ANNO UNDECIMO

Georgii III. Regis.

An Act for making a Navigable Cut or Canal from *Chesterfield*, in the County of *Derby*, through or near *Worksop* and *Retford*, to join the River *Trent*, at or near *Stockwith*, in the County of *Nottingham*.

WHEREAS the making a navigable Cut or Canal from the Town of Chesterfield, through or near the several Parishes, Hamlets, or Places of Chesterfield, Newbold, Brimmington, Stavely, Eckington, and Killamarsh, in the County of Derby, Harthill, Wales, Thorpe Salvin, and Anston, in the County of York, and of Shireoaks, Worksop, Manton, Osberton, Babworth, West Retford, Ordsall, East Retford, Clarborough, Hayton, Cloworth, Whystone, Everton, Gringley on the Hill, Walkeringham, and Misterton, in the County of Nottingham, to communicate with the River Trent at or near Stockwith, in the said County of Nottingham, for the navigating of Boats and other Vessels with heavy Burthens, will open commercial Intercourses between the said several Towns of Chesterfield, Worksop, Retford, and Stockwith, and the Port of Kingston upon Hull, and several inland Counties, Towns, and Places where considerable Trades and Manufactures are carried on and established, will also open an easy Access to different Collieries in the said County of Derby, and to different Preamble.

Limeſtone Quarries in the ſaid Counties of York and Nottingham, and contribute to the Relief and Convenience of the poor Inhabitants reſiding near the Courſe of the ſaid Cut or Canal, and tend to the Improvement of the adjacent Lands, the Preſervation of the Roads, and be of great publick Utility: And whereas the ſeveral Perſons herein-after named are deſirous, at their own proper Coſts and Charges, to begin, carry on, and compleat the ſaid navigable Cut or Canal; wherefore, and for obtaining and perfecting the good Ends and Purpoſes aforeſaid; may it pleaſe your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the moſt Noble William Duke of Devonſhire, the moſt Noble Henry Fienes, Pelham Clinton Duke of Newcaſtle, the Right Honourable Nathaniel Lord Scarſdale, Jonathan Acklom, William Adney, Sarah Aſhbury, Francis Atkinſon, Alexander Barker, John Barker, Francis Barber, Robert Bates, James Beard, Edmund Beeley, Thomas Binney, Richard Binney, William Blow, Henry Bonſor, William Booth Clerk, John Booth, James Booth, Richard Bowzer, George Bower, John Bright, Joſeph Bright, Thomas Briſtowe, Samuel Brown, George Brown, William Brown, Edward Brown, Francis Brownlow, Thomas Brumby, Thomas Calton, Lydia Carter, Joſeph Champion, Godfrey Clarke, William Clarke, Thomas Clarber, John Clement, Thomas Cockſhut Clerk, Joſias Cockſhutt, William Collinſon, Thomas Colton, William Cowley, William Crampton, Aſhton Curzon, Roger Dawſon, John Deakin, Peter Dickonſon, Elizabeth Dickonſon, Richard Dixon, John Dunſton, John Ella Clerk, Wharton Emerſon, the Reverend Doctor John Fountain Dean of York, Benjamin Francis, Robert Freeborough, John Frith, John Frith junior, Stephen Gamble, Anthony Gallimore, John Goodwin, John Gylby, William Gylby, Samuel Hallifax, D. D. Robert Hallifax, M. D. William Harding, John Harris, Anthony Hartſhorne, Godfrey Heathcote, Godfrey Heathcote junior, James Heywood, Joſeph Hickſon, Robert Hickſon, John Hill, Thomas Holehouſe, Thomas Hollins junior, John Hodſon, Fretwell Hudſon, Richard Hutchinſon, John Hutchinſon, Richard Jackſon, Samuel Jebb, John Jennings, Francis Inman, Thomas Johnſon, William Kirk, John Kinder, Charles Kinder, Richard Lambert, Jonathan Leivers, John Lockwood, William Lord, Bernard Lucas, George Maſon, John Maſon, Charles Mandevile, Robert Marſden of Cheſterfield, Robert

Truſtees Names.

bert Marſden of Ox-Cloſe, Iſaac Metcalf, Thomas Medlam, Richard Milnes, William Milnes, Richard Milnes, M. D. Robert Moody, John Moody, George Morton, Sampſon Moſman, Richard Nall, Joſeph Nall, Richard Nelſon, Thomas Nelſon, Jonathan Nettleſhip, John Otter, Timothy Outram, Thomas Outybridge, John Parker, John Parſons, John Payne, Margaret Peete, George Poplewell, John Popple, Iſaac Reed, Anne Revell, John Rogers, William Rogers, Richard Roe, Mary Robinſon, Joſhua Sampſon Clerk, Michael Sampſon, John Saxton, Thomas Shirt, John Simpſon Clerk, Lindley Simpſon, Alexander Simpſon, Adam Slater, Gill Slater, Richard Slater, Joſhua Smith, John Smith, Seth Ellis Stevenſon Clerk, Joſeph Storrs, Cordall Storrs, Thomas Storrs, Robert Sutton, Godfrey Sykes, John Taylor the younger, Robert Thornley, John Thornton, John Tomlinſon, Samuel Towndrow, John Twigg and Company, Nicholas Twigg, Anne Wade, William Walton, Robert Want, Godfrey Webſter, Richard Weſt, David Wheelwright, Joſhua Whildon, Reuben White, John White, John Whitehouſe, Allwood Wilkinſon, John Willott, John Wilſon, Joſeph Wilſon, William Wilſon, Andrew Wilſon, John Winter, Joſeph Wood, Anne Woolby, Sir Cecil Wray Baronet, John Wright, Francis Yates, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as they, or the major Part of them, at any General Meeting aſſembled ſhall nominate and appoint, under their Hands and Seals, are and ſhall be united into a Company, for the better carrying on, making, compleating, and maintaining the ſaid navigable Cut or Canal, paſſable for Boats, Barges, and other Veſſels, 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 Proprietors of the Canal Navigation from *Cheſterfield* to the River of *Trent*; 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 Statute of Mortmain; and the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall be, and are hereby authoriſed and impowered, from and after the Sum of One hundred thouſand Pounds ſhall be ſubſcribed towards making and compleating the the ſaid navigable Cut or Canal, and carrying this Act into Execution, by themſelves, their Deputies, Agents,

Proprietors declared to be a Corporation;

and ſhall make and compleat the Canal.

Officers, Workmen, Servants, and Assigns, to make and compleat a Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, from the said Town of Chesterfield, through or near the several Parishes, Hamlets, and Places herein before mentioned, to the said Town of Stockwith, in such Course and Direction as the same is delineated in the Map or Plan herein after mentioned, or within the Space of Sixty Yards from the same, except as herein after excepted, and supply the said Cut or Canal whilst the same shall be making, and when made, with Water out of such Springs as shall be found in making the said Cut or Canal, and out of such Brooks, Streams, and Watercourses as are or shall be found within the Distance of One thousand Yards, except as herein after excepted, from any Part of the said intended Cut or Canal, or within the Distance of Five Miles from any Part of the said Cut or Canal which lies upon the Summit of the Hill at Norwood, between the two intended Locks from which the Water will fall East and West, or within the Distance of Three Miles from the Termination of the said intended Cut or Canal at Chesterfield aforesaid, or out of the Brook or River called Doe Lee, or out of any Part thereof within Three Miles from the said Cut or Canal, except as herein after excepted; and also to make such Reservoirs, Side Cuts or Drains, within the Distance last above mentioned, as shall be necessary for the Purposes of supplying the said Cut or Canal with Water, and for that Purpose, in, upon, and through the Lands and Grounds of or belonging to the King's Majesty, His Heirs or Successors, or of any other Person or Persons, Bodies Politick, Corporate or Collegiate whatsoever, not being at this Time Ground whereon a Dwelling-house or Out-house stands, or a Garden, Yard, Park, Paddock, planted Walk, or Avenue to an House, Lawn inclosed, or adjoining to a Mansion-house, save as herein after mentioned, to enter, and to bore, dig, cut, trench, sough, remove and lay Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things, (except as herein after is excepted) which may be dug or got in the making thereof, or which may hinder, prevent, or obstruct the making, using, or compleating and maintaining the said navigable Cut or Canal, and for making, using, compleating and maintaining of such Trenches, Passages, Gutters, and Watercourses, as shall be necessary and proper to convey Water to and from the said Cut or Canal, according to the Tenor and Purport of this Act; and also to make, build, erect and set up, in or upon

Side Cuts or Drains may be made, and Earth Stone, &c. removed, not being a House, Garden, Park, &c.

upon the said intended Cut or Canal, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing-places, Weigh Beams, Cranes, and other Works, Ways, Roads, and Conveniencies, as and where they the said Proprietors, their Successors and Assigns, shall think requisite and convenient for the Purposes of the said Navigation; and also from Time to Time to alter, repair, and amend the same, for the Purposes aforesaid, not passing through any Garden, Yard, Park, Paddock, Orchard, planted Walk, or Avenue to a House, or Lawn inclosed adjoining to a Mansion-house, and to make, widen, or enlarge any Bridges, Ways, Roads, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, or other Conveniencies, as well for the carrying and conveying Goods, Commodities, and other Things to or from the said Cut, Canal, or Navigation, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, or amending the said Works of and belonging to the said Navigation; and also to place, lay, work, and manufacture the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, or alter any Fences or Passages over, under, or through the said Cut or Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively which shall communicate therewith; and also to make, set up, and appoint such Towing-paths and Banks convenient for towing, haling, or drawing of Boats, Barges, or other Vessels passing in, through, or upon the said Cut or Canal, as they the said Proprietors, their Successors and Assigns, shall think convenient; and also to dig, take, and carry away Soil, Clay, Gravel, Sand, or Stone, proper, requisite, and convenient for carrying on and continuing the said Works and Undertakings, in or from any Grounds of any Person or Persons adjoining or lying contiguous thereto, (not being a House, Garden, Yard, Park, Paddock, Orchard, planted Walk, or Avenue to a House, or Lawn inclosed, or adjoining to a Mansion-house) and to construct, erect, and keep in Repair any Piers, Arches, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing the said Cut or Canal, and Towing-paths on the Sides thereof; and also to construct,

struct, erect, make, and do all other Matters and Things which they shall think necessary and convenient for the making, effecting, preserving, improving, compleating, and using the said Navigation in pursuance and within the true Meaning of this Act, they the said Proprietors, their Successors and Assigns, doing as little Damage as may be in the Premises, and making Satisfaction in Manner herein after directed to the Owners or Proprietors of, or Persons interested in such Lands, Tenements, or Hereditaments,, Waters, Watercourses, Brooks, or Rivers respectively, as shall be taken and removed, diverted, or prejudiced, for all Damages to be by them sustained 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, and 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.

For limiting the Length of the Roads to communicate with the Canal.

Provided always, and be it enacted, That nothing herein contained shall extend to impower the said Company of Proprietors, their Successors or Assigns, Agents, Servants, or Workmen, to make or cause to be made, any Way or Road, Ways or Roads, for carrying and conveying Goods, Commodities, and other Things, to and from the said Cut or Canal, of greater Length than One Mile from the Side of the said Cut or Canal; and if any Owner or Occupier of Lands through which the Ways or Roads hereby intended to be made shall object to the same, the said Commissioners, or any Nine or more of them, are hereby impowered to meet (on Notice being given in the Derby, York, or Nottingham News-papers, at least Twenty Days before such Meeting, and the Purposes of such Meeting being expressed in the said Notice) at or near the respective Places where such Ways or Roads are intended to be made, and shall hear and determine whether such Roads or Ways, or any of them, is or are necessary and proper and shall be made; any Thing herein contained to the Contrary notwithstanding.

