the Rents and Profits of such Lands, Tenements, and Hereditaments so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

Commissioners to settle Proportions of the Purchase-monies.

And be it further enacted, That the said Commissioners, or any Three or more of them, are hereby impowered and required to settle what Shares and Proportions of the Purchase-monies, or Recompence for the Damages which shall be so agreed for by the said Company of Proprietors, their Successors and Assigns, or any of them, or determined and adjusted by the said Commissioners, or any Three or more of them, or assessed by the said Juries in Manner respectively as aforesaid, shall be allowed and paid to each Tenant, or other Person having a particular Estate, Term or Interest in the Premises, for his, her, or their respective Interests therein, except in such Cases where the same are herein directed to be laid out and invested in the Purchase of Lands, Tenements, or Hereditaments.

Appeal from the Determination of the Commissioners.

Provided always, That in case any Person or Persons shall be dissatisfied with the Determination and Adjustment of the said Commissioners, or any Three or more of them, it shall and may be lawful for such Person or Persons, at the Assizes to be held for the County of York next after such Determination and Adjustment, to appeal to the Judges holding the same; which Judges, or One of them, is or are hereby authorised and required to hear and finally to determine and adjust the same.

In Default of Payment, Rates to be liable.

And be it further enacted, That in Default of Payment of such Sum or Sums of Money, and at such

Times, and in such Manner as shall be assessed and awarded for Damages of any Kind, by virtue of this present Act, by the said Commissioners, or any Three or more of them, or by any Jury; the said Commissioners, or any Three or more of them, shall, and they are hereby required and authorised to appoint One or more Person or Persons to receive One Half of the Rates or Duties by this Act imposed; and thereout, in the first Place, to pay all such Damages so to be determined or assessed as aforesaid, with Costs (if any) occasioned by such Refusal or Default of Payment, together with legal Interest for the same, to be computed from the Time such Damages shall be awarded; and the Money so to be received by such Person or Persons, shall be and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be intitled to receive such Satisfaction for Damages as aforesaid, in order and course respectively as such Determinations shall be in Priority of Time; and after such Damages, Interest, and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine, or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed and awarded, which shall not be paid according to the Judgement of the said Commissioners, or any Three or more of them as aforesaid, with Interest and Costs for the same as aforesaid, by Action at Law, in any of His Majesty's Courts of Record at Westminster, against the said Company of Proprietors, their Successors and Assigns, to recover the same, with Costs of Suit, as between Attorney and Client.

If Costs and Damages not paid within 12 Calendar Months,

Provided always, That in case the Damages, Interest, or Costs by this Act provided to be satisfied out of the Rates or Duties arising from the said Navigation, shall not be satisfied and paid within the Space of Twelve Calendar Months after the same shall be so determined or assessed as aforesaid; that then, and in such Case, the said Commissioners, or any Three or more of them, upon Complaint to them made, by or on Behalf of the Person or Persons sustaining such Damages, are hereby authorised and required to issue their Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of York, authorising and impowering such Sheriff to levy and raise the Damages so determined and assessed, with such Interest and Costs as aforesaid, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, their Successors and Assigns, together with

he same to be levied on the Company.

with such reasonable Charges as the said Commissioners, or any Three or more of them, shall in such Warrant direct and appoint.

Annual Rents how recoverable.

And be it further enacted, That all and every such yearly Rents or Sums as shall be agreed upon, or settled and ascertained as aforesaid, shall be charged and chargeable on the Rates or Duties arising by virtue of this Act, and shall be paid by the said Company of Proprietors, their Successors or Assigns, as the same shall become due and payable; and in case of Nonpayment thereof within Sixty Days next after the same shall become due, and a Demand thereof made, the said Commissioners, or any Three or more of them, are hereby authorised and required, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive One Moiety of the Rates or Duties hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; or otherwise, the said yearly Rents or Sums may be sued for and recovered with Costs, by Action of Debt in any of His Majesty's Courts of Record at Westminster; or, at the Election of the Parties intitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, their Successors and Assigns, in such Manner as the Law directs in Cases of Distress for Rent; but so nevertheless that the Goods and Chattels of no other Person or Persons than the said Company of Proprietors, their Successors or Assigns, be seized or detained by virtue of the Power hereby given.

Penalty on Persons destroying the Works.

And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage or destroy any Banks or other Works already erected or made by virtue of the said recited Act, or to be erected or made by virtue of this Act, such Person or Persons shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted, shall, and hereby have Power and Authority to transport such Felons for the Space of Seven Years to some of His Majesty's Plantations in America, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; or, in Mitigation to such Punishment, may, if they think fit,

fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Penalty on obstructing the Works.

And be it further enacted, That if any Person or Persons shall wilfully and maliciously do any Hurt or Mischief to obstruct, hinder, or prevent the carrying on, compleating, supporting, or maintaining the said intended Navigation, or any Works hereby authorised to be made; every Person, so offending, shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings; and in Default of such Payment, shall be committed to the House of Correction for such Riding of the said County of York where the Offence shall be committed, there to remain for the Space of One Calendar Month, unless such Penalty shall be sooner paid.

Lands purchased by Commissioners vested in Proprietors.

And be it further enacted, That all the Lands, Tenements, and Hereditaments, which have been purchased, for the Use of the said Navigation, by the Commissioners appointed to put the said recited Act of the Seventh Year of the Reign of His present Majesty, in Execution; or shall be purchased in pursuance and by virtue of this Act, shall be, and are hereby vested in the said Company of Proprietors, their Successors, and Assigns, and shall and may be used, applied, and disposed of, as the said Company of Proprietors, their Successors, and Assigns, shall think fit.

For vesting all Effects in the Company of Proprietors.

And be it further enacted, That all Sums of Money which shall at any Time or Times be subscribed, advanced, and paid, by any Person or Persons, for or in respect of any Share or Shares in the said Navigation; and also all the Money which shall or may arise from the said Rates or Duties by this Act granted, or upon any other Account whatsoever; and also all Wharfs, Warehouses, Locks, Cuts, and all other Buildings and Works, and all Boats, Barges, Lighters, and other Vessels, and all other Things made, erected, built, or provided, or to be made, erected, built, or provided by them for the Purpose of making, supporting, and carrying on the said Navigation; and all Securities for Money and Effects of or belonging to the said Navigation, shall, and the same are hereby vested in the said Company of Proprietors, their Successors and Assigns, and the same, and every Part thereof, are hereby declared to be their Property.

For raising Money.

And, to the End that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves,

selves, or by the Admission of new Proprietors, by voluntary Subscriptions and Contributions, in such Proportion as every Person shall think proper and chuse for himself, such competent Sum or Sums of Money for making, compleating, and maintaining the said Navigation, and other the Purposes of this Act, as the said Company of Proprietors, at any General Meeting, shall from Time to Time order and direct; and the whole Money so raised and contributed, being added to the Money already advanced on the Credit of the before recited Act, together with all Interest due thereon till the First Meeting after passing this Act, shall be divided and distinguished into equal Shares of One hundred Pounds each Share; and a sufficient Part of the Money so to be contributed, or which shall be otherwise raised by virtue of this Act, is hereby directed, in the First Place, to be applied in defraying the Charges and Expences attending the obtaining and passing this Act; and all the Residue and Remainder of such Money for and towards making, compleating, and maintaining the said Navigation, and other Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Capital to be divided into 100 Shares.

Provided always, That no Person, who shall not be possessed of One whole Share, shall be capable of acting as a Proprietor for any of the Purposes of this Act.

Proprietor to have One Share at least.

And be it further enacted, That all such Shares, or any Part or Parts of such Shares, shall be and are hereby vested in the several Proprietors before mentioned, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, in proportion to their several and respective Rights, Titles, and Interests in and to the Monies already by each of them respectively heretofore lent and advanced, and which shall hereafter be subscribed and paid at any Time or Times for the Purposes of this present Act; and all and every the said Shares, or Parts of Shares, shall be deemed to be Personal Estate, and shall pass as such, and not in the Nature of real Property; and each of the said several Proprietors, their several and respective Executors, Administrators, and Assigns, shall be equally intitled to and receive, after the said Navigation shall be compleated, such a Proportion of all the entire neat Profits and Advantages that shall and may arise and accrue by means of the Monies to be collected, raised, levied, or recovered, by the Authority of this Act, as the respective Sum by each of them advanced and paid for making, compleating, and maintaining the said Navigation, and for effecting the several

Shares to be deemed Personal Estate.

Purpoſes of this preſent Act, ſhall bear to the whole Sum advanced for the ſame Purpoſes.

Intereſt to be paid till the Work is compleated.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid Navigation, and all Things neceſſary for making and maintaining the ſame, ſhall be carried on, and until the ſame ſhall be compleated and finiſhed, to pay unto every Perſon or Perſons, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally have advanced and paid in any Sum or Sums of Money as aforeſaid, Intereſt for the ſame after the Rate of Five Pounds for every Hundred Pounds by the Year, from the Time that each of ſuch Sum or Sums ſhall be reſpectively advanced and paid as aforeſaid.