Tolls may be taken from Persons passing with Cattle, Carriages, &c. on said Roads.

Provided always, That nothing in this Act contained shall extend to impower the said Company of Proprietors, their Successors or Assigns, or other Person or Persons whatsoever, to take or collect any Toll or Tolls from the Person or Persons passing or repassing with Cattle, Carriages, or otherwise, upon the said Roads respectively; and the said Roads shall, from and after the making thereof, be deemed and considered as publick High Roads, and shall be maintained and kept in Repair

pair by the said Company of Proprietors, their Successors or Assigns; any Thing herein contained to the Contrary thereof notwithstanding.

Canal may be carried through Gardens, &c. belonging to Cottages under a certain yearly Value.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to hinder or prevent the said Company of Proprietors, or any Person or Persons employed by them, from making and conducting the Course of the said Cut or Canal through or over any House, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed, or adjoining to a Mansion-house, which was not such on the First Day of March, One thousand seven hundred and seventy-one; and also a certain Garden or Orchard of and belonging to Richard Staunton Sitwell Esquire, lying and being in Killamarsh, in the said County of Derby, in the Possession of Mistress Porter; and also through or over another certain Garden or Orchard of and belonging to Richard Stanley, lying and being in Worksop aforesaid, in the said County of Nottingham, now in his the said Richard Stanley's Possession; any Thing in this Act contained to the Contrary in any-wise notwithstanding.

To prevent Mills being erected on the Canal, or cutting Wood.

Provided also, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Proprietors, their Successors or Assigns, to erect or build any Mill or Mills upon the said intended Cut or Canal hereby authorised to be made, or upon the Lands which shall be set out for the Towing-paths, Wharfs, or Quays on the Sides thereof, or to convert, employ, or use any Water that shall be brought into, or discharged out of, the said Cut or Canal, Trenches or Sluices hereby authorised to be made, to or for the Use of any Mill or Mills hereafter to be erected near such Cut or Canal, or to cut down any Timber-wood, Brush-wood, or Underwood, upon any of the Estates or Lands through or into which the said navigable Cut or Canal, Trenches, Sluices, Roads, Passages, or Conveniencies, or any Part thereof respectively shall be made or carried, except such Timber-wood, Brush-wood, or Under-wood, as shall grow or be in or upon any of the Lands or Grounds which shall be set out and ascertained, taken or used, for the making the said navigable Cut or Canal, Towing-paths, Trenches, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid; and that the Proprietors of the respective Lands and Grounds on which such Timber-wood, Brush-wood, or Under-wood shall grow at the Time of passing this Act, their Heirs or As-

ſigns ſhall have it in their Option to take ſuch Timber-wood, Brush-wood, and Under-wood reſpectively, when fallen or cut down by the ſaid Company of Proprietors, their Succeſſors and Aſſigns, at ſuch Price or Value as the ſame reſpectively ſhall have been eſtimated at or purchaſed by the ſaid Company of Proprietors, their Succeſſors and Aſſigns; which Timber-wood, Brush-wood, or Under-wood ſo fallen and cut by the ſaid Company of Proprietors, ſhall and may be carried to and from any Part of the ſaid Cut or Canal, free from all Tolls and Duties to be raiſed or levied by virtue of this Act: But in caſe the ſame ſhall not have been eſtimated at, or purchaſed by them upon a Valuation ſeparate or diſtinct from the Lands or Grounds upon which the ſame reſpectively ſhall grow, then at ſuch Price or Value as ſhall be agreed on for that Purpoſe between ſuch Proprietors or Owners of Lands and the ſaid Company, their Succeſſors and Aſſigns, or their Agent; or in caſe of any Difference of ſettling and aſcertaining the ſame, then at ſuch Price or Value as the ſaid Commiſſioners, or any Five or more of them, ſhall direct and appoint.

Not to alter the Courſe of *Bonder Beck* without the Conſent of *John Hewett* Eſquire, or his Heirs.

Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to give any Power or Authority whatſoever to the ſaid Company of Proprietors, their Succeſſors, Aſſigns, Deputies, Agents, Officers, Workmen, or Servants, to alter, turn, divert, or in any Manner to interrupt or meddle with the Courſe of the Water which proceeds from a Spring near to the Dwelling-houſe of Maſter John Pilkington, ſituate in the Pariſh of Whitwell, in the ſaid County of Derby, called by the Name of Cindars, or of that which proceeds from a Spring in a Cloſe of Miſtreſs Sarah Bright, in the Pariſh of Whitwell aforeſaid, in the Tenure of George Platt, at the Diſtance of about Fifty Chains from the former Spring, the Streams of which unite at a Place on Whitwell Common aforeſaid, called the Carr, or any other Courſe of Water or Spring which runs into and helps to ſupply with Water a certain Brook or Beck, commonly called Bonder or Boundary Beck, for the Purpoſe of ſupplying the ſaid Canal with Water, either while it is making or after it is made, or for any other Purpoſe or Purpoſes whatſoever, without the Conſent in Writing of the moſt Noble Thomas Duke of Leeds, and of John Hewett Eſquire, the preſent Owners of Shireoaks Hall, in the County of Nottingham, or of the future Owner or Owners thereof for the Time being, firſt had and obtained.

Provided

No Wharfs, &c. to be made on certain Lands, and only one Towing-path.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to impower the said Company of Proprietors, their Successors or Assigns, to make or erect in any of the Lands of the Honourable Elizabeth Cavendish, situate within One thousand Yards of Staveley Hall, in the said County of Derby; or in any of the Lands of John Hewett Esquire, situate within One thousand Yards of either of his Mansion houses at Shireoaks and Osberton, in the said County of Nottingham; or in any of the Lands of Jonathan Acklom Esquire, situate within One thousand Yards of his Mansion-house at Whystone, in the said County of Nottingham; or to make or erect in any of the Lands of the said most Noble Thomas Duke of Leeds, between a certain Bridle-way leading from Wales to Woodall, and another certain Bridle-way leading from Thorpe Salvin to Anston, in the County of York, any Quay, Wharf, Crane, Weighing Beam, Mill, Warehouse, or other Building; or to make more than One Towing-path to the said Canal on any of the said Lands so situate within One thousand Yards of the said Four Houses, which Towing-path shall be on the opposite Side of the said Canal from the said respective Houses.

That no Building shall be erected within a certain Distance of the Canal on *East Retford Common.*

Provided always, and be it enacted, That nothing in this Act contained shall extend to impower the said Company of Proprietors, their Agents, Officers, or Workmen, or any Body Politick or Corporate, or any other Person or Persons, to erect or build, or cause to be erected or built, any Wharf, Warehouse, or other Building, upon or within One hundred Yards of either Side of the said Cut or Canal, in any Part of a certain Common called East Retford Common, between a Point of the said Canal, beginning Ten Yards West of the South East Corner of a certain Ground or Garden in East Retford aforesaid, belonging to the Heirs of John White Esquire, deceased, and now or late in the Occupation of William Wilson, adjoining to the said Common, and a certain Place called the Spaw, situated upon the said Common; any Thing herein contained to the Contrary notwithstanding.

To limit the Towing-paths.

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, Agents, Officers, Servants, or Workmen, to appoint or make use of any Towing-path for towing, haling, or drawing of Boats or Vessels on the North Side of the said Cut or Canal, between a certain Close of the said Thomas Duke of Leeds, called Little Moor Close,

Close, in the Parish of Wales, in the Occupation of John Wright, and a certain Road leading from Thorpe to Kiveton Park-gate, or on the South East Side of the said Cut or Canal in any of the Lands of Robert Rogers, in the Parish of Babworth aforesaid, called the Forest, now in his the said Robert Rogers's Possession.

Canal not to be made within 200 Yards of *Whystone Hall.*

Provided always, and it is hereby further enacted, That the said Cut or Canal, or any of the Works belonging thereto, shall not be made within Two hundred Yards of the said Mansion-house of the said Jonathan Acklom, called Whystone Hall.

That *Staveley Forge* shall be supplied with Water at the Expence of the Proprietors.

Provided always, and be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall, and they are hereby directed, at their own proper Costs and Charges, from Time to Time, to supply the Furnace, Forge, and Corn-mill of the said Elizabeth Cavendish, called Staveley Forge, within the said Parish of Staveley, in the County of Derby, and such other Works as now are, or hereafter shall be erected there, with a sufficient Quantity of Water from their Reservoirs, or otherwise, for the working the said Furnace, Forge, and Corn-mill, and other Works, in as full, ample, and beneficial Manner as the same could have been worked if the Springs, Watercourses, or Streams of Water, or any of them, which now flow to or supply with Water the said Furnace, Forge, and Corn-mill, and other Works, had not been altered, diverted, or made Use of by the said Company of Proprietors; and for that Purpose shall make the Weir to discharge the Water out of the said Cut or Canal into the said Furnace-dam, called Staveley Forge, Four Inches lower in the Level than any other Weir which shall be made for discharging Water out of any Part of the said Cut or Canal between Chesterfield and Norwood aforesaid; any Thing in this Act contained to the Contrary thereof notwithstanding.

If the Proprietors shall not furnish the Corn-mills, *&c.* full Satisfaction to be made.

And be it further enacted by the Authority aforesaid, That in case the said Company of Proprietors their Successors or Assigns, shall not at all Times hereafter, by the Ways or Means aforesaid, or by any other Ways or Means, supply the said Furnace, Forge, Corn-mill and other Works of the said Elizabeth Cavendish, with such a Quantity of Water as that the same may be worked in as full, ample and beneficial Manner as the same could have been worked, if the said Springs, Watercourses, or Streams of Water, or any of them, had not been altered, diverted, or made use of by the said Company of Proprietors as aforesaid; then, and in such

such Case the said Company of Proprietors, their Successors or Assigns, shall, and they are hereby directed to make to the Owner and Proprietor of the said Furnace, Forge, Corn-mill, and other Works, for the Time being, full Satisfaction for the Damages or Loss which shall be so from Time to Time sustained as aforesaid; and which Damages or Loss shall from Time to Time be settled, ascertained, determined and recovered, in such Manner as the other Damages mentioned in this Act are directed to be settled, ascertained, determined, and recovered.

For making Satisfaction for Damages to the Mills on the River *Rother*, and to the Navigation of the River *Dun*.

Provided always, and be it further enacted by the Authority aforesaid, That if the said Company of Proprietors, their Successors or Assigns, Agents, Servants, or Workmen, shall, in making, cutting, and compleating the said Cut or Canal, either from the Nature of the Soil, or from the casual Opening of any subterraneous Passage or Passages, cause such a Waste of Water as thereby to obstruct, or in any Manner impede, hinder, prejudise, or injure the working, supplying, and furnishing any of the Mills belonging to the most Noble Edward Duke of Norfolk, standing upon the River Rother, called or known by the several Names of Woodhouse Corn and Sickle-mill, Treeton Corn-mill, Wiston Corn-mill, and Nowch or Cankley Corn-mill, in the said County of York, or any other Mill or Forge of the said Duke, now standing or being upon the said River, or upon any of the Streams, Brooks, or Rivulets, which now run into the same, with an equal Quantity of Water, in as full, ample and effectual a Manner as the same Mills and Forges, or any of them, now are and have hitherto been supplied, or to obstruct or in any Manner prejudise or injure the carrying on the Navigation of the River Dun, in the said County of York; then, and in every such Case, the said Company of Proprietors, their Successors and Assigns, shall pay to the said Edward Duke of Norfolk, his Heirs or Assigns, and to the Company of Proprietors of the Navigation of the said River Dun, their Successors or Assigns respectively, such Sum and Sums of Money in gross, or such annual Sum or Sums payable Half-yearly, as shall be equivalent to, and be a full Satisfaction for the Damages or Loss which shall be so sustained by reason of such Water being taken or diverted from the same Mills, Forges and Navigation, or any of them respectively; which said Satisfaction for Damages shall be settled, ascertained, determined, and recovered in such Manner as the other Damages mentioned in this Act are hereby

directed to be settled, ascertained, determined, and recovered, any Thing herein contained to the Contrary thereof notwithstanding.

To prevent the Water being carried further than *Norwood Hill*.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Company of Proprietors, their Successors or Assigns, Agents, Servants, or Workmen, to take or use any Part of the Water of the said River Rother, or of any Brook, Stream, Rivulet, or Spring running into the same, farther eastward than the Western Side of the Hill called Norwood, in the Parishes of Harthill and Wales, or One of them, in the said County of York; but that an effectual Stop shall be made at the said Western Side of the said Hill called Norwood, at the Expence of the said Company of Proprietors, in such Manner, that the Water brought thither by the said Canal shall be returned to the said River Rother by such Ways and Means as the said Company of Proprietors, their Successors or Assigns, shall think proper.

For preserving the Duke of *Norfolk*'s Springs in the Counties of *Derby* and *Nottingham*.

Provided also, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise or impower the said Company of Proprietors, their Successors or Assigns, at any Time or Times hereafter, to take, divert or use all or any Part of the Water arising or coming from the several Springs or Streams of Water in the said Counties of Derby and Nottingham, called Coldwell Spring, Steetly Spring, and Darfold Spring, which now supply, or hereafter may be made to supply with Water, the Mansion-house of the said Edward Duke of Norfolk, called Worksop Manor, and the Offices and Out-buildings belonging thereunto, or any of the said last-mentioned Springs or Streams of Water, but that the whole Body of the Water arising or coming, or to arise or come, from the said several Springs or Streams of Water, and from every of them, shall, from Time to Time, and at all Times hereafter, be permitted to flow from the said several Springs or Streams of Water, to and for the Use and Benefit of the said Mansion-house of him the said Edward Duke of Norfolk, in the Parish of Worksop, in the said County of Nottingham, and to supply the same, and all the Offices and Out-buildings, which do now, or at any Time hereafter shall belong thereto, with Water, in as full and ample a Manner, to all Intents and Purposes as the same would have done if this Act had not been made; any Thing in this

this Act contained to the Contrary thereof in any-wise notwithstanding.

That *Manton Farm-house* shall not be prejudiced by the Works of the Navigation.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Company of Proprietors, their Successors or Assigns, Agents, Servants, or Workmen, to make the said Cut or Canal, Towing-paths, Banks, Back Drain or Drains, or any other Work or Works whatsoever, for the Purposes of the said Navigation, in, upon, or through, the Stack-yard or Place generally used for setting Stacks upon, and belonging to a certain Farm-house, in the Parish of Worksop aforesaid, the Property of the said Edward Duke of Norfolk, called Manton House, or Manton Farm-house, now in the Occupation of William Raines; and that they the said Company of Proprietors, their Successors or Assigns, shall, and they are hereby required, to carry the said Cut or Canal, Towing-path, Banks, Back Drain or Drains, or other Work or Works, wholly on the North Side of the said Farm-house, called Manton House, or Manton Farm-house, and of the Buildings, Yards, and Gardens thereto adjoining and belonging; and also that they the said Company of Proprietors, their Successors or Assigns, shall, at their own proper Costs and Charges, make, or cause to be made, and from Time to Time kept open and in good Repair, a sufficient Back Drain betwixt the South Bank of the said Cut or Canal and the said Farm-house called Manton House, or Manton Farm-house, to convey the Waters which shall or may happen to soak through, and ooze out of the same from the said Farm-house and Buildings, and the Yards and Gardens thereto adjoining or appertaining.

Not to prejudice the Duke of *Norfolk*'s Water Engine.

Provided also, and be it further enacted by the Authority aforesaid, That in case the said Company of Proprietors, their Successors or Assigns, Agents, Servants or Workmen, shall, in making or using the said navigable Cut or Canal, divert, take away, or make use of any of the Water which now flows to or supplies a certain Engine belonging to the said Edward Duke of Norfolk, standing and being upon the Worksop River, in the Parish of Worksop aforesaid, called The Water Engine, for supplying with Water the Mansion-house of the said Edward Duke of Norfolk, called Worksop Manor, and the Ponds, Reservoirs, and Pieces of Water thereto belonging, so as that the said Water Engine shall be prevented from working, and supplying with

with Water the said Mansion-house, Ponds, Reservoirs, and other Pieces of Water, in as effectual a Manner as the same now doth, or at any Time hereafter might have done, if such Water had not been diverted, taken away, and made use of by the said Company of Proprietors as aforesaid; then, and in such Case, the said Company of Proprietors, their Successors and Assigns, shall, and they are hereby directed, at their own proper Costs and Charges, from Time to Time, to supply the said Water Engine with an equal or sufficient Quantity of Water from their Canal, Reservoirs, or some other of their Waters for the working the said Water Engine, and thereby serving the said Mansion-house, Ponds, Reservoirs, and Pieces of Water, in as full and effectual a Manner as the same would have been if the said Water had not been diverted as aforesaid: But in case the said Company of Proprietors, their Successors or Assigns, shall, at any Time or Times, neglect to furnish or supply the said Water Engine with a sufficient Quantity of Water for the Purposes aforesaid; then, and so often, from and after Twenty-one Days Notice in Writing shall be given, that the said Water is so diverted or taken away from the said Engine as aforesaid, to the said Company of Proprietors, their Successors or Assigns, or to their Agents or Agent for the Time being, it shall and may be lawful to and for the said Edward Duke of Norfolk, and the Person or Persons who for the Time being shall be Owners or Occupiers of the said Mansion-house, called Worksop Manor, by himself and themselves, and his and their Agents, Servants and Workmen, to draw up any of the Locks, Gates, or Shuttles, or to open any Sluice or Sluices that may be erected, standing or being upon the said Cut or Canal, and to make any Trenches, Pipes, or Passages therefrom, in order, and for the Purpose of supplying with Water the aforesaid Water Engine, Mansion-house, Ponds, Reservoirs, and Pieces of Water, of or belonging to him the said Duke of Norfolk, in as full and ample a Manner as the same would or could have been worked and supplied, if the said Water which now flows to and supplies the said Engine, called The Water Engine, had not been so diverted, taken away, and made use of by them the said Company of Proprietors, their Successors or Assigns as aforesaid; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

And

For preserving the Duke of *Leed's Burwell Spring*.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise or impower the said Company of Proprietors, their Successors or Assigns, to take, divert, or use, for the Purpose of the said Cut or Canal, a certain Spring or Stream of Water, called Burwell Spring, or any other Spring or Stream of Water in the Parish of Harthill, or any Part thereof, which is or are now conveyed by Pipes, and run into and supply the Mansion-house of the most Noble Thomas Duke of Leeds, called Kiveton House; but that the said Company of Proprietors, their Successors or Assigns, shall, in making such Cut or Canal, at their own proper Costs and Charges, convey the said Pipes, which now supply the said House, Offices, Out-buildings and Appurtenances with Water, over the said Cut or Canal, and Banks and Towing-paths thereof, by an Aqueduct, Frame-work, and Trough, of such sufficient Strength and Dimensions, and composed of such Materials, and constructed in such Manner, as shall be approved of by the said Duke, his Heirs or Assigns, or his or their principal Agent for the Time being, as will well and effectually secure and preserve the said Pipes from any Damage or Injury whatsoever, which such Pipes shall or may sustain by or from the Weather, or by or from any Vessel, Boat, or other Craft whatsoever, or by any other Ways or Means which may happen from the Works of the said Company of Proprietors, their Agents or Servants, or other Person or Persons whatsoever; which said Pipes, Frame-work, and Trough, they the said Company of Proprietors, their Successors and Assigns, shall, from Time to Time, and at all Times hereafter, at their own proper Costs and Charges, well and effectually secure, maintain, and keep in good and perfect Repair, so that no Part of the said Water flowing from the said Springs or Streams shall be interrupted, diverted, or lessened; but that the whole Body thereof shall be preserved, and flow from the said Springs or Streams to the said Mansion-house and Premises, in as full and ample a Manner to all Intents and Purposes as the same now do or have heretofore done; and in case the said Aqueduct, Pipes, or other Works, shall at any Time want immediate Repair, it shall and may be lawful for the said Duke, his Heirs or Assigns, his or their Agent or Agents, or any Person or Persons employed by him or them, to enter into, repair, and amend, the said Aqueduct, Pipes, or other Works, and the Expence attending such Repairs shall be paid

by the said Company of Proprietors, their Successors and Assigns.

To prevent the making use of Waggon Roads in *Owler Barrow*, &c.

Provided also, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to authorise or impower the said Company of Proprietors, their Successors or Assigns, Agents, Servants, or Workmen, to alter, vary, change, make, widen, or enlarge, or otherwise make use of any Ways, Roads, or Passages, on the North Side of the said Cut or Canal, for the carrying or conveying by, with, or upon, any Waggon, Wain, or other Carriages whatsoever, any Goods, Commodities, or Materials whatsoever, in, through, or over the Closes, Pieces or Parcels of Land or Meadow Ground, belonging to the said Thomas Duke of Leeds, situate in the Parishes of Harthill and Wales, called by the several Names of Owler Barrow, Hard Meadow, and Hard Close.

For recovering Damages done to Mills by diverting the Water.