Monies may be borrowed on the Credit of the Rates.

And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, from Time to Time, to aſſign over any Part of the Rates or Duties, not exceeding One full Moiety of the whole Rates or Duties ariſing by virtue of this Act (the Coſts and Charges of aſſigning the ſame to be paid out of ſuch Rates or Duties) as a Security for any Sum or Sums of Money, not exceeding in the Whole the Sum of Thirty thouſand Pounds, 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 Common Seal, or by any other Words for that Purpoſe.

Form of Aſſignment.

BY virtue of an Act made in the Tenth Year of the Reign of His Majeſty King *George* the Third, for compleating the Navigation of the River *Swale*, from its Junction with the River *Ure* to *Morton Bridge*, and of *Bedale Brook* in the County of *York*; and for repealing Part of an Act made in the Seventh Year of His preſent Majeſty's Reign, relating thereto; we, the Company of Proprietors of the ſaid Navigation, do aſſign unto *A B*, his Executors, Adminiſtrators, and Aſſigns, in Conſideration of the Sum 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 One full Moiety of the Rates or Duties ariſing by virtue of the ſaid Act, as the ſaid Sum of ſhall bear to the whole Sum advanced on Credit of the ſame.

And

And all and every Person or Persons, to whom the said Company of Proprietors shall at any Time make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Society of the Rates or Duties, according to their respective Sums in such Assignments 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 such Manner as other Money to be raised by virtue of this Act is 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 to the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable Times by all Persons any ways interested or concerned therein, 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:

Assignments to be entered in a Book.

I *A B* 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

Witness, *G H.* *A B.*

Form of Transfer.

Which said Transfer or Assignment, shall be produced and notified to the said Clerk or Clerks; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, 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 shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding the Sum of 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

Clerk's Fee.

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.

Assignments Real Securities.

And be it enacted, That all Assignments to be made or given by virtue of this Act for securing any Sum or Sums of Money, shall, to all Intents and Purposes, be taken and considered as in the Nature of Real Securities for the Money which shall or may be advanced or lent upon the Credit thereof.

Lenders not entitled to a Vote.

Provided always, That no Person, to whom any such Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or Proxy, at any Meeting of the said Company of Proprietors, for or on account of his or her having lent and advanced any Money on the Credit of any such Assignment.

Interest how to be recovered.

Provided, and be it further enacted, That the said Company of Proprietors, their Successors and Assigns, are hereby required to pay and discharge yearly the Interest of all Money which shall be borrowed upon any Part or Parts of the said Rates or Duties as aforesaid; and in case the same, or any Part thereof, shall be behind and unpaid for the Space of Sixty Days next after the same shall become due and payable as aforesaid, and after Demand thereof made; that then it shall and may be lawful for the said Commissioners, or any Three or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive such Part or Parts of the said Rates or Duties as are liable to pay such Interest so due and unpaid as aforesaid; and the Money, so to be received by such Person or Persons, shall, and is hereby declared to be as so much Money received to the Use of such Person or Persons to whom such Interest shall then be due, until all such Interest due thereon, together with the Costs and Charges of recovering and receiving the said Rates and Duties, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered with Costs, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

Wills, &c. not to be altered.

Provided also, That nothing in this Act contained shall revoke, annul, or alter any Will, Settlement, Mortgage, Deed,

Deed, or Lease, or prejudice any Person or Persons having or claiming any Estate, Right, Title, Interest, or Incumbrance, of, in, to, or out of the Rates or Duties granted and made payable by the said recited Act, or any Part or Parts thereof, or any Securities thereof; but that the several Shares hereby intended to be allotted to the said Proprietors by virtue of this Act shall, immediately after the passing of this Act, be and enure, and be held and enjoyed by the several Persons entitled thereto, and interested therein respectively, subject to such and the same Wills, Settlements, Mortgages, Deeds, Leases, Limitations, Conditions, Charges, and Incumbrances, as their several and respective Shares and Proportions of Right, Title, or Interest in the Rates or Duties by the said recited Act granted, were subject or liable to, immediately before the passing of this Act.

Subscribers to have a Vote for every Share;

And, to the End that all Matters and Things concerning or relating to the carrying on and completing the said Navigation may be managed and conducted in the most beneficial Manner, be it further enacted, That every Person who shall be possessed of One whole Share of the said Navigation shall have a Vote in every General Meeting or Assembly to be held as hereafter appointed for carrying on the said Undertaking, which Vote may be given by him or her, or by his or her Proxy or Proxies, duly constituted under his or her Hand and Seal; and such Vote or Votes by Proxy shall be good and sufficient to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Person or Persons who shall have more than One such Share shall have Liberty by himself or herself, or by his or her Proxy regularly constituted as aforesaid, to give One Vote for each such Share; and whatever Question, Election of Officers, or other Matters or Things shall be proposed, discussed, or considered, in any General Meeting to be held by virtue of this Act, shall be determined by the Majority of Votes then given by Principals and Proxies, computing One Vote for every Share, provided that Fifty Votes concur in such Majority; and that no One Proprietor shall be entitled to give more than Twenty Votes on account of his or her own Number of Shares in the said Navigation; and that no Proprietor shall vote for any Share of which he or she shall not have been possessed for Twelve Calendar Months, unless he or she became entitled to such Share on account of Money advanced, and due to him or her before the passing of this Act.

but no Proprietor more than Twenty.

Time and Place of Proprietors First Meeting.

And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act, may be the more regularly and methodically carried into Execution, be it enacted, That One annual General Meeting of the said Proprietors for putting this Act in Execution shall be held within the said Town of Boroughbridge, on the Thursday next before Midsummer-day, at or after the Hour of Eleven in the Forenoon; and that the First of such General Meetings shall be held at the House known by the Sign of the Crown, now kept by Matthew Glenton, in the said Town of Boroughbridge, upon the Twentieth Day after the passing of this Act;

Proprietors to choose a Committe.

at which said First General Meeting, the Proprietors assembled together, with such Proxies as shall be then present, shall choose Five or more Persons, each of whom shall be, for the Time being, a Proprietor of Three or more Shares in the said Navigation; which Persons so chosen shall be a Committee to manage the Affairs of the said Company of Proprietors in such Manner as is herein directed, and as shall, from Time to Time, be ordered by any such annual General Meeting, or by any occasional General Meeting herein after mentioned;

Occasional General Meetings may be appointed.

but if at any Time it shall appear to any Ten or more of such Proprietors, that, for the more effectually putting this Act in Execution, an occasional General Meeting of Proprietors is necessary to be held, it shall be lawful for such Ten or more of them, to cause Notice to be given thereof in the York News Papers, and in such Manner as the said Proprietors, their Successors or Assigns shall at any General Meeting direct or appoint, declaring in such Notice the Place where and the Time when such Meeting is to be held, the same not being less than Fourteen Days after such Notice given, and likewise specifying in every such Notice the Reason for and Intention of such Meetings respectively; and the Proprietors are hereby authorised to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given them, with respect to the Matters so specified only; and every such Act of the Proprietors, to be determined by the major Part of Votes and Proxies at such Meetings assembled, shall be as valid to all Intents and Purposes as if the same were done at an annual General Meeting held in Manner herein before appointed.

Committee to be under Controul of General Meetings.

Provided always, That such Committee shall, from Time to Time, be subject to the Examination and Controul of the said annual or occasional General Meetings of the said Proprietors as aforesaid; and shall pay due Obedience to all such Orders and Directions in and

about the Premises, as they shall from Time to Time receive from the said Proprietors at any such General Meetings, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Books to be kept.

And be it further enacted, That the Book and Books in which all the Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and lockt up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places, being within Three Miles of the said Navigation, as the said Company of Proprietors, their Successors and Assigns, shall from Time to Time direct; and the Key or Keys thereof the Committee for the Time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to such Book and Books for his, her, or their Inspection.

Fifty Votes to concur in the Choice of a Committee.

Provided always, That if at any General Meeting there shall not be Fifty Votes concurring, no Choice of a Committee shall be made at that Time; but in such Case there shall be a new Meeting of the Proprietors of the said Navigation at the same Place, upon that Day Three Weeks following, of which Notice shall be given in the York News Papers; and such Choice shall be then made of Persons to be of the Committee, as ought to have been made at the Day herein before appointed, had there then been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee shall have the same Power which they would have had, and continue in such Office until such Time as they would have done, had they been chosen on the said Day herein before appointed.

Power of General Meetings.

And be it further enacted, That every such General Meeting shall have Power to call for, audit, and settle all Accounts which shall be then unsettled and not adjusted, between the Commissioners appointed to put in Execution the said recited Act of the Seventh Year of the Reign of his present Majesty, and the several Treasurers, Clerks, Collectors, and all other Officers, Agents, Workmen and Servants which have been appointed or employed by them for executing the Purposes of the said recited Act; or between the said Commissioners or any other Person or Persons in relation to the said Navigation; and out of any Money which shall have been raised or collected by virtue of the said Act, or which shall hereafter be raised or collected by virtue of this Act, to pay and satisfy all just Demands of any such Officers or other

Persons,

Persons, or to recover or receive from such Officers or other Persons any Money which shall be due from them on account of the said recited Act, and to give sufficient Receipts and Discharges for the same; and in case of any Difference between the said Proprietors and the said Officers or other Persons, concerning the settling and adjusting such Accounts as aforesaid, the same shall be adjusted and settled by the Commissioners appointed by this Act, or any Three or more of them, whose Determination therein shall be final and conclusive against all Parties whomsoever; and every such General Meeting shall also have Power to call for, audit, and settle all Accounts of Money which shall hereafter be laid out and disbursed concerning the said Navigation, with the Receiver or Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whatsoever employed by, or concerned for or under them, in and about the aforesaid Navigation; and for that Purpose shall have Power to adjourn themselves, from Time to Time, and from Place to Place, as shall be thought convenient by the Persons intitled to a Majority of Votes in Manner aforesaid; and every General Meeting, or such Committee met together by the Authority of this Act, shall have Power, from Time to Time, to make such Call or Calls of Money upon any Subscription for the Purposes of this Act, as they, from Time to Time, shall find wanting and necessary for those Purposes, under such Conditions, Limitations, and Restrictions, as shall be settled and agreed upon in any Writing subscribed for that Purpose; which Money so called for, shall be paid to such Person or Persons, and in such Manner as the said General Meeting shall, from Time to Time, appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next annual or General Meeting to be holden in Manner as aforesaid, and until a new Committee shall be chosen and appointed, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials for the Use of the said Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains relating to the said Undertaking, so that no Purchase, Bargain, or other Matter be done or transacted without the Concurrence of the major Part of the said Committee together assembled, such Majority not being less than Three; and every Subscriber

Commissioners to determine Differences.

For making Calls upon the Subscribers.

Subscriber shall, at the Time of subscribing, pay or deposit Ten Pounds per Centum, and shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money when called for as aforesaid, he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds for every Hundred Pounds so subscribed by him, her, or them; and in case such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and of Two Calendar Months after personal Notice given him, her, or them thereof; he, she, or they so neglecting, shall forfeit all the Money deposited and paid on the said Subscription, together with all Interest and Property in any Share or Shares of the said Navigation, accruing to him, her, or them from such Subscription; all which Forfeitures shall go to the rest of the Company of Proprietors of the said Navigation, their Successors and Assigns, in Trust for, and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests.

Penalty on Subscribers neglecting to make their Deposits.

Provided always, That no Advantage shall be taken of any Forfeiture of any Interest or Part of any Share or Shares of the said Undertaking, unless the same shall be declared to be forfeited at some General Meeting of the said Company of Proprietors, who shall meet within One Year next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting, against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement betwixt such Proprietor or Proprietors so forfeiting and the rest of the Proprietors, with regard to the carrying on the said Navigation.

Subscribers to have Notice before they forfeit their Shares.

And be it further enacted, That the said Company of Proprietors, their Successors and Assigns for the Time being, shall have Power and Authority at any General Meeting to be held as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any other Officer or Officers under them, and to chuse and appoint new Ones, and to revoke, alter, amend or change any of the Rules and Directions herein before prescribed and laid down with regard to their Proceedings

General Meetings may make Bye-laws, &c.

ceedings amongst themselves, as to the major Part of Votes and Proxies shall seem meet (the Method of calling General Meetings, and their Time and Place of meeting and voting, and appointing Committees, only excepted) and shall have Power to make such new Rules, Bye-laws and Constitutions for the good Government of the said Company, and for the good and orderly using the said Navigation, and all such Warehouses, Wharfs, Passages, Locks, and other Things that shall be made for the same, and of and concerning all such Vessels, Goods and Commodities as shall be navigated and conveyed thereon; and also for the well governing of the Bargemen, Watermen, and Boatmen, who shall carry any Goods, Wares, and Merchandize upon any Part of the said Navigation; and, from Time to Time, to alter or repeal the said Bye-laws and Constitutions, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons offending against the same, as to such major Part at such General Meeting shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein after mentioned; which said Rules, Bye-laws, and Constitutions, being put into Writing under the Common Seal of the said Company of Proprietors, shall be binding to, and observed by all Parties, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same.

How Shares may be disposed of.

And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said Navigation, to sell and dispose of any Share or Shares he, she, or they, shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate of the Deed of Assignment or Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they, shall purchase the same; and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee or their Clerk for the Time being, to be filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid; and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee,

Committee, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his said Share paid to him, her, or them, or any Vote as Proprietor or Proprietors.

After a Call, no Shares to be sold till the Money paid.

And be it further enacted, That after any Call of Monies shall be made by a General Meeting, or such Committee as aforesaid, upon any Subscription, no Person or Persons shall sell or transfer any Interest or Property which he, she, or they shall have in the said Undertaking, by reason of any Deposit or Payments made on such Subscription, until the Monies called for upon their respective Subscriptions, so to be sold, shall be paid, upon the Penalty of forfeiting to the said Company of Proprietors all the Interest and Property so transferred, in Trust for the Benefit of all the said Proprietors; such Forfeiture nevertheless to be notified and declared at a General Meeting in Manner above directed.

And be it further enacted, That the said Shares shall be sold, assigned, and transferred in the following Form, to wit,

Form of Transfer of Shares.

I *A B*, in Consideration of paid to me by *C D*, do hereby bargain, sell, assign, and transfer to the said *C D*, his Executors, Administrators, and Assigns (*inserting the Share or Shares intended to be assigned*) in the *Swale* and *Bedale* Navigation, to hold, to him the said *C D*, his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions as I held the same immediately before the Execution hereof: And I the said *C D* do hereby agree to accept thereof, subject to the said Rules, Orders, and Conditions. Witness our Hands and Seals, this Day of in the Year of our Lord

Clerk to be appointed, and his Office.

And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, or the major Part as aforesaid, at any General Meeting assembled, and they are hereby authorised and required, from Time to Time, to nominate and appoint, by Writing under their Hands, One or more Person or Persons to be their Clerk or Clerks to the said Navigation; which said Clerk or Clerks shall, in proper Books to be provided for that Purpose, enter and keep true and perfect Accounts of the Names

Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall, from Time to Time, become Owners and Proprietors, or intitled to any Share or Shares, or to any Part of such Shares, of and in the said Navigation, and of all other Acts, Proceedings, and Transactions of the said Company of Proprietors, their Successors, and Assigns, and of the Committees by virtue of, and under the Authority of this Act; and that each of the said Proprietors shall and may, at all convenient Times, have Recourse to, and peruse and inspect such Books gratis; and may demand and have Copies thereof, or any Part thereof, paying Two-pence for every Two hundred Words so to be copied; and if the Clerk shall refuse to permit any such Proprietor to inspect such Books, or refuse to make Copies or Extracts thereof, at the Rate or Times aforesaid; he shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Clerk to enter the Proceedings in Books.

And be it further enacted, That the Clerk to the said Company of Proprietors for the Time being, or some other competent Person to be appointed by them, but to be approved of by the said Commissioners, or any Three or more of them, shall from Time to Time attend the said Commissioners at all Meetings to be by them held for the Purpose of executing this Act; and that all Orders and Proceedings of the said Commissioners shall be entered by such Clerk in Books to be kept for that Purpose, such Books to be open, at all seasonable Times, for the Inspection of any Person interested and desirous of seeing and examining the same, without Fee or Reward: And the said Orders and Proceedings, when so entered as aforesaid, shall be signed by such Number of the said Commissioners respectively, as, by this Act, are impowered and required to make such Orders and carry on such Proceedings, and shall also be attested by the said Clerk as a Witness thereto; and being so signed and attested shall be deemed Originals, and admitted as Evidence without further Proof in all Courts whatsoever.

If Commissioners disapprove of their Clerk, another is to be chosen by the Proprietors.

Provided always, That in case any Person appointed, by the said Company of Proprietors, to attend the said Commissioners as their Clerk, shall not attend when required, or shall be disapproved of by the said Commissioners, or any Three or more of them; the said Company of Proprietors, their Successors, and Assigns, shall, upon Notice of such Disapprobation given them by such Commissioners, immediately proceed to a new

Appoint-

Appointment, and so, from Time to Time, until the said Company of Proprietors, their Successors, or Assigns, shall appoint a Clerk in his Stead, of whom the said Commissioners, or any Three or more of them, shall approve; and in the mean Time, till such a Clerk shall be appointed, the said Commissioners, or any Three or more of them, may nominate a proper Person, if necessary, with a reasonable Allowance to be paid him by the said Company of Proprietors for doing the Business of such Clerk.