Provided always, and be it further enacted by the Authority aforesaid, That in case the said Company of Proprietors, their Successors or Assigns, or their Agents or Workmen, shall, in the Execution of any of the Powers or Authorities hereby granted, take or divert any Water out of or from any of the Springs, Brooks, Streams, Dikes, or Ponds, commonly called Pibley Spring, Pibley Brook, or Pibley Dyke, or out of, or from, the several Springs called Saint Nicholas's Well, the Spring called Thorpe Spring, or Turner Wood Spring, or any other ancient Spring, River, Brook, or Watercourse, to the Prejudice of certain Water Corn Mills, called Wood Mill, and Peck Mill, or either of them, in the Parishes of Thorpe Salvin and Anston, now or late in the Tenures or Occupations of Thomas Parkins the elder, and Thomas Parkins the younger, as Tenants thereof to the said Thomas Duke of Leeds, or shall take or divert any Water from a certain Water Corn Mill, called Workſop Mill, belonging to the said Edward Duke of Norfolk, situate in Workſop aforesaid, or from a certain other Mill, called The Dying Mill, belonging also to the said Edward Duke of Norfolk, situate in Workſop aforesaid, or from a certain other Water Corn Mill at Scrooby, in the said County of Nottingham, late the Property of John Lister Esquire, deceased; then, and in every of the said Cases respectively, and from Time to Time, the said Company of Proprietors, their Successors or Assigns, shall pay to the respective Owner or Owners, Occupier or Occupiers of the said Mills, or any

any or either of them, such Sum or Sums of Money in gross, or such annual Sum or Sums as shall be equivalent to, and a full Satisfaction for the Damages or Loss which shall be sustained by such Owner or Owners, and Occupier or Occupiers, of the said Mills, or any or either of them respectively, in respect of all or any of the Dwelling-houses or Out-houses, Mills, Mill-wheels, and other Tackle and Appurtenances thereunto belonging, by reason of such Water being taken or diverted as aforesaid; and such Sum or Sums of Money in gross shall be paid to such Owner or Owners, Occupier or Occupiers respectively, within the Space of Three Months next after such Losses or Damages respectively, shall be ascertained; and such annual Sum or Sums respectively shall be paid half-yearly, to be computed from the Time any Water shall be so taken or diverted from the said Mills, or any or either of them respectively, or any such Damages or Loss shall be sustained: And in case any Difference shall arise in fixing or ascertaining such Sum or Sums of Money in gross, or such annual Sum or Sums so to be paid as aforesaid for such Losses or Damages; the same shall be settled and ascertained, and levied and recovered by such Ways and Means, and in such Manner, and with the like Powers, Authorities, and Remedies, in all respects, as any other Losses or Damages which shall be sustained by the Exercise of any of the Powers of this Act are in this Act directed to be settled, ascertained, levied, and recovered.

For preserving the Springs which supply *Thorpe Hall* with Water.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to authorise and impower, the said Company or Proprietors, their Successors or Assigns, to take, alter, divert, or make use of any of the Springs or Streams of Water which supply the Mansion-house of the said Thomas Duke of Leeds, situate at Thorpe Salvin aforesaid, commonly called Thorpe Hall, or any of the Ponds or Dams thereunto belonging, until the said Springs or Streams of Water shall, from Time to Time, and at all Times, have effectually supplied the same; any Thing herein contained to the Contrary notwithstanding.

Not to prejudice the River *Idle*.

Provided always, and be it further enacted by the Authority aforesaid, That if the said Company of Proprietors, their Successors or Assigns, shall, in making or using the said Navigable Cut or Canal, or otherwise, take, divert, or make use of the Rivers, Springs, Watercourses, or Streams of Water, or any of them, which now

now flow to, or supply with Water the Navigation of the River Idle, in the said Counties of York and Nottingham, or One of them, so as to obstruct, hinder, prejudice, or injure the carrying on the said Navigation, then, and in such Case, the said Company of Proprietors, their Successors or Assigns, shall, and they are hereby directed and required, from Time to Time, and at all Times hereafter, to pay, or cause to be paid, to the Owners and Proprietors of the said Navigation of the said River Idle for the Time being, respectively, such Sum and Sums of Money in gross, or such annual Sum or Sums, payable half-yearly, as shall be equivalent to, and a full Satisfaction for the Damages or Loss which shall be so sustained or received by them as aforesaid; and which Damages or Loss shall, from Time to Time, be settled, ascertained, determined, and recovered in such Manner as the other Damages mentioned in this Act are hereby directed to be settled, ascertained, determined, and recovered; any Thing herein contained to the Contrary thereof notwithstanding.

The Map and Book of Reference to be authenticated and copied,

And whereas divers Levels and Surveys have been taken to ascertain the Practicability of making the said intended Cut or Canal, and a Map or Plan, and a Book of Reference thereto, have been made in consequence of such Levels and Surveys, through, across, under, or over the several Estates, Lands, or Grounds now or late belonging to such Person and Persons, and such Roads, Rivers, and Brooks, as are particularly mentioned in the said Book of Reference; it is hereby further enacted and declared, That there shall be Four Parts made of the said Map or Plan, and Book of Reference, which shall be signed by the Right Honourable the Speaker of the Honourable the House of Commons, and severally deposited with and kept by the Clerks of the Peace for the said Counties of Derby and Nottingham, the Register of the West Riding of the County of York, and the Clerk to the said Company of Proprietors for the Time being, to which all Persons shall have Liberty to resort, and make Extracts or Copies thereof, as Occasion shall require; and the said Maps or Plans, and Books of Reference so signed, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law, or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Fourteen Days Notice to him given for that Purpose, shall, from Time to Time, produce the said Map or Plan, and Book of Reference, before the said Commissioners, or any Jury or Juries to be impannelled by virtue of this Act, at the

and allowed as Evidence.

Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence.

Canal to be made pursuant to Plan and Book of Reference.

And be it further enacted, That the said Company of Proprietors, in making the said intended Cut or Canal, shall not deviate more than Sixty Yards from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference; nor cut, carry, and convey the same into, through, across, under, or over any other Part or Parts of the several Estates, Lands, and Grounds now or late belonging, or reputed to belong, to such Person or Persons, and such Roads, Rivers, and Brooks respectively, than are mentioned in the said Book of Reference, save in such Instances only as are particularly provided for in this Act, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, or Grounds do or shall respectively belong, or without an Order of the said Commissioners, or any Five or more of them, at a Meeting to be held for that Purpose, of which Fourteen Days Notice in Writing, signed by the Clerk for the Time being to the said Company of Proprietors, specifying the Deviation desired to be made, shall be given to the Owner or Owners of such Lands or Grounds through which such Deviation is intended to be made; and if, at the Time mentioned in such Notice, the said Commissioners, or any Five or more of them, shall think it reasonable that such Deviation therein mentioned ought to be made, it shall and may be lawful for them to make such Order in the Premises as to them shall seem proper, and the said Company of Proprietors shall and may make the said Cut or Canal in the Manner mentioned in such Order.

Names of Land Owners not being in Book of Reference, to be no Prejudice in making Canal.

Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Cut or Canal into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds such Deviations as aforesaid shall extend, although their Names are not mentioned in the said Book of Reference, or into the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear to the Satisfaction of the said Commissioners, or any Five or more of them, and be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that, instead thereof, the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, and Grounds

do not belong, have or hath been inserted therein; any Thing herein contained to the Contrary thereof in anywise notwithstanding.

Lands may be entered for making Surveys.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors, their Successors and Assigns, from Time to Time, and at all Times hereafter, to enter upon the Lands or Grounds of the said several Persons, Bodies Politick, Corporate, or Collegiate, through which the said Cut or Canal, and other Works hereby authorised, are intended to be made, in order to survey and take a Level of the same, and to set out and ascertain such Parts thereof as they shall think necessary or proper for the making such Cut or Canal, and other the Matters and Conveniencies aforesaid, such Agents or Servants 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 exceeds the Sum of One Shilling.

Breadths of the Canal and Towing-paths.

Provided always, and be it enacted by the Authority aforesaid, That the Lands or Grounds to be taken or used for such Cut or Canal, and Towing-paths, and the Ditches, Drains, and Fences, to separate such Towing-paths from the adjoining Lands, shall not exceed Twenty-six Yards in Breadth, except in such Places where the said Cut or Canal shall be raised higher, or cut more than Five Feet deeper than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats and other Vessels to turn or lie, or where any Crane may be erected, not above Sixty Yards in Breadth in any of the said respective Places; any Thing in this Act contained to the Contrary notwithstanding.

Bodies Politick, &c. impowered to sell and convey to the Company of Proprietors.

And be it further enacted by the Authority aforesaid, That after such Parts of the said Lands and Grounds shall be set out and ascertained as aforesaid for making the said Cut and Canal, and other the Purposes and Conveniencies herein before mentioned, it shall and may be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate and Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Ideots, 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,

Right, and to and for every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands or Grounds which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey unto the said Company of Proprietors, their Successors or Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands or Grounds which shall from Time to Time be so set out and ascertained as aforesaid, either in Consideration of a Sum of Money to be paid in Gross, or of an annual Rent or Payment, to be charged and secured as herein-after mentioned; and where, by making the said Cut or Canal, the Property of any Land Owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall and may be lawful to and 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 Five 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 Lands or Grounds through which the said intended Cut or Canal shall be made, to any Person or Persons whomsoever, for such Price or Prices in Money, or other Equivalent, as to the said Commissioners, or any Five or more of them, shall seem reasonable; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the Contrary thereof in any-wise notwithstanding; and all Bodies Politick, Corporate or Collegiate, and all Persons whomsoever so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue of or in pursuance of this Act: And that all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land Owners) to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors and Assigns, be inrolled by the Clerks of the Peace for the Counties of Derby and Nottingham, and the Register of the West Riding of the said County of York respectively, as such Contracts, Agreements, Sales, Conveyances, and Assurances may relate to any Lands or Grounds within the

said

said Counties and Riding respectively; and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, for which Inrolment shall be paid to the aforesaid Officers respectively making the same the Sum of Three-pence for every Two hundred Words, and so in proportion for any greater or less Number of Words, and no more.

For preserving Copyhold Rights.

And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands, which are of the Nature of Copyhold, shall be executed and completed 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, payable, or of right accustomed, in such and the same Manner as if this Act had not been made.

And whereas Differences may arise between the said Company of Proprietors and the several Owners of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, Mills, or Waters, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase-money to be paid, or Recompence to be made to them respectively; be it therefore enacted by the Authority aforesaid,

Commissioners Names.

That Samuel Abson Clerk, Jonathan Acklom, John Addy, William Adney, Alderson Clerk, Francis Atkinson, the Right Honourable Edward Bentinck, commonly called Lord Edward Bentinck, Richard Bagshaw, John Ball, Robert Banks, Alexander Barker, John Barker of Edenfor, John Barker of Bakewell, John Barker of East Retford, John Barker of Barnby Moor, Alexander Barker junior, Richard Barker, Anthony Barker, Francis Barber, Robert Bates, James Beard, John Billam, Thomas Billam, Thomas Binney, Richard Binney, William Blow, John Bonfor, Henry Bonfor, William Booth Clerk, James Booth, George Booth, John Booth, Alexander Bossley, Henry Bourne M. D. Lawrence Bourne Clerk, John Bourne Clerk, John Bowden, Thomas Bowden, James Bowden, Joseph Bower, Thomas Bower, Thomas Bower junior, George Bower, William Bennet, William Bower, Thomas Bower, Samuel Brailsford, John Bright, Joseph Bright, Thomas Bright, John Briftowe, Thomas Briftowe, Samuel Brook Clerk, Samuel Brown, George Brown, Edward Brown, Thomas Broadbent, John Bromehead, Jonathan Bromehead, Thomas Brumby, Martin Brumby, William Burton, William Burrow Clerk, Benjamin Burrow Clerk, William Binks, Edward Burton, Edward Buxton, William Battie,

Battie, Arthur Buckley, the Right Honourable Francis Oſborne, commonly called Marquis of Carmarthen; 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 Richard Cavendiſh, commonly called Lord Richard Cavendiſh; the Right Honourable George Cavendiſh junior, commonly called Lord George Cavendiſh; the Right Honourable Edward Clinton, commonly called Earl of Lincoln; the Right Honourable Thomas Clinton, commonly called Lord Thomas Clinton; the Right Honourable John Clinton, commonly called Lord John Clinton; Thomas Calton, Richard Calton, Thomas Calton Bookſeller, William Cartwright, William Cartwright junior, Edmund Cartwright Clerk, Charles Cartwright Clerk, John Carver Clerk, Thomas Cartledge, Godfrey Clarke, Godfrey Bagnal Clarke, Gilbert Clarke, Joſeph Clay, Noble Champion, Thomas Clarke, John Clement, Joſias Cockſhutt, Thomas Cockſhutt Clerk, William Cowley, John Cooper, William Crampton, Francis Creſwell, Benjamin Cromwell, Robert Croſs, Samuel Dawſon, John Deakin, Thomas Dickonſon, Peter Dickonſon, George Donſton, John Donſton, Eneas Mac Donald, Wharton Emerſon, John Eddiſon, Anthony Eyre, Anthony Eyre junior, John Eyre, Nathaniel Eyre, Rowland Eyre, Rowland Eyre junior, Vincent Eyre, George Fairfax Clerk, William Fitzherbert, Joſhua Fidler, Thomas Fletcher, Samuel Foxlow, William Fox, John Frith, John Frith junior, William Froſt, Godfrey Froggatt, William Froggott, the Right Honourable William Lord Viſcount Galway, in the Kingdom of Ireland; Robert Gainsford, Stephen Gamble, Anthony Gallimore, James Gamſon, George Greaves, William Gardom, Philip Gell, James Gheſt, General James Giſborne, Francis Giſborne Clerk, Thomas Gillott, Colonel Henry Gladwin, John Goodwin, George Goodwin, John Griffith Clerk, Herbert Greenſmith, John Greenwood, Robert Greaves, John Gylby, William Gylby, Sir Henry Hunloke Baronet, Windſor Hunloke, Robert Hunloke, James Hunloke, Brabazon Hallows, Chaworth Hallows Clerk, William Hallows, John Hallows, Samuel Hallifax D. D. Robert Hallifax D. D. Urban Hall, William Harding, John Harris, John Harriſon, Anthony Hartſhorne, Godfrey Heathcote, Ralph Heathcote D. D. Edward Heathcote Clerk, Godfrey Heathcote junior, Ralph Heathcote junior, John Hewett, John Hewett Clerk, James Heywood Clerk, George Heywood, Thomas Hinkſman Clerk, John Hodgſon,

Thomas Holland, John Holland, Samuel Holland, Thomas Holehouſe, Thomas Hollins, Samuel Hoole, Charles Howard the elder, Charles Howard the younger, Henry Howard, Samuel Hoole junior, John Hoole, Henry Howard, Fretwell Hudſon, Thom Hutton, John Hutton, George Hutton Clerk, Richard Hutton, George Hutton of Carlton, John Hurſt, Thomas Hurſt Clerk, Francis Hurt, John Hutchinſon, Richard Hutchinſon, Richard Jackſon, Joſhua Jebb, Samuel Jebb, Avery Jebb, Robert Jennings, John Jennings, John Jerman, Francis Inman, Thomas Inman, John Inman, Gilbert Inkerſall, Chriſtopher Jones, Thomas Judſon, Knight, John Kinder, Charles Kinder, William Kirke, Edmund Kirke, John Kirk, Henſon Kirkby, William Langley, William Laughton, Anthony Lax, John Lalonel, Jonathan Lee, Jonathan Lee junior, Robert Lock Clerk, William Allwood Lord, Robert Loundes, John Lund, Bernard Lucas, Bernard Lucas junior, Thomas Lucas, the Right Honourable Lord John Murray, Sir William Molyneux Baronet, Sir Francis Molyneux, William Manley, George March, Robert Marſden of Ox-Cloſe, Robert Marſden of Cheſterfield, John Marſhall, Francis Marples, George Maſon, George Maſon junior, William Maſon, John Maſon, John Maſſey, William Maw, Thomas Medlam, William Melliſh, Charles Melliſh of Blyth, Charles Melliſh of Ragnal, Iſaac Metcalf, Richard Milnes, William Milnes, Richard Milnes M. D. George Milnes, Richard Milnes junior, Godfrey Middleton, Robert Moody, George Morton, Joſeph Mathewman, Thomas Moſman, Sampſon Moſman, Thomas Motterſhaw Clerk, Robert Mower, George Marſh, Richard Nall, Joſeph Nall, Elias Needham, Richard Nelſon, Jonathan Nettleſhip, Robert Newton, Roger Newham, William Newham, George Nevile, John Nodder, John Nodder junior, John Norborne, John Norborne junior, John Otter, Francis Otter, Edward Otter Clerk, Thomas Outybridge, John Owtram, John Owtram junior, William Palliſſer Clerk, John Parker of Woodthorp, John Parker of Retford, Joſeph Parkins, Nathaniel Parkins, William Paſhley Clerk, John Payne, John Peacock Clerk, Thomas Peet Clerk, Strelley Pegge, Samuel Pegge Clerk, Samuel Pegge junior, John Pedley, John Piddock, John Pilkinton, Roger Pocklington, John Pocklington, John Popple, George Poplewell, John Marſhall Prime, Robert Raven, Iſaac Reed, John Richardſon, John Richardſon Clerk, Cornelius Rodes, Richard Roe, John Rotherham, John Rotherham junior, John Rodgers, Robert Rodgers, Thomas Rawſon, Anthony Routh Clerk, Joſeph Routh, Benjamin Roebuck, Joſeph Roberts, the Right Honourable Lord George Sutton,

ton, Sir George Saville Baronet, Colonel Anthony Saint Leger, Joſhua Sampſon Clerk, Michael Sampſon, Joſeph Saunders Clerk, John Saxton, Jacob Scholes Clerk, John Sharpe, John Shaw, Samuel Sherring, John Shilleto, Samuel Shore, Samuel Shore junior, John Shore, James Shuttleworth, George Shirt, George Shirt junior, Robert Shirt, Thomas Shirt, John Simpſon Clerk, Lindley Simpſon, Alexander Simpſon, William Sitwell, Adam Slater, Thomas Slater, Gill Slater, Richard Slater, John Smith, Joſhua Smith, Paul Smith of Handley, Paul Smith of White Lodge, William Spalton, Robert Spencer, John Spencer, John Stacey Clerk, Thomas Stacey, Thomas Stones, Edward Shepherd, Thomas Stead, Jeremiah Stainforth, Charles Stainforth, Samuel Stainforth, John Stainforth, Auguſtine Steedman, Seth Ellis Stevenſon Clerk, William Storrs, Joſeph Storrs, Cordall Storrs, John Storer, Robert Sutton, Robert Sutton junior, Godfrey Sykes, George Sykes, Robert Taylor, John Taylor junior, Robert Thornley, Henry Thornhill, Bache Thornhill, John Thornton, Samuel Towndrow, Samuel Top, George Townſhend, John Tomlinſon, Jonathan Tomlinſon, James Tomlinſon, Thomas Tagg, William Toone, Turner Clerk, John Twigg, Nicholas Twigg, Nicholas Twible, the Honourable Morgan Vane, the Honourable Thomas Willoughby, Robert Want, William Ward, John Ward Clerk, Godfrey Webſter, Godfrey Webſter junior, David Wheelwright, Joſhua Whildon, Taylor White, Taylor White junior, John White, John Whitaker, Richard Wilkinſon, Allwood Wilkinſon, Iſaac Wilkinſon, John Wilkinſon, Nathaniel Wilkinſon, James Wilkinſon Clerk, John Willott, William Wilſon, Edward Wilſon, John Wilſon, Joſeph Wilſon, Humphrey Winchester, Thomas Wingfield, John Woodyear, John Wood Clerk, Joſeph Wood, Gervaſe Woodhouſe, Robert Woodhouſe, John Wright of Cheſterfield, John Wright of Beighton, John Wright of , Thomas Wright, Robert Wright, John Wright of Anſtone, Leonard Webſter, William Watſon, John Travers Young; **are hereby appointed Commiſſioners for ſettling, determining, and adjuſting all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or any of them, and the ſeveral Proprietors of and Perſons intereſted in any Lands, Grounds, Tenements, Hereditaments, Mills, Engines, or Waters, 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 Five or more of them, acting in ſuch Queſtion, Matter, or Difference, as ſhall ariſe, are hereby impowered, by Writing under**

Commiſſioners to ſettle Differences.

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, or by such other Satisfaction as herein after is mentioned, to and at the Election of such Bodies Politick, Corporate or Collegiate, Person or Persons respectively, who shall be so intitled or interested as aforesaid for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained as aforesaid, for making the said Cut or Canal, or any Part thereof, and other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be, 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 Lands, Grounds, Mills, Engines, Tenements, or Hereditaments, for or by reason of severing or dividing the same, or of the making, repairing, or maintaining the said Cut or Canal, Reservoirs, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by the altering, diverting, taking away, or using any Springs, Streams, Streams of Water, or Watercourses, flowing to or supplying with Water any Mill or Mills, Work or Works, Engine or Engines, for the working or getting of Coals or other Minerals, or by the flowing, leaking, or ouzing of the Water over or through the Banks of the said Cut or Canal, Reservoirs, Trenches, or Sluices; or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given for conveying and communicating Water to or from the said Cut or Canal; or by not cleansing the said Watercourses, Trenches, or Passages; or by turning or diverting any Streams or Brooks into the same; 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, in case such Price or Value, Damages and Recompences respectively, cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors, their Successors and Assigns, or any of them, and such Proprietors of, and Persons interested in the said Lands and Grounds as aforesaid: And if the said Company of Proprietors, their Successors and Assigns, for

and

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 be diſſatisfied with any Determination which ſhall be made as aforeſaid; and if any ſuch Bodies 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 Bodies 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, 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 Five or more of them, ſhall, and they are hereby impowered and required, from Time to Time, to iſſue a Warrant or Warrants, under their Hands and Seals, to the Sheriff or Sheriffs of the ſaid Counties of Derby, York, and Nottinghan, for the Time being reſpectively, in which the Matter or Matters ſhall ariſe; or in caſe ſuch Sheriff or Sheriffs, his or their Under Sheriff or Under Sheriffs reſpectively, or either of them, 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 Counties of Derby, Nottingham, and the Weſt Riding of the County of York, as the Caſe may happen, commanding ſuch Sheriff or Coroner reſpectively, to impannel, ſummon, and return a Jury; and the ſaid Sheriff or Coroner reſpectively, is hereby required accordingly to impannel, 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

If Parties be diſſatisfied with Determination of Commiſſioners, &c.

Juries ſhall be impannelled to aſſeſs the Purchaſe-money, &c.

Weſtminſter, to appear before the ſaid Commiſſioners, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine, 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 ſo 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 Five 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 touching the Matters in queſtion; and the ſaid Commiſſioners, or any Five 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 Oaths, to be adminiſtered by the ſaid Commiſſioners, or any Five or more them, and thoſe Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to adminiſter) ſhall inquire of, aſſeſs, and aſcertain the Sum or Sums of Money, 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 Five 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, to be pronounced by the ſaid Commiſſioners, or any Five 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.

Penalties on the Sheriff, Coroner, Jurymen and Perſons ſummoned, who ſhall make Default.

And be it further enacted, That if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing, 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, refuse to be sworn and examined, or to give Evidence; every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, or any Five 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 Five 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 Owners thereof, after such Penalty, and the Charges of such Distress and Sale, shall be deducted.

How the Expences of the Jury, &c. are to be paid.