Rates of Tonage.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, from Time to Time, and at all Times hereafter, to ask, demand, recover, receive, and take, to and for the proper Use and Behoof of them the said Company of Proprietors, their Successors, and Assigns, for Tonage for all Goods, Wares, Merchandize, Commodities, or other Things whatsoever, which shall be navigated, carried, or conveyed, in, upon, or along the said River, Brooks, Cuts, or Canals, or all or any of them, within the Limits of the said Navigation, such Rates or Duties (over and above what shall or may be paid for the Freight or Carriage thereof) as the said Company of Proprietors, their Successors, and Assigns, shall think fit, not exceeding the several Rates or Duties herein after mentioned; that is to say, For every Ton of Coals, Cinders, Lime and Lime Stones, or other Stone, Slate, Gravel, or Manure, carried or conveyed upon the said River Swale, Brook, Cuts, or Canals, from the Junction of the Swale and Ure to Bedale, or from Bedale to the Junction of the Swale and Ure, the Sum of One Shilling and Ten-pence Halfpenny, and so in proportion for a greater or less Quantity than a Ton; and for every Ton of Butter, Lead, and all other Goods, Wares, Merchandizes, and Commodities, or other Things whatsoever not before specified, carried or conveyed upon the said River, Brook, Cuts, or Canals aforesaid, for the whole Space or Distance aforesaid, the Sum of Three Shillings and Nine-pence, and so in proportion for a greater or less Quantity than a Ton; and for every Ton of Coals, Lime, Cinders, Lime Stone, or other Stone, Slate, Gravel, or Manure, Goods, Wares, Merchandizes, and Commodities, carried or conveyed in or upon the said River, Brook, Cuts, or Canals, for any less Space or Distance than as aforesaid, any Sum or Sums, not exceeding such Proportion of the said Tolls, Rates, and Duties, as such Space or Distance shall bear to the

said Distance from the Junction of the Swale and Ure to Bedale.

For limiting Dividends to 10 *l. per Cent.*

Provided always, and be it enacted, That if it shall at any Time happen, that the Distribution made amongst the said Proprietors within the Space of One Year, out of the Profits of the said Navigation, shall exceed the Rate of Ten Pounds per Centum upon the principal Sum or Sums of Money which shall have been raised and contributed for the Purposes of making and maintaining the said Navigation; then, and in every such Case, the several Rates or Duties to be taken during the Course of One intire Year, to be computed from the First Day of January next following such Distribution as aforesaid, shall be lower than the highest Rates or Duties herein before allowed to be taken in each Case respectively, in the Proportion of One Eighth Part for every Twenty Shillings by which such Distribution shall have exceeded the Rate of Ten Pounds per Centum upon the Principal Sum or Sums before mentioned; and it shall not be lawful for the said Company of Proprietors, their Successors, or Assigns, during the Course of such intire Year as aforesaid, to demand or take any greater or higher Rates or Duties than in the Proportion aforesaid; any thing herein contained to the contrary notwithstanding.

Method of recovering Rates.

And be it further enacted, That the said Rates or Duties shall be paid to such Person or Persons, at such Place or Places, near to the said River or Brook, and in such Manner, and under such Regulations, as the said Company of Proprietors, their Successors, and Assigns, shall direct and appoint; and in case any Person shall refuse or neglect to pay the said Rates or Duties, or any Part thereof, to such Person or Persons as aforesaid, on Demand; the said Company of Proprietors, their Successors, and Assigns, shall and may sue for and recover the same with such Costs as aforesaid, by Action of Debt, or on the Case, in any Court of Record; or the Person or Persons to whom the said Rates or Duties ought to have been paid, may, and he and they are hereby impowered to seize and detain any Goods or Vessels for which the said Rates or Duties ought to be paid, until they shall be satisfied and paid the same; and in case such Rates or Duties shall not be paid within the Space of Five Days next after such Seizure made, it shall and may be lawful for the said Company of Proprietors, their Successors, and Assigns, or their said Collector or Collectors, to sell such Goods, Wares, Merchandize, Commodities, Boats, or Vessels, rendering

the Overplus (if any) to the Owners thereof, after the said Rates or Duties, and all reasonable Charges of such Seizure, Detention, and Sale, shall be deducted, satisfied, and paid.

Masters of Boats to give an Account of their Lading.

And, for the more easy collecting the said Rates and Duties, be it further enacted, That the Masters, Owners, and Managers of every Boat, Keel, or other Vessel navigating upon the said River, Brook, Cuts, or Canals, or any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat or other Vessel, to the Collectors of the said Rates or Duties, at the Place or Places where they shall attend for that Purpose, of the Quantities, Qualities, or Weights of Goods which shall be in or belonging to each Boat or other Vessel, from whence brought, and where they intend to land the same; and also of the Quantities, Qualities, or Weights of such Goods as shall have been discharged or taken out of such Boat or other Vessel within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given: And in case such Master, Owner, or Person, shall neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in the Account; they shall forfeit and pay to the said Company of Proprietors, their Successors, and Assigns, the Sum of Five Pounds for every such Offence, over and above the Rates or Duties they are obliged to pay for the same; which said Forfeitures may be recovered either against the Master of such Vessel, or the Proprietor or Owner thereof, at the Election of the said Company of Proprietors of the said Navigation.

In case of Differences concerning Weights of Goods, Vessels to be detained, and Goods weighed.

And be it further enacted, That if any Difference shall arise between any Collector of the said Rates or Duties, and the Master, Owner, or Person, having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandizes, concerning the Weight and Quantity of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandizes, as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Boat or Vessel, affirmed the same to be, then the Master, Owner, or Person, so offending, shall

pay

pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the said Rates or Duties are hereby appointed to be recovered and levied: But if such Goods, Wares, and Merchandizes, shall appear to be of the same or less Weight or Quantity than the Master, Owner, or Person so declared the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandizes, One Shilling for every Hour that such Boat or other Vessel shall be detained by Occasion of such weighing, measuring, and gauging, and so in proportion for any greater or less Time; and in Default of immediate Payment thereof by such Collector, the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the said North Riding or Liberty of Saint Peter's respectively, as the Case may happen to be, rendering the Overplus, if any be, to the Owner thereof, after such Distress and Sale made.

Navigation to be free upon Payment of the Rates.

And be it further enacted, That all Persons whatsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways (except the Towing-paths) to be made by virtue of this Act, for the Purpose of conveying any Goods, Merchandize and Commodities whatsoever, to or from the said River, Brook, Cuts, or Canals, and also to navigate upon the said River, Brook, Cuts, and Canals, with any Boat or Vessel suited to the Construction of the Locks, and the Depth of the Water in the said River, Brook, Cuts, and Canals; and to use the Wharfs or Quays to be made by virtue or in pursuance of this Act, for loading and unloading Goods, and the said Towing-paths for haling and drawing such Boats and Vessels, upon Payment of such Rates or Duties as shall be demanded by the said Company of Proprietors, their Successors and Assigns, not exceeding the Rates herein before mentioned, and subject always to the Rules, Bye-laws, and Constitutions which shall, from Time to Time, be made by the said Company of Proprietors, their Successors, and Assigns, by virtue of the Powers herein before granted for and concerning the said Navigation.

Proprietors may erect Bridges, &c.

And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall and may cause to be made, set up, and, from Time to Time, maintained

maintained and kept in Repair, convenient Gates, Bridges, Passages, and Stiles, in and over all the Ditches and Fences, Towing-paths, Haling-paths, and Ways made or to be made for the Purposes of the said Navigation; and also sufficient Bridges, with proper Battlements, or Posts and Rails on each Side, over the new Cuts, Trenches, and Passages for Water, where necessary, for the Use of the Occupiers of Lands, Tenements, and Hereditaments thereunto adjoining, to make them convenient Passages to and from the Lands, for the Use and Occupation of the same; and also, if the said Company of Proprietors, their Successors or Assigns, shall think proper, to cause the said River or Brook to be deepened in any Part or Parts, so as to render any usual or common Fords or Highways dangerous or impassable; in every such Case the said Commissioners, or any Nine or more of them, shall cause such a Method of Passage to be provided by the Proprietors, their Successors or Assigns, as shall appear to the Majority of them, such Majority to consist of Seven at the least, to be equally commodious with that in use before the passing of this Act, where such Fords now are, or as near thereto as conveniently may be; and the Proprietors, their Successors or Assigns, shall, from Time to Time, maintain and keep the said Conveniencies in Repair; and in case of a Ferry-boat, the said Proprietors, their Successors, or Assigns, shall provide a proper Boatman or Boatmen to accommodate gratis all Passengers, Horses, Cattle, and Carriages having Occasion to pass over or through the same, at all such Times as the same Fords have been usually passable.

Power to get Materials in case of sudden Damage.