And be it further 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 Lands, Grounds, 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 Five or more of them, and be defrayed by the said Company of Proprietors, 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 Five or more of them, and be borne and paid by the Person or Persons, with whom the said Company of Proprietors, their Successors and Assigns, shall have such Controversy or Dispute.

Persons requesting a Jury, to enter into Bond to prosecute.

And be it further enacted, That all and every Person and Persons making Complaint, and requesting such Jury, shall, before the said Commissioners be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into Bond to the Treasurer of the said Company of Proprietors, their Successors and Assigns for the Time being, in the Penalty

nalty 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 as aforesaid.

Commissioners not to take Notice of any Complaint, unless Application be made to Proprietors.

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 whatsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, by virtue of this Act, unless Application 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 their known Agent or Agents, or to some Collector of the Tolls arising from the said Navigation in the County where the Cause of Complaint shall happen, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Upon Payment or Tender of the Monies, Proprietors may cut, dig, &c.

And be it further enacted by the Authority aforesaid, 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 adjusted by the said Commissioners, or any Five or more of them, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase any of such Lands or Grounds as aforesaid, to the Proprietors thereof, or other Persons intitled to receive such Money or Rents respectively, or legal Tender thereof made to such Proprietor 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 Five 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 Proprietor or Persons respectively as aforesaid; then, and in such Case, such Lands and Grounds respectively

ſpectively, and the Fee-ſimple and Inheritance thereof, ſhall from thenceforth be veſted in, and become the ſole Property of the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to and for the Uſe of the ſaid Navigation, but to or for no other Uſe or Purpoſe whatſoever; and then, but not before, it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, Agents, Workmen, and Servants, immediately to enter upon the ſame, and to dig, cut, trench, ſough, and remove Earth, Stone, Sand, Rubbiſh, Trees, Roots of Trees, and all other Obſtructions, for the making, uſing, maintaining, and repairing the ſaid Cut or Canal, and Towing-paths on the Sides thereof, in or upon ſuch Lands, Tenements, or Hereditaments, for which ſuch Satisfaction ſhall be 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, 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; 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 Servants, Agents, and Workmen, for what they, or any of them, ſhall do, by virtue of the Powers hereby granted.

That the Award of Damages ſhall be ſeparated by the Commiſſioners and Juries.

And whereas it may be diſagreeable and inconvenient to the Parties intereſted in any Sum or Sums of Money, or annual Rent, to be paid for the Purchaſe of any Lands or Grounds, which ſhall be ſet out or aſcertained in Manner herein before directed for making the ſaid Cut or Canal, or ſome Part thereof, or other the Purpoſes of this Act, if the ſaid Commiſſioners and Juries, or either of them, were to blend the Conſideration of the Value of the Lands and the Damages which then have been, or may then after be ſuſtained, in one and the ſame Judgement or Verdict, and in one groſs Sum; be it therefore further enacted by the Authority aforeſaid, That the ſaid Commiſſioners and Juries reſpectively ſhall award all Determinations, Judgements, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers veſted in them by virtue of this Act, concerning the Value of Lands, and Damages to be ſuſtained, ſeparate, and ſhall diſtinguiſh the Value ſet upon the Lands, and the Money aſſeſſed or adjudged for Damages, ſeparate and apart from each other.

Bridges to be built and other Communications made before Damages are awarded.

Provided always, and be it enacted, That nothing herein contained shall extend to impower the said Commissioners, or any Jury or Juries, to be impannelled by virtue of this Act, to proceed to the ascertaining or assessing any Recompence or Damage that shall or may be sustained as aforesaid, until the Bridges, Roads, and other Communications, over, under, or through the said intended Canal, for the Occupiers of the Lands and Grounds contiguous thereto, shall be ascertained and fixed in respect as well to the Number as Situation of such Bridges, Roads, and other Communications; any Thing herein contained to the Contrary notwithstanding.

Verdicts to be recorded.

And be it further enacted by the Authority aforesaid, That all the Determinations of the said Commissioners, or any Five 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 Five or more of the Commissioners, who shall be present at the making such Determinations or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to, and kept by the Register of the West Riding of the County of York, and the Clerks of the Peace for the several Counties of Derby and Nottingham respectively, as the same Verdicts and Judgements relate to or concern any Matters arising within the said Counties and Riding respectively, and as the Case shall require, and shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, as also the Inrolments 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 Three-pence, and so in proportion for any Number of Words; and immediately on such Payments and Entry of such Verdicts, Sentences, Decrees, Orders, and other Proceedings of the said Courts and Juries, all the Estate, 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 Lands, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors, their Successors and Assigns, and they shall respectively be deemed in the Law to be in the actual Seisin

or

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 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 and 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 and Truſtees to be laid out to the ſame Uſes.

And be it further enacted by the Authority aforeſaid, That all Sums of Money which are to be 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 or 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, aſcertained, or aſſeſſed reſpectively as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking

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ing Effect; such Conveyances and Settlements as aforesaid to be made at the Expence of the said Company of Proprietors, their Successors and Assigns; and, in the mean Time, and until such Purchase or 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 Names of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved by the said Commissioners, or any Five or more of them, and the Interest arising, or to be produced from such Funds, or such Securities, and also the annual Rent for such Lands, Grounds, Mills, Tenements or Hereditaments, where a Rent shall be fixed upon as aforesaid, 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 and settled pursuant to the Tenor and Meaning of this Act; and such annual Rent shall be a Rent Charge upon the Tolls, Rates, and Duties herein-after authorised to be taken by the said Company of Proprietors, their Successors or Assigns.

Commissioners to settle the Proportion of the Money to be paid to the several Persons interested.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may, and are hereby impowered to settle what Shares and Proportions of the Purchase-monies or Recompence for Damages which shall be so agreed for between the said Company of Proprietors, their Successors and Assigns, or any of them, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by the said Juries in Manner respectively as aforesaid, shall be allowed to any 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.

In Default of Payment, Rates to be liable.

And be it further enacted by the Authority aforesaid, That, in Default of Payment of such Sum or Sums of Money, and at such Times, and in such Manner as shall be assigned and awarded for Damages of any Kind by virtue of this present Act, by the said Commissioners, or any Five or more of them, it shall and may be lawful for the said Commissioners, or any Five or more of them,

them, to appoint One or more Person or Persons to receive the Tolls, Rates, and Duties, by this Act imposed, of which Person or Persons so appointed, the said Commissioners shall take proper Security, and thereout, in the first Place, to pay all such Damages so to be determined or assessed as aforesaid, with the Costs, if any, occasioned by such Refusal or Default of Payment; 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 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 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 Five or more of them, 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 full Costs of Suit.

If Costs and Damages are not paid within 4 Months the same to be levied upon the Company.

Provided always, That in case the Damages and Costs by this Act provided to be satisfied out of the Tolls arising by the said intended Navigation, shall not be paid and satisfied within the Space of Four Months after the same shall be so determined or assessed as aforesaid; that then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, upon Complaint made to them, by or on Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff or Sheriffs of the said Counties of Derby, York, and Nottingham, as the Case shall be, authorising and impowering such Sheriff or Sheriffs to levy and raise the Damages so to be determined and assessed, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, their Successors and Assigns, together with such reasonable Charges as the said Commissioners, or any Five 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 and Duties arising by virtue of this Act, and shall be paid by the Company of Proprietors, their Successors or Assigns, as the same shall become due and payable; and in case of Nonpayment thereof within Twenty-one Days next after the same shall become due, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons, (of which Person or Persons so appointed the said Commissioner shall take proper Security,) to receive the Rates and 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 Full 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 or Chattels of no other Person or Persons than the said Company of Proprietors, their Successors or Assigns, be seised or detained by virtue of the Power hereby given.

Punishing Persons destroying the Works.

And be it further enacted by the Authority aforesaid, 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 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 Felon for the Space of Seven Years to some of His Majesty's Colonies in America, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; or, in Mitigation of such Punishment, may, if they think fit, award such Sentence as the Law directs in Cases of petit Larceny.

Penalty on Persons obstructing the Works.

And be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously do any Hurt or Mischief, to obstruct, hinder, or prevent the carrying on, completing, or maintaining the

the said intended Navigation, or any Works hereby authorised to be made, every Person so offending shall forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, or shall be committed to the House of Correction for the County where the Offence shall be committed, for any Time not exceeding One Calendar Month, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Coals, &c. found in digging the Canal, may be taken by Proprietors of Lands.

Provided always, and be it further enacted, That all Lime and other Stone, Clay, Marl, Coals, and other Minerals, which shall be found and dug up in making, carrying on, and completing the said Cut or Canal, or any other Works hereby authorised to be made, carried on, and completed, shall be laid upon the Surface of the Lands, in some convenient Place near the said Works, at the Expence of the said Company of Proprietors, save and except such Lime and other Stone, Clay, and Marl, as shall be used in and about the Works of the said Canal; and it shall and may be lawful to and for the Person or Persons respectively, in whose Land or Ground the said Lime and other Stone, Clay, Marl, Coals, and other Minerals shall be found and dug up, or other Person or Persons intitled thereto, to take, carry away, and dispose of the same (save as aforesaid) to and for his and their Use and Benefit; and that it shall and may be lawful to and for the said Owner or Owners of any such Mine, Quarry, or Minerals, which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Soughs, Drain or Drains, to unwater or drain the remaining Part of such Mines, Quarries, Minerals, or Clay-pits, and to discharge the Water arising or flowing from the same into or under such Tunnel or Aqueduct; and for any Person or Persons to make a Cut, Canal, Sluice, or other Communication, in and through their own Lands and Grounds, and through the Banks or Towing-paths of the said Cut or Canal of the said Company of Proprietors into the same, navigable and passable for Boats, Barges, and other Vessels, so that the Cut or Canal of the said Company of Proprietors be not injured thereby, for the Purpose of conveying the said Mines, Minerals, Quarries, or any other Commodities, by and along the said Canal: Provided that such settling Places be made at convenient Distances in such Soughs or Drains as shall be approved and directed by the said Company of Proprietors, or their principal Engineer for the Time being, and cleansed as often as shall be necessary at the Expence of the Person or Persons making the same, in

Proprietors of Mines may make Drains.

order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct.

Coal mines not to be worked to the Prejudice of the Canal.

Provided also, and be it enacted, That if the Owner or Worker, Owners or Workers, of any Coal-mine or Coal-mines shall, in pursuing such Mine or Mines, work near or under the said Cut or Canal, so as, in the Opinion of the said Company of Proprietors, to endanger or damage the same, or, in the Opinion of the said Owner or Worker, Owners or Workers of the said Mine or Mines, to endanger or damage the further working thereof, then it shall and may be lawful for the said Company of Proprietors to treat and agree with the Owner or Worker, Owners or Workers, for all such Coals as may be within such Space, near or under the said Cut or Canal, as shall be thought proper to be left, for the Security and Preservation of the said Cut or Canal, or Mine or Mines, as aforesaid; and in case the said Company of Proprietors, and such Owner or Worker, Owners or Workers of such Mine or Mines, shall disagree in the Satisfaction to be made for such Coals, then it shall and may be lawful to and for the said Commissioners, or any Five or more of them, at the Request of the said Company of Proprietors, or of such Owner or Worker, Owners or Workers of such Mine or Mines, to cause a Jury to be summoned and impannelled in the Manner herein before directed, who shall, and they are hereby authorised and required, by such Ways and Means as aforesaid, to assess and determine what Satisfaction such Owner or Worker, Owners or Workers, of such Mine or Mines, ought to have and receive from the said Company of Proprietors, on being restrained from working such Mine or Mines; and, upon Payment or Satisfaction made to such Owner or Worker, Owners or Workers of such Mine or Mines by the said Company of Proprietors, according to the Verdict or Judgement of such Jury, such Owner or Worker, Owners or Workers of such Mine or Mines shall be, and they are hereby perpetually restrained from further working such Mine or Mines within the Limits for which such Satisfaction shall by the said Jury be adjudged and declared to extend.

Owners and the Company disagreeing, a Jury to be summoned,

and Satisfaction to be made for certain Quantities to be left.

Proprietors may raise Money among themselves to carry on their Works.

And, to the End that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute among themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said navigable

vigable Cut or Canal, provided that the said Sum doth not exceed the Sum of One hundred thousand Pounds in the Whole, (except as herein after mentioned) and that the same be divided into such Number of Shares as herein after directed, each Share not exceeding One hundred Pounds; and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share; and the Money so to be raised is hereby enacted and appointed to be laid out and applied, in the first Place, to pay off and discharge all Expences incurred in an Application to Parliament in the last Session for an Act to make such intended Canal, and of making Surveys, Plans, and Estimates, and doing and providing all other Matters and Things preparatory and previous thereto, and for and towards the Payment, Discharge, and Satisfaction of the Fees and Disbursements for obtaining and passing this present Act of Parliament, and all other necessary Expences relating thereunto; and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said navigable Cut or Canal, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

The Money when raised to be divided into 1000 equal Shares.

And be it further enacted by the Authority aforesaid, That the said Sum, or such Part thereof as shall be raised by the several Persons herein before named, and by such other Person or Persons who shall or may at any Time become a Subscriber or Subscribers to the said Navigation, shall be divided and distinguished into One thousand equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share; and that the said One thousand Shares shall be, and are hereby vested in the several Persons herein before described, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionable to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the said Shares shall be deemed to be personal Estate, and transmissible as such, and not of the Nature of real Property; and all Bodies Politick and Corporate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be completed, the entire and neat Distribution of One thousandth Part of

the Profits and Advantages that shall and may arise and accrue, by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in proportion for any greater Number of Shares; and every Body Politick or Corporate, Person or Persons having such Property of a One thousandth Part or Share in the said Undertaking, and so in proportion as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking, in Manner herein after enacted, directed, and appointed.

Not to begin making the Canal until 100,000*l.* be subscribed.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend to give any Power or Authority whatsoever to the said Company of Proprietors, their Successors, Assigns, Deputies, Agents, Officers, Workmen, or Servants, to begin any Works in pursuance of this Act, until the Sum of One hundred thousand Pounds shall be subscribed towards the making and completing the said navigable Cut or Canal, and carrying this Act into Execution.

Five *per Cent.* to be paid till the Work is completed.

And be it further enacted by the Authority aforesaid, 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 Monies to be raised as aforesaid, during the Time the said Canal, and all Things necessary for making and maintaining the same shall be carried on, and until the same shall be completed and finished, to pay unto every Body Corporate or Politick, Person or Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums of Money as shall, from Time to Time, be demanded in respect thereof, towards carrying on and completing the said Navigation, Interest for the same, after the Rate of Five Pounds for every One hundred Pounds, for One Year, from the Time that each of such Sum or Sums shall be respectively advanced as aforesaid, such Interest to be paid and payable at the respective Towns of Chesterfield or Retford, at the Option of the Person or Persons intitled thereto.

Subscribers to have a Vote for every Share,

And, to the End that all Matters and Things, touching, 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 all and every Body or Bodies Politick or Corporate, or other Person or Persons, who shall by virtue of this present Act have subscribed or undertaken for One thousandth Share of the said Navigation, shall be

deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly to be held as hereafter appointed for carrying on the said Undertaking; which Vote may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors in the said Navigation) duly constituted under his, her, or their Hand and Seal, or Hands and Seals, 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 Body or Bodies Corporate or Politick, Person or Persons, who shall have One or more such Share or Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxy or Proxies, regularly constituted as aforesaid, to give One Vote for each such Share, not exceeding Thirty-five Shares for any One Person, and for which he, she, or they shall be a Subscriber or become a Proprietor as aforesaid; and whatever Question, Election of Officers, or other Matters or Things shall be proposed, discussed, or considered in any publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share, provided that no Person shall be Proxy for more than Fifty Shares. by themselves or Proxy.

And be it further enacted by the Authority aforesaid, That in case the said Sum of One hundred thousand Pounds, herein before authorised to be raised, shall be found insufficient for the making, completing, and maintaining the said navigable Cut or Canal, and other the Works hereby authorised to be made, and all necessary Charges and Expences relating thereunto; then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Navigation, not exceeding the Sum of Fifty thousand Pounds; and every Subscriber towards raising such further or other Sum shall have a like Vote by himself or his Proxy, in respect of every such Share in the said additional Sum so to be raised, and shall also stand interested in all the Profits and Powers of the said Navigation proportionably to the Sum he or they may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said One hundred thousand Pounds; any Proprietors may raise an additional Sum if necessary.

Thing

Thing herein contained to the Contrary thereof in anywise notwithstanding; or it shall and may be lawful for the said Company of Proprietors, or the Committee for the Time being, to be by them appointed by virtue of this Act, or any Seven or more of such Committee, by Order of the General Meeting at any of their Meetings assembled, to borrow and take up at legal or less Interest, all or any Part of the said Sum of Fifty thousand Pounds on the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and they are hereby fully authorised and impowered to assign over the said Navigation, Undertaking, and Premises, and the Tolls, Rates, and Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls, Rates, and Duties) as a Security for any such Sum or Sums of Money to be borrowed, with Interest, to such Person or Persons, or their Trustees, who shall advance the same, under the common Seal of the said Company, by the following Words of Assignment, or by any other Words to the same Effect, viz.

BY virtue of an Act made in the Eleventh Year of the Reign of His Majesty King *George* the Third, *for making a navigable Cut or Canal from* Chesterfield, *in the County of* Derby, *by* Worksop *and* Retford, *in the County of* Nottingham, *to communicate with the River* Trent *at or near* Stockwith, *in the said County of* Nottingham, We the Company of Proprietors of the said Navigation, incorporated by and under the said Act, in consideration of the Sum of of lawful *British* Money to us in Hand paid by , do assign unto the said , his Executors, Administrators, and Assigns, all and singular the Tolls, Rates, and Duties, arising by virtue of the said Act, and also the said Navigation, Undertaking, and Premises, and all the Estate, Right, Title, and Interest, of the said Company of Proprietors, of, in, and unto the same, to hold unto the said , his Executors, Administrators, and Assigns, until the said Sum of , together with Interest for the same, after the Rate of *per Centum per Annum*, shall be repaid.

And all and every Person to whom such Assignmen or Assignments shall be made, shall be equally intitled to their Proportion of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment

ment thereof, with the Intereſt as aforeſaid, without any Preference, by Reaſon of Priority of Aſſignment, or on any other Account whatſoever; and the Money ſo borrowed by any or either of the above Methods ſhall be applied for making, continuing, completing, and maintaining the ſaid navigable Cut or Canal, and other Works authoriſed by this Act, and in carrying the ſame, and the ſeveral Proviſions, Powers, and Authorities herein contained, into effectual Execution.

And be it further enacted by the Authority aforeſaid, That 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 to the ſaid Company of Proprietors; which ſaid Book or Books ſhall and may be peruſed, at all ſeaſonable Times, by any of the Proprietors or Creditors of the ſaid Navigation, or other Perſons intereſted therein, without Fee or Reward; and that all and every Perſon and 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 ſaid Principal and Intereſt Money thereby ſecured, to any Perſon or Perſons whatſoever, by indorſing on the Back of ſuch Security, before One credible Witneſs, the following Words, or Words to the like Effect, viz. Securities may be transferred.

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

Witneſs *E. F.* Form of Transference.

Which ſaid Transfer or Aſſignment ſhall, within Twenty Days after the Date thereof, be produced and notified to the ſaid Clerk, 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 the Sum of One Shilling; and after ſuch Entry made, but not until then, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and

such Assignee may assign again, and so toties quoties: But in case any Sum so assigned shall not exceed the Sum of One hundred Pounds, it shall and may be lawful for the Person or Persons intitled to such Assignment respectively, by an Indorsement of his, her, or their proper Names, without Witness, to transfer his, her, or their Property in such Assignment to any other Person or Persons, without an Entry to be made thereof in the said Book or Books; and all such last-mentioned Transfers or Assignments shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee may in like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made any such Assignment to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Interest of the Money borrowed to be paid Half-yearly in preference to the Dividends.

And it is hereby further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid, shall be paid Half-yearly to the several Parties intitled thereto, in Preference of any Interest or Dividend due and payable by virtue of this Act to the said Company of Proprietors, or any of them, and shall, from Time to Time, be fully paid and discharged, or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or divided; and that all such Transfers, Securities, and Assignments, shall be free from all Stamp Duties.

General Assemblies for chusing a Committee.

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 by the Authority aforesaid, That the First General Assembly or Meeting of the Proprietors for putting this Act in Execution shall be held at the George Inn, in Worksop aforesaid, on Thursday, in the Third whole Week after the passing of this Act; and the Second General Meeting at the Crown Inn, in Retford aforesaid, upon the First Thursday in September next ensuing, and the like General Assemblies or Meetings shall be held on the Second Thursday in May, at Chesterfield aforesaid, and on the First Thursday in September, at Retford aforesaid, in every Year for the future, at or before the Hour of Eleven of the Clock in the Forenoon, at such respective Inns, in the said several Places, as shall, from Time to Time, be ascertained at any preceding General Meeting; at which said First Meeting, the Proprietors assembled together, with such Proxies as

shall

shall be then present, shall chuse Twenty-one Persons, who, for the Time being, are each Proprietors 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 after directed, and as shall from Time to Time be ordered by such General Assemblies as aforesaid; but if at any Time it shall appear to any Fifteen or more of such Proprietors, that, for more effectually putting this Act in Execution, a Special Meeting of the Proprietors is necessary to be held, it shall be lawful for such Fifteen or more of them, to cause Notice to be given thereof by their Clerk in the Derby, York, and Nottingham, Weekly News-papers, or in such other Manner as the said Proprietors, their Successors or Assigns, shall at any General Meeting direct or appoint, declaring in such Notices the Place where and the Time when such Meeting is to be held, the same not being less than Fifteen 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 Notices, and proceed to the Execution of the Powers by this Act given them, with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, at such Meetings assembled, shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner herein before appointed.

Committee to be under Controul of the General Assembly.

Provided always, That such Committee shall, from Time to Time, make Reports of their Proceedings to the said General Assemblies, and be subject to the Examination and Controul of the said General Assemblies, or other 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 Assembly or other Meeting, 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 by the Authority aforesaid, 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 locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places 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

the Time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Request, shall have free Access to such Book and Books, for his, her, or their Inspection.

General Assemblies to consist of 400 Shares.