And whereas it may hereafter happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood-gates, Dams, Banks, Cuts, Canals, Trenches, or other Works of the said Navigation may be damaged or destroyed, and the adjacent Lands thereby likewise endangered or damaged, and that it may be necessary the same should be immediately repaired or rebuilt to prevent further Damage; be it further enacted, That when and as often as any such Case may happen, it shall and may be lawful for the said Company of Proprietors, their Successors, and Assigns, from Time to Time, or their or any of their Servants, Agents, or Workmen (without any previous Application to the said Commissioners, and without any Delay or Interruption from any Persons whatsoever) to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the said River, Brook, Cuts, Canals, Trenches, or any of them (not being

being the Ground whereon any House stands, or not being an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House) and to dig for, get, work, take, carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them; doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for such Damages to the Owners and Occupiers of, or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages which may be done by means of the digging for, getting, working, taking, carrying away and using such Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof, shall be settled, adjusted, assessed, ascertained, and determined by the Ways and Means herein before prescribed with respect to other Damages done by getting Materials for the Purpose of making and completing the said Navigation.

Land-owners may erect Warehouses, &c. on their own Lands.

And be it further enacted, That it shall and may be lawful to and for the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said River, Brook, or Cuts shall pass, and they are hereby authorised and impowered to make, erect, or use any Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their own Lands, Grounds, or Wastes adjoining or near to the said River, Brook, or Cuts hereby authorised to be made; or from landing any Goods, or Merchandize, or other Things thereupon, or upon the Banks lying between the same and the said River or Cuts; and to make and use proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other; so that the making, erecting, or using thereof respectively, shall not and do not obstruct or prejudice the Navigation of the said River, Brook, or Cuts, or the Towing-paths on the Sides thereof; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses 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, or Grounds, or Wastes, who shall make and erect such Wharfs,

Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses upon their own Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns; so that the Rates and Duties granted to the said Company of Proprietors, their Successors and Assigns, for Tonage, shall not be thereby reduced or altered.

For erecting Warehouses on Waste Lands.

Provided always, That if any Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months after Notice in Writing given by or on Behalf of the said Company of Proprietors, their Successors and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purposes of erecting Warehouses and Buildings for the Use of the said Navigation, make and erect on such Part or Parts of such Lands, Grounds, or Wastes, sufficient Warehouses and Buildings on some Plan to be approved of by Three or more Commissioners, or shall not maintain the same in substantial Repair; then, and in every such Case, the said Company of Proprietors, their Successors or Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, for erecting such sufficient Warehouses and Buildings; first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

For ascertaining the Rates of Wharfage.

And be it further enacted, That no more than the Sum of Sixpence per Ton shall be demanded or taken for Wharfage by any Person or Persons, Proprietor or Proprietors, Land-owner or Land-owners, who shall or may at any Time hereafter make, erect, or build any Wharfs or Quays on any Part of the said River, Brook, or Cuts by virtue of this Act, unless the Goods, Wares, or Merchandize which shall be laid thereon shall remain or continue on such Wharfs or Quays for a longer Time than the Space of Ten Days; but if they remain and continue thereon for more than Ten Days, One Halfpenny a Day shall be paid for the Wharfage of every Ton of such Goods.

Boats to be marked.

And, for the better regulating of Masters of Boats, Bargemen, and others employed upon the said River, Brook, or Cuts, be it further enacted, That every Owner of any Boat or other Vessel passing on the said River, Brook, or Cuts, shall cause his Name to be set in large painted White Capital Letters, Six Inches high at the least, and of a proportionable Breadth, on a Black Ground, on each

each of the Outſides of every Boat or other Veſſel higher than the ſame ſhall ſink into the Water when full loaded; and ſhall alſo permit and ſuffer every ſuch Boat or other Veſſel to be meaſured at the Expence of the Proprietors of the ſaid Navigation, by putting Weights into the ſame for that Purpoſe or otherwiſe, and to be marked with Figures or other Marks at each End of the Outſide thereof, ſhewing how much or how far every Ton Weight of Loading which ſhall be put into every ſuch Boat or Veſſel will ſink the ſame into the Water, whenever it ſhall be required by the ſaid Company of Proprietors, or ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe, provided that no ſuch Veſſel ſhall be meaſured more than Four Times in any One Year; and every Owner of any Boat or other Veſſel, who ſhall refuſe or neglect to put his Name on any ſuch Boat or other Veſſel, and any Owner, Maſter, or other Perſon having the Rule or Command of ſuch Boat or other Veſſel, who ſhall refuſe to have his, her, or their Boats or other Veſſels meaſured or marked as aforeſaid; or ſhall alter, deface, eraſe, hide, or deſtroy any of the ſaid Letters, Figures, or Marks, he or they ſhall, for every ſuch Offence reſpectively, forfeit and pay the Sum of Five Pounds; One Moiety whereof ſhall be paid to the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and the other Moiety to the Perſon who ſhall inform and ſue for the ſame.

To prevent Veſſels mooring within a certain Diſtance of Mills, &c.

And be it further enacted, That the ſaid Commiſſioners, or any Three or more of them, ſhall aſcertain the ſeveral Diſtances, nearer than which no Boat, Barge, Lighter, or other Veſſel ſhall be ſuffered to be moored, or lie to any Mill Dam Sones or Bridge within the ſaid River, Brook, Cuts, or Canals, or Trenches reſpectively, and ſhall ſet up Stones or Poſts denoting the ſame; and if any Perſon ſhall moor or cauſe to be moored any Boat, Barge, Lighter, or other Veſſel within the Diſtance ſo to be aſcertained as aforeſaid, every Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Power to load or unload within the reſtrained Diſtance.

Provided always, That nothing herein contained ſhall be conſtrued to extend to prevent, hinder or obſtruct any Perſon or Perſons from loading or unloading any Boat, Barge, Lighter, or other Veſſel within the Diſtance ſo to be aſcertained as aforeſaid.

Owners anſwerable for their Crews.

And be it further enacted, That the Maſter or Owner of every Boat or other Veſſel navigating within the Limits of the ſaid Navigation, ſhall be and is hereby made

made answerable for any Damage, Spoil or Mischief that shall be done by his Boat or other Vessel, or any of the Boatmen or Watermen belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near the said River, Brook, or Cuts, Trenches, Sluices, and Passages, or by loading or unloading any Boat or other Vessel, and for any Trespass or other Damage that shall or may be done to the Owners or Proprietors of any Building, Erections, Lands, or Tenements adjoining to the same, or any of them, other than is authorised by this Act; and the said Master or Owner of such Boat or Vessel, shall and may be sued and prosecuted for the same in any Court of Record whatsoever; and if found guilty, or a Verdict passed against him, or Judgement be given against him upon Demurrer or by Default, the Plaintiff, in any such Case, shall recover his Damages thereby sustained, with Costs of Suit, as between Attorney and Client.

Regulations for Vessels passing the Locks.

And it is hereby further declared and enacted, That if any Boatman, or Person having the Care of or passing with any Keel, Boat, Barge, Lighter, or other Vessel, through any Lock upon the said River, Brook, Cuts or Canals, or any of them, shall suffer the Water to remain in such Lock longer than is necessary for his Keel, Boat, Barge, Lighter, or other Vessel to pass through any such Lock; and shall not, in coming down the said River, Brook, 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 Gates thereof; and after he or they shall have brought his or their Keel, Boat, Lighter, or Vessel into any such 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 River, Brook, Cuts, or Canal, or any of them, shall not, as soon as he or they shall have passed with his or their Keel, Boat, Lighter, or Vessel, out of the said Lock, shut the upper Gates and Cloughs of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Keel, Boat, Barge, Lighter, or other Vessel, within One hundred Yards of the said Lock, coming down the said River, Brook, 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 River, Brook, Cuts, or Canals, or any of them, 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 One or more Justice or Justices of the Peace for the Riding or Liberty where the said Offence shall be committed, upon Oath of any One or more Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; One Moiety of which Penalty shall be paid to the Informer or Informers, and the other Moiety to the said Company of Proprietors, their Successors or Assigns; and in Default of Payment thereof, the Person or Persons so offending shall, by Warrant of such Justice or Justices, be sent to the Common Gaol or House of Correction for such Riding or Liberty respectively, there to be kept to hard Labour for such Time as such Justice or Justices of the Peace shall direct, not exceeding Two Calendar Months.

Penalty on drawing Cloughs, &c. maliciously or wantonly.

And be it further enacted by the Authority aforesaid, That if any Person shall maliciously or wantonly open or cause to be opened any Lock or Clough belonging to the said Navigation, or shall suffer any Keel, Boat, Barge, Lighter, or Vessel to be moored unto, or to lie under any of the Bridges in the said River, Brook, Cuts, and Canals, or any of them, or shall leave the Water running through any of the Cloughs after any Keel, Boat, Barge, Lighter, or Vessel shall have passed any Lock belonging to the said 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 River, Brook, Cuts, and Canals, or any of them, so as to mis-spend or waste the Water of the said River, Brook, Cuts, and Canals, or any of them, to the Prejudice of the said Navigation; every such Person or Persons offending in any of the said Particulars, and being thereof convicted before One or more Justice or Justices of the Peace for such Riding or Liberty respectively, upon 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 Common Gaol or House of Correction, there to be kept to hard Labour for such Time as such Justice or Justices shall direct, not exceeding Two Months.

Penalty on Millers not opening Cloughs, &c. upon upon 24 Hours Notice.

And be it enacted by the Authority aforesaid, That if any Miller Owner, or Occupier 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

after mentioned to him or them made by the said Company of Proprietors, or their Successors or Assigns, or any Person or Persons employed as their Clerk or Agent, or by any Master, Owner, or other Person, having the Command of any Keel, Boat, Barge, Lighter, or other Vessel passing on the said River, Brook, Cuts, or Canals, neglect or refuse either to draw up or open, or to shut or put down any Clough or Cloughs, or any Sluice or Sluices belonging to such Mill or Mills, and which shall be necessary to be opened or shut respectively, for making and effecting the said Navigation and the Works requisite for that Purpose, and for altering and repairing the same, or for the Passage of any such Keel, Boat, Barge, Lighter, or other Vessel, or any other the Purposes of this Act; every Person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds.

If Cloughs, &c. are not wanted to be shut or opened for more than Three Hours, One Hour's Notice to be given.

Provided nevertheless and be it enacted, That if any such Clough or Cloughs, Sluice or Sluices shall be necessary to be opened or shut respectively, for the Passage of any such Keel, Boat, Barge, Lighter, or other Vessel, for a Space of Time not exceeding Three Hours; and such Miller, Owner, or Occupier, do and shall neglect or refuse to draw up or open, to shut or put down, upon reasonable Request made, and One Hour's Notice given by any Master, Owner or other Person having the Command of any such Keel, Boat, Barge, Lighter, or other Vessel, and upon Payment or Tender of such Recompence or Satisfaction as herein after is mentioned; every Person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such Offence, in like Manner forfeit and pay the Sum of Twenty Pounds.

20*l.* Penalty on Refusal.

For keeping Cloughs, &c. in Repair.

And be it also enacted and declared, That the Owner or Occupier of any Mill or Mills shall and may, in such Cases, lawfully demand, have, and receive, and there shall become due and payable to him, as a Recompence and Compensation for such drawing up or opening, or putting down or shutting such Clough or Cloughs, Sluice or Sluices respectively, the Sum of One Shilling for every Hour for each and every Wheel of any such Mill that shall by that Means, or on that Occasion only, be stopped or hindered from working, and so in proportion for any longer or less Time that such Stoppage or Hindrance shall continue.

Penalty on Millers wasting Water.

And be it further enacted, That if any Miller, Owner or Occupier of any Mill within the Limits of the said Navigation,

Navigation, shall wilfully 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 Floodgates of such Mill or Mills while the Mill is not working, with a Design to obstruct or prevent the Passage of Keels, Boats, Barges, Lighters, or other Vessels upon the said River, Brook, Cuts, or Canals; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds.

Penalty on obstructing the Navigation.

And it is hereby further enacted and declared, That if any Miller, Owner or Occupier of any Mill or Mills, within the Limits of the said Navigation, or other Person employed by him, her, or them, shall, in the Judgement and Opinion of any Three or more of the said Commissioners, wittingly or willingly do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby or by means whereof the said Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause, to be allowed by the said Commissioners, or any Three or more of them; 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, or any Three or more of them, shall order, decree, or award, not exceeding Forty Shillings for each Offence.

Vessels lying so as to obstruct the Navigation to be removed.

And be it further enacted, That if any Boat or Vessel shall be placed in any Part of the said River, Brook, or Cuts, or of any Trench, Sluice, or Passage aforesaid, so as to obstruct the Navigation, and the Person having the Care of such Boat or Vessel, shall not immediately, upon Request made, remove the same, he shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings, nor less than Five Shillings, for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors, and Assigns, or any of them, to cause any such Boat or Vessel to be unloaded, (if necessary) and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel, and the Loading thereof, until the Charges occasioned by such Removal are paid; and if any Boat or Vessel shall be sunk in the said River, Brook, Cuts, Canals, or any Trench aforesaid, and the Owner or Person having the Use of such Boat or Vessel shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors,

etors, their Successors, and Assigns, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all the Expences necessarily occasioned relating thereto.

Penalty on Persons overloading, and obstructing the Passage.

And be it further enacted, That if any Person or Persons shall float any Timber upon the said River, Brook, or Cuts, or load any Boat or Vessel with Timber, so that the same shall lie over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or Vessel navigating in or upon the said River, Brook, or Cuts, Trenches, Sluices, or Passages, and, when so overloaded, shall put such Boat or other Vessel into the said River, Brook, Cuts, or Canals, Trenches, Sluices, or Passages, so as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale such Boat or other Vessel back into such Place or Places as shall be proper or made for Boats or other Vessels to pass each other; every such Owner, or Person floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay for every such Offence the Sum of Five Pounds, to the said Proprietors, their Successors, and Assigns; to be laid out and employed towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Penalty on throwing Ballast into the River, &c.

And be it further enacted, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said River, Brook, or Cuts, or of any Trenches or Watercourses to be made or maintained by virtue of this Act; every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds.

Navigation not subject to Commissioners of Sewers.

Provided always, and be it enacted, That the said River, Brook, Cuts, or Canals, or any Works whatsoever to be made by virtue of the Powers of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers; any other Law or Statute to the contrary hereof notwithstanding.

Rates exempted from Payment of Taxes, &c.

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

Election of new Commissioners.

And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it enacted,

That when any of the Commissioners hereby appointed, or to be elected in Manner hereafter mentioned, shall die or refuse to act, the surviving or remaining Commissioners, or any Nine or more of them, shall, and they are hereby impowered, from Time to Time, by Writing under their Hands and Seals, to elect and appoint, in the Place of every Commissioner so dying or refusing to act, some other Person, qualified as herein after mentioned: And in case Nine such Commissioners shall not survive, who will meet together, so to elect and appoint new Ones in the Place of such as are dead or refuse to act; then, and in that Case, Three or more Commissioners of the Land Tax for the North Riding of the County of York for the Time being, may elect and appoint Nine or more other Persons, qualified as in this Act mentioned, who shall proceed to fill up the Vacancies in the Manner herein directed: And all such Commissioners so appointed shall, from the Time of their Appointment, have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named and appointed Commissioners in this Act; Notice of the Time, Place, and Purpose of such Meetings being given in Writing, to be affixed upon the Market Cross, or some other conspicuous Place in the Towns of Topcliffe and Bedale, Fourteen Days at least before every such Meeting.

Qualification of Commissioners.

And be it further enacted and declared, That no Person or Persons shall act as a Commissioner or Commissioners, unless such Commissioner or Commissioners shall be respectively seised or intitled, at the Time of such acting, to an Estate of Lands, Tenements, or Hereditaments, in Possession for his own Life, or the Life of another Person, of the yearly Value of One hundred Pounds; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Three hundred Pounds; or be possessed of, or intitled to, a Personal Estate of the Value of Four thousand Pounds: And if any Person, so made incapable to act for any of the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person shall 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, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and upon such Suit or Prosecution, the Proof of such Qualification shall lie upon,

Penalty on acting, if not qualified.

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

Provided also, That no Commissioner shall act in any Case relating to the Purchase of any Lands, Tenements, or Hereditaments, or setting and adjusting any Damages, where he shall be personally interested. Proviso.

Provided always, That no Person shall act as a Commissioner in any Case (except in administering the following Oath) until he shall have taken and subscribed the Oath following, before any Three or more of the said Commissioners, who are hereby authorised and impowered to administer the same to any other of the Commissioners; videlicet, No Person to act as a Commissioner till he hath taken the Oath.

I *A B* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Judgement, execute and perform the Powers and Authorities established in me by virtue of an Act made in the Tenth Year of the Reign of His Majesty King *George* the Third, "For compleating "the Navigation of the River *Swale*, from its Junction "with the River *Ure* to *Morton Bridge*, and of *Bedale* "*Brook* in the County of *York*, and for repealing Part of "an Act made in the Seventh Year of His present Ma"jesty's Reign relating thereto." The Oath.

So help me GOD.

J C.

Provided always, That such Commissioners, who are Justices of the Peace for the said North Riding, shall and may, and they are hereby respectively impowered to act as Justices of the Peace in the Execution of this Act, within the Limits of their respective Jurisdictions, notwithstanding their being Commissioners. Commissioners may act as Justices.

And be it further enacted, That if any Person appointed a Commissioner by virtue of this Act, shall have or accept any Place of Profit arising out of the Rates or Duties to be raised and collected by the Authority of the same; such Person, from and after his accepting thereof, and during the Time of his holding and enjoying such Place of Profit, or during the Time of his being a Proprietor in the said Navigation, or concerned in Interest in any Contract or Bargain made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act. Commissioners not to hold any Place of Profit.

And be it further enacted, That upon any Application to be made by the said Proprietors, their Successors, and Assigns, or any Three or more of them, or by any of On Application, immediate General Meetings may be appointed.

the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said Navigation, or any of the Works necessary or relating thereto, unto the Commissioners appointed by and for the Purposes of this Act, or any Three or more of them, desiring them to appoint a General Meeting of the Commissioners; the Commissioners so applied to, or any Three or more of them, may and shall, and they are hereby respectively authorised and required, within Seven Days after such Request or Application made, to give Notice, in Manner hereby directed, of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-one Days, from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners, or any Three or more of them, are hereby authorised, impowered, and required, to meet at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities thereby given to and vested in them, in Execution; and shall then adjourn themselves, and afterwards meet at such Place as the said Commissioners there assembled at such Meeting, or any Three or more of them, shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and from Time to Time as often as the Case shall happen, such Meeting shall be deemed adjourned until that Day Three Weeks, to be held at the same Place; and all Meetings of the said Commissioners by virtue of this Act, shall be Publick; and the Majority of the said Commissioners present at every such Meeting (such Majority not being less than Three) shall have Power and Authority to execute the Powers hereby vested in the said Commissioners, but not otherwise; any thing herein contained to the contrarary notwithstanding.

In default of a sufficient Number to act.

Meeting to stand adjourned to that Day 3 Weeks.

All Meetings deemed Publick.

Provided nevertheless, and be it further enacted, That it shall and may be lawful for any Three or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner hereby directed, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mention-

Meeting may be called at any Time.

ed

ed in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Provided always, That no Meeting of the said Commissioners shall be good or effectual for any of the Purposes of this Act, unless previous Notice of the Time and Place thereof and the Business proposed to be done, under the Hand of the Clerk for the Time-being attending the said Commissioners, shall be first published in One of the York News Papers, and in such other Manner as the said Company of Proprietors, their Successors and Assigns, shall at any General Meeting appoint, at least Fourteen Days before every such intended Meeting of the said Commissioners; unless the Business to be transacted at any Meeting, of which such Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice, in which Case the Commissioners, or any Three or more of them, may, from Time to Time, adjourn to the succeeding Day; or if such Day be Sunday, then to the Monday following, and in like Manner from Day to Day; and may meet again at the same or any other convenient Place, and proceed in such Business until the same is finished, without any Notice to be given of the Meetings held by such last-mentioned Adjournments. Notice of Meetings to be given.

Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference between the said Proprietors, their Successors and Assigns, or any other Person or Persons, shall be held at York or some Place within Eight Miles of some Part of the said Navigation; and that no Order or Determination shall be made unless the Majority of such Commissioners present at such Meeting respectively shall concur therein, such Majority not being less than the respective Numbers authorised to make such Orders or Determinations; and that no Order or Determination of the said Commissioners duly made shall be revoked or altered, unless Twelve Commissioners shall be present and concur therein. To be held within 8 Miles of the Navigation, &c.

And be it further enacted, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hand and Seal of any Justice of the Peace, or under the Hands of the said Commissioners, or any of them, or any other Person or Persons appointed or employed by them, or any Assignment or Transfer of any Share or Shares, or other Writing whatsoever, made in pur- Writings exempted from Stamp-duty, &c.

ſuance of the Powers given in and by this preſent Act, ſhall be charged or chargeable with any Stamp-duty whatſoever; and that no Proceedings to be had or taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form only.

Proceedings not to be quaſhed for want of Form.

Fines, &c. how to be recovered.

And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or by any Rules, Bye-laws, or Conſtitutions, made by the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, by the Authority thereof, the levying and recovering of which ſaid Fines, Penalties, and Forfeitures, are not herein before particularly directed, ſhall be levied by Warrant under the Hand and Seal, or Hands and Seals of One or more Juſtice or Juſtices of the Peace of the North Riding of the ſaid County of York; which ſaid Juſtice or Juſtices is and are hereby authoriſed to hear and examine Witneſſes upon Oath, and determine the ſame; and may, according to his or their Diſcretion, mitigate any Fine, Penalty, or Forfeiture herein before allowed to be mitigated; and all ſuch reſpective Fines, Forfeitures, and Penalties, by this Act impoſed and inflicted, the Application whereof is not herein before particularly directed, ſhall be paid into the Hands of the Receiver of the Monies to be raiſed by virtue of this Act, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Navigation, and to and for no other Uſe or Purpoſe whatſoever.

Diſtreſs not unlawful for want of Form,

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

nor Parties making it to be deemed Treſpaſſers *ab initio*, on account of ſubſequent Irregularity.

Perſons aggrived may appeal to the Quarter Seſſions;

Provided always, and be it enacted, That all Perſons who ſhall think themſelves aggrieved by the Order or Judgement of any Juſtice or Juſtices of the Peace, or any of the ſaid Commiſſioners, upon account of any Offence committed, or ſuppoſed to be committed, either againſt this Act, or againſt any Bye-law, Order, or Conſtitu-

tion authoriſed to be made and altered, from Time to Time as aforeſaid, may appeal to the Juſtices of the Peace for the North Riding of the ſaid County of York, or the Liberty of Saint Peter, at their General or Quarter-ſeſſions of the Peace, within Six Months next after ſuch Cauſe of Appeal ſhall ariſe; the Perſon or Perſons ſo appealing giving Security, to the Satisfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be allowed and aſcertained by the ſaid General Quarter-ſeſſions, in caſe ſuch Order or Judgement ſhall be affirmed; and the Juſtices, at ſuch General or Quarter-ſeſſions are hereby authoriſed and required to hear and determine ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts to the Party appealing, or appealed againſt, as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removable by any Writ of Certiorari or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere. giving Security.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, Agents, Officers, Servants or Workmen, from Time to Time, and at all Times hereafter, to enter upon the Lands or Grounds of the ſeveral Perſons, Bodies Politick, Corporate, or Collegiate, near unto the ſaid River and Brook, and in or through which the ſaid Dams, Locks, Weirs, Cuts, or Canals, Roads, Ways, and other Works hereby authoriſed or intended to be made, in order to ſurvey and take Levels of the ſame, and to ſet out and aſcertain ſuch Parts thereof as the ſaid Company of Proprietors, their Succeſſors and Aſſigns ſhall think neceſſary or proper for the making ſuch Dams, Locks, Weirs, Cuts, or Canals, Ways, Paths, and Paſſages, and for compleating the Navigation of the ſaid River, Brook, Cuts, or Canals, and other the Matters and Conveniencies aforeſaid; the ſaid Company of Proprietors, their Succeſſors and Aſſigns, Agents, Officers, Servants, and Workmen, making Satisfaction for the Damage they ſhall do thereby to the Occupiers of ſuch Lands or Grounds for the Time being, in caſe the ſame ſhall exceed the Sum of One Shilling. Lands to be entered for making Surveys.

And whereas the Mill and Dam belonging to the Right Honourable the Earl of Egremont, ſituate within the Manor of Topcliffe, by virtue and in purſuance of the Directions in the ſaid recited Act contained, were removed from the Place and Situation in which the ſaid

Mill

Mill and Dam stood and were situate before the passing of the said recited Act to a more convenient Place; it is hereby provided, enacted, and declared, That the said Earl of Egremont, his Guardian or Guardians, Heirs or Assigns, shall have the same Powers and Authority, Privileges and Advantages of working and enjoying the said Mill so removed, as he or they was or were at any Time heretofore possessed of in the said Mill before the Removal thereof as aforesaid; any Thing herein contained to the Contrary thereof in any wise notwithstanding; and that no other Mill shall at any Time hereafter be built within the Piece of Ground where the said Topcliffe Mills formerly, and before the said Removal, stood and were situate, on any Account or Pretence whatsoever.

Earl of *Egremont's* Right reserved.

Towing-paths not to be made through Gardens, *&c.* at *Myton* or *Newby*.

Provided always, and be it enacted, That nothing in this Act contained shall extend to impower or authorise the said Company of Proprietors, their Successors, and Assigns, their Agents, Officers, Servants, or Workmen, to appoint or make use of any Towing-path, for towing, haling, or drawing of Boats or Vessels by or through the Gardens or Plantations of Sir Briant Stapleton Baronet, at Myton, or by or through the Gardens or Plantations of Sir Norton Robinson Baronet, at Newby, on those Sides of the said River Swale where their Mansion-houses do respectively stand.

Boatmen, *&c.* not to moor against *Myton* or *Newby*.

Provided also, and be it enacted, That nothing in this Act contained shall extend to impower or authorise any Owner or Master of any Boat, Barge, Lighter, or Vessel, or any of the Boatmen, Lightermen, Watermen, Crew, Passengers, or others, to moor, tie, fasten, or lay to, or put any Plank from out of any such Boat, Barge, Lighter, or other Vessel, or to load or unload any Goods or Things therefrom, upon or against, or within the Distance of One hundred Yards above or below the Gardens or Plantations of or belonging to the said Sir Brian Stapleton, at Myton, on that Side of the River Swale where his Mansion-house now stands, or upon, or against, or within the Distance of One hundred Yards above or below the Gardens or Plantations of or belonging to the said Sir Norton Robinson at Newby, on that Side of the River where the Mansion-house of the said Sir Norton Robinson now stands; nor to impower or authorise any such Owner or Master, Boatman, Lighterman, Waterman, Crew, Passengers or others to land or come on Shore at, upon, or against, or within the said Distance from the respective Places aforesaid, on that Side of the said River where the said Mansion-houses respectively

ſpectively ſtand, without the Conſent of the Owner or Owners, Occupier or Occupiers of the ſaid Gardens or Plantations reſpectively; and in caſe any Perſon or Perſons ſhall offend in any of the ſaid Particulars, he, ſhe, or they, ſo offending, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the ſaid Riding or Liberty reſpectively, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay to the Informer or Informers the Sum of Ten Shillings; and in Default thereof, the Perſon or Perſons ſo offending ſhall, by Warrant or Warrants of ſuch Juſtice or Juſtices, be ſent to the Common Goal or Houſe of Correction, there to be kept to hard Labour for ſuch Time as ſuch Juſtice or Juſtices ſhall direct, not exceeding One Calendar Month; and in caſe any Damage ſhall be ſuſtained by the reſpective Owner or Occupier, or Owners or Occupiers, of the Gardens or Plantations whereon any Treſpaſs ſhall from Time to Time be done or committed; then, and in every ſuch Caſe, the Owner or Maſter, or Owners or Maſters, or Perſons having the Charge of any ſuch Boat, Barge, Lighter, or other Veſſel, ſhall be, and is and are hereby made anſwerable for the ſame; to be recovered by Action or Actions in the Name or Names, and for the Uſe of the Party or Parties injured thereby, in any of his Majeſty's Courts of Record in Weſtminſter, in like Manner as Damages for wilful Treſpaſſes are recovered according to the Laws of this Realm; and if found guilty, or Judgement ſhall be given againſt him or them upon Demurrer, or by Default, the Plaintiff or Plaintiffs ſhall not only recover his or their Damages thereby ſuſtained, but alſo Coſts of Suit.

Provided always nevertheleſs, That as for and concerning all ſuch Damages as ſhall be done by getting, leading, laying, or working, any of the Materials to be from Time to Time made uſe of for the ſaid Navigation, the ſame ſhall be aſcertained and ſettled in Manner aforeſaid, and ſhall be paid as ſoon as conveniently may be after the finiſhing the Works for which ſuch Damages ſhall be occaſioned; any thing in this Act contained to the contrary thereof notwithſtanding. Certain Damages not to be ſettled till the Works are finiſhed.

And be it further enacted, That in caſe any of the Lands in, through, or over which the ſaid Locks, Cuts, or Canals, or any Part thereof, are intended to be made, ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, upon Application being made to them by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators; Proprietors may pay the Money aſſeſſed to Mortgages.

ſtratoꝛs; and the ſaid Company of Pꝛopꝛietoꝛs, their Succeſſoꝛs, and Aſſigns, are hereby authoꝛiſed and impowered to pay ſuch Sum oꝛ Sums of Money, after the ſame ſhall have been ſo agreed foꝛ, and adjuſted oꝛ aſſeſſed in Manner as afoꝛeſaid, foꝛ ſuch Lands in Moꝛtgage, in Part of the Pꝛincipal Money that ſhall be due upon ſuch Moꝛtgage oꝛ Moꝛtgages, unto ſuch Moꝛtgagee oꝛ Moꝛtgagees, his, her, oꝛ their Executoꝛs oꝛ Adminiſtratoꝛs.

Mortgagees to give Receipts.

Pꝛovided always, That upon Receipt of ſuch Sum oꝛ Sums, ſuch Moꝛtgagee oꝛ Moꝛtgagees, his, her, oꝛ their Executoꝛs oꝛ Adminiſtratoꝛs reſpectively, ſhall acknowledge the Receipt of ſuch Sum oꝛ Sums of Money by an Indoꝛſement oꝛ Indoꝛſements to be made upon the Back of ſuch Moꝛtgage oꝛ Moꝛtgages, and ſigned by ſuch Moꝛtgagee oꝛ Moꝛtgagees, his, her, oꝛ their Executoꝛs oꝛ Adminiſtratoꝛs reſpectively, in the Pꝛeſence of Two oꝛ moꝛe credible Witneſſes, in Satisfaction of ſo much of the Pꝛincipal Money due upon ſuch Moꝛtgage oꝛ Moꝛtgages.

Drains to be made to convey the Water from Lands.

And be it further enacted, That the ſaid Company of Pꝛopꝛietoꝛs, their Succeſſoꝛs, and Aſſigns, ſhall, and they are hereby required to make, oꝛ cauſe to be made, ſuch Arches, Tunnels, Dꝛains, oꝛ other Paſſages, over oꝛ under, oꝛ into the ſaid River, Bꝛook, Cuts, oꝛ Canals, hereby authoꝛiſed to be made, as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining oꝛ lying near unto the ſaid River, Bꝛook, Cuts, oꝛ Canals, oꝛ any of them, without obſtructing oꝛ impeding the ſame.

Where Cattle are deprived of Watering-places, others to be made.

And be it further enacted, That where, by making any Part of the ſaid Navigation, the Cattle which were uſed to be kept in the adjacent Gꝛounds, ſhall be depꝛived of their uſual Watering-places; that then the ſaid Company of Pꝛopꝛietoꝛs, their Succeſſoꝛs, oꝛ Aſſigns, ſhall, and they are hereby required to make, oꝛ cauſe to be made, pꝛoper and convenient Watering-places foꝛ Cattle in the Lands adjoining to the ſaid River, Bꝛook, Cuts, oꝛ Canals, in every ſuch Gꝛound where Cattle were heretofoꝛe accuſtomed to have Watering-places as afoꝛeſaid, and to ſupply the ſame with Water from ſuch Cuts oꝛ Canals if neceſſary.

Proviſo.

Pꝛovided alſo, and it is hereby enacted and declared, That nothing in this Act contained ſhall pꝛejudice oꝛ impede the Navigation up any River oꝛ Bꝛook running into the River Swale, between its Junction with the Ure and Morton Bridge, oꝛ extending the Navigation higher up the ſaid River Swale than Morton Bridge, ſo as the ſame

same be no Obstruction to the Navigation of the said River Swale.

Reservation of Rights.

Provided always, and be it enacted, That nothing herein contained shall extend to lessen, prejudice, impeach, or affect any ancient customary Tolls or Dues, which, by Prescription or Royal Grant, are legally and justly due and payable to the Mayor and Commonalty of the City of York, for or in respect of any Goods, Wares, or Merchandizes, which shall be brought in any Ship, Keel, or other Vessel to the City of York, up or down the River Ouze; nor is intended, or shall extend, or be construed to lessen, prejudice, impeach, or affect any Tolls or Rates, which by virtue of a Statute made in the Thirteenth Year of King George the First, intituled, An Act for improving the Navigation of the River *Ouze* in the County of *York*; or by a Statute made in the Fifth Year of the Reign of King George the Second, intituled, An Act for rendering more effectual an Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for improving the Navigation of the River* Ouze *in the County of* York; are authorised to be demanded and taken by the Trustees nominated by or in pursuance of the said respective Acts, or either of them, for or in respect of any Goods, Wares, or Merchandizes brought or conveyed in any Ship or Vessel upon the said River Ouze above Wharfmouth; but that the same shall and may, after the passing of this Act, be demanded and recovered in the same Manner, to all Intents and Purposes, as if this Act had not been made.

Acts 13 *Geo.* I. and 5 *Geo.* II.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein before given or granted; every such Action, Suit, or Information, shall be brought and commenced within Six Calendar Months next after the Fact committed, for which such Action or Suit shall be commenced, and not afterwards, and shall be brought, laid, and tried in the County of York, and not elsewhere; and the Defendant or Defendants in all such Actions or Suits may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time before limited for bringing the same,

General Issue.

or shall be brought or laid in any other County or Place than as aforesaid; that then, and in every or any such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared; or if upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, in every such Case, shall have Treble Costs, and shall have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Act 7 *Geo.* III. in Part repealed.

And be it further enacted, That from and immediately after the passing of this Act, the said recited Act made in the Seventh Year of the Reign of his present Majesty, For making navigable the River Ouze, from below Widdington Ings at or near Linton, to the Junction of the Rivers Swale and Ure; and for making navigable the said River Swale from the said Junction to Morton Bridge, and also the Brook running from Bedale into the River Swale, in the County of York; so far as the same concerns the Navigation from the Junction of the said Rivers Swale and Ure, up the said River Swale to Morton Bridge, and up the said Brook to Bedale aforesaid, shall be, and the same is hereby repealed.

Publick Act.

And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.