Provided always, That if at any such General or Special Assembly there shall not be Persons present who have Four hundred such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but, in such Case, there shall be a new Assembly of the Proprietors of the said Navigation, at the same Place, upon that Day Three Weeks following, 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 be continued in such Offices, until such Time as they would have been, had they been chosen on the same Day herein before appointed; and that, in case of Failure of the Meeting of the Persons having Four hundred Votes, as Principals or Proxies, at such first Meeting, the whole Number of Principals who shall not be present at such second Meeting, by him, her, or themselves, or his, her, or their Proxies, shall forfeit to the said Company of Proprietors, for every such Share which he, she, or they, shall then have in the said Navigation or Undertaking, the Sum of Five Shillings, to be stopped out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may happen.

Proprietors not meeting to forfeit 5 *s.* for each Share.

Power of General Assemblies.

And be it further enacted by the Authority aforesaid, That every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money 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 over 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 Assembly, 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 from the Proprietors of the said Navigation, to defray the Expences of, or carry on the same, as they, from Time to Time,

Time, shall find wanting and necessary for those Purposes, so that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Call be made but at the Distance of Three Calendar Months at the least from each other; which Money, so called for, shall be paid to such Person or Persons, and in such Manner, as the said General Assembly shall, from Time to Time, appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next Annual or other General Assembly, to be holden in Manner as aforesaid, 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 Bargins touching the said Undertaking, so that no such Purchase, Bargain, or other Matter, be done or transacted, without the Concurrence of a Majority of the said Committee together assembled, such Majority not being less than Five, and such Committee may adjourn themselves, from Time to Time, as they see Occasion; and every the Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay his, her, or their Shares or Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Two Calendar Months Notice at least shall be given, by publishing the same in the Derby, York, and Nottingham News-papers, so long as such News-papers respectively shall continue to be published; 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 to be called for as aforesaid, at the Time and Place appointed by such General Assembly or Committee, he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds for every One hundred Pounds, of his, her, and their respective Share and Shares, Parts and Interests in the said Navigation, Undertaking, and Premises; 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 Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they, so neglecting, shall forfeit his, her, and their respective Shares, Parts, and Interests, in the said Navigation,

vigation, Undertaking, and Premises; all which Forfeitures shall go to the rest of the Company of the 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.

Subscribers to have Notice before they forfeit their Shares.

Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, till after personal Notice to the Owner, or Notice in Writing left at his or her usual or last Place of Abode; nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, who shall meet within Six Calendar Months next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor and 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 carrying on the said intended Navigation.

General Assemblies may make Bye-laws.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns for the Time being, shall always have Power and Authority, at any General Assembly met 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 revoke, alter, amend, or change any of the Rules and Directions herein before described and laid down with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet, (the Method of calling General Assemblies, 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, for the good and orderly using of the said Navigation, and all such Warehouses, Wharfs, Passages, Locks, Tunnels, and all 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 Merchandise, upon any Part of the said Canal; and, from Time to Time, to alter and repeal the said Bye-laws and Constitutions, and to impose and inflict such reasonable Fines

or

or Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly 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 hereinafter are 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.

When Subscribers die before Shares completed.

And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall die before such Call or Calls shall have been made, for the full Sum to be advanced on each Share, which he, she, or they shall have been possessed of, or intitled to, without having made Provision by Writing, or otherwise, how such Share or Shares shall be disposed of, and the Money paid in upon Calls for the future; then, and in such Case, the Executors or Administrators of any such Owner dying, and the Trustee or Trustees, Guardian or Guardians, of any Infant or other Person or Persons whatsoever, intitled to the Estate or Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, or other Person or Persons whatsoever, for paying any Sum of Money when called for as aforesaid, to complete every such Subscription; and if such Owner deceased shall not have left Assets sufficient, or in case the Executor, Administrator, Trustee, or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be, and are hereby impowered, authorised, and required, to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such Owner deceased, on Condition that he, she, or they so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians, of any Infant, or others intitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his or her Lifetime, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for.

Executors may complete the Payment.

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 such Navigation, to sell and dispose of any Share or Shares he, she, or they, shall or may be intitled to therein, subject to the Rules and Conditions herein mentioned, and any Purchaser

chaſer or Purchaſers ſhall, for his, her, or their Security, as well as that of ſuch Proprietor or Proprietors, have a Duplicate or Duplicates 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 to 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 or Clerk as aforeſaid, and filed and entered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Navigation, or any Intereſt for his ſaid Share paid to him, her, or them, or any Vote as Proprietor or Proprietors.

Form of the Sale and Transfer of Shares.

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

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, Shares (as the Caſe is) in the *Cheſterfield* Canal 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, that I held the ſame immediately before the Execution hereof; and I the ſaid *C. D.* do hereby agree to accept thereof, ſubject to the ſame Rules, Orders, and Conditions, Witneſs our Hands and Seals, the Day of in the Year of our Lord

Clerks to be appointed, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or the major Part of them, 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, a Perſon or Perſons to be their Clerk or Clerks, who ſhall, in a proper Book or Books to be provided for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the

the ſeveral Proprietors of the ſaid intended Navigation; and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors, or intitled to any Share or Shares of and in the ſaid Navigation and Undertaking, and of all the other Acts, Proceedings, and Tranſactions of the ſaid Company of Proprietors, their Succeſſors and Aſſigns, by virtue of and under the Authority of this Act; and that each of the ſaid Proprietors, Land Owners, and other Perſons intereſted or concerned in, or affected by the ſaid Navigation, 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 Three-pence for every Two hundred Words ſo to be copied; and if the ſaid Clerk or Clerks ſhall refuſe to permit any ſuch Perſon or Perſons ſo intereſted as aforeſaid to inſpect ſuch Books, or refuſe to make Copies or Extracts thereof, at the Rate or Time aforeſaid, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Orders, &c. to be entered in Books.

And be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book or Books to be kept for that Purpoſe, ſuch Books to be opened at all ſeaſonable Times to the Inſpection of any Perſon deſirous of ſeeing and examining the ſame without Fee or Reward; and the ſaid Orders and Proceedings, when ſo entered as aforeſaid, being 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, ſhall be deemed Originals, and admitted as Evidence without further Proof in all Courts whatſoever; and the ſaid Commiſſioners, or any Five or more of them, may, and are hereby required at their firſt Meeting, to appoint out of Two Perſons to be nominated by the ſaid Company of Proprietors, ſuch One of the ſaid Two Perſons as the ſaid Commiſſioners ſhall think proper, to be their Clerk, and from Time to Time may remove any ſuch Perſon, and on ſuch Removal, or in caſe ſuch Clerk ſhall die or quit the Service of the ſaid Proprietors, ſhall appoint another out of Two to be nominated as aforeſaid in his Stead, which Clerk ſhall be paid for his Care and Trouble in the Execution of ſuch Office by the ſaid Company of Proprietors; and ſuch Clerk or Clerks who ſhall be removed, or die, or quit the Service as aforeſaid, his or their reſpective Executors or Adminiſtrators, ſhall, within Ten Days after Notice in Writing to them reſpectively given by the ſaid Commiſſioners, or any Five or more of them, at a Meeting held purſuant to this Act, produce and de-

liver up to such Commissioners all Books, Accounts, Papers, or Writings whatsoever, relative to the Execution of their Office, which shall be in their Custody or Power; and every such Person neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall, for every such Neglect or Refusal respectively, forfeit the Sum of Twenty Pounds.

Rates of Tonnage.

And be it further enacted by the Authority aforesaid, That, in consideration of the great Charges and Expences the said Company of Proprietors, their Successors and Assigns will be at in making, maintaining, and supplying with Water the said Cut or Canal, and in making and maintaining all other Works hereby authorised to be made and erected, 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, take, and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage for all Coals, Stone, Timber, and other Goods, Wares, Merchandise, and Commodities whatsoever which shall be navigated, carried, or conveyed upon or through the said Cut or Canal, such Rates and Duties as the said Company of Proprietors, their Successors and Assigns, shall think fit, not exceeding the Sum of One Penny per Mile for every Ton of Lime, and not exceeding the Sum of One Penny Halfpenny per Mile for every Ton of Coals, Lead, Timber, Stone, and other Goods, Wares, Merchandise, or other Commodities, and so in proportion for any greater or lesser Quantity than a Ton: Provided always, that no more than One Halfpenny per Ton per Mile shall be paid for any Soap, Ashes, Salt, Salt-screw, Foul Salt and Grey Salt, Soot, Bone Dust, Pigeons Dung, Rape or Cole Seed Dust, Rags, or Tanners Bark to be used for the manuring the Lands of any Person whose Lands shall be cut through by the said Canal, such Lands lying in any Township through which the said Canal shall pass; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places, within One Mile of the said Cut or Canal, in such Manner, and under such Regulations, as the said Company of Proprietors shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rate and Duty, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case, in any Court of Record; or the Person or Persons to whom the said Tolls ought to have been paid may,

way, and he and they is and are hereby impowered to seize and detain any such Boat or Vessel, or Goods, for or in respect whereof any Rates or Duties ought to be paid, or any Part of such Goods, and detain the same until Payment thereof, together with the reasonable Charges for such Seizure and Detainer, and if such Detainer shall not be redeemed within Five Days after the taking thereof, the same may be appraised and sold as the Law directs in Cases of Distress for Rent.

Exemptions from Tolls.

Provided also, and be it further enacted, That all Hay or Corn in the Straw not sold, but to be laid up in the Out-houses, Garths, or Yards belonging to the respective Owners thereof, small Rubbish or waste Stones from Delfs and Quarries, and all Gravel and Sand to be employed for the Purpose only of making and repairing the Roads (not being Turnpike) in any Township, Village, or Hamlet through which the said Canal shall be made, and which shall not be carried more than Five Miles on the said Canal, and also all Dung, Soil, Marl, Ashes of Coal and Turf, for the Improvement only of the Lands and Grounds in the Townships, Villages, Hamlets, or Places through which the said Canal shall pass, of all and every Person and Persons whose Lands or Grounds shall or may be had and taken, for or on account of making the said Cut or Canal, or any Part thereof, shall not, nor shall any of them be charged with or liable to pay any of the Rates, Duties, or Tolls authorised to be taken by this Act, for being carried upon the said Cut or Canal, Trenches, Sluices, or Passages, or any Part thereof, but shall be free and exempted from the same, so that the Things hereby exempted from the Payment of such Tolls or Duties do not pass through any Lock authorised to be made by virtue of this Act but at such Times when the Water shall flow over the Gauge, Paddle, or Nitch of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying such Hay or Corn in the Straw, and such Stones, Gravel, or Sand, for the making or repairing of such Roads, or such Dung, Soil, Marl, or Ashes, shall have free Liberty to make use of the Towing-paths, Wharfs, or Quays belonging to the said Company of Proprietors, such Person or Persons not suffering such Hay or Corn in the Straw, and such Stones, Gravel, or Sand for making or repairing Roads, or such Dung, Soil, Marl, or Ashes, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on Board and unloaded, and making good

any

any Damages that may be done to the Fences, Sides, Banks, or Towing-paths of the said Cut or Canal, or any Part thereof, by the loading, unloading, or discharging any Boats or other Vessels, or by the leading of such Materials to or from the Banks of the said Cut or Canal; which Recompence and Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them; provided that any Person so claiming Exemptions as aforesaid, shall give Notice to the nearest Toll-gatherer or Collector of such their Intentions to pass through any Lock, specifying the Locks through which he intends to pass upon the said Navigation Six Hours at least before such passing through such Locks as aforesaid; and any Person claiming any Exemptions as aforesaid, not being intitled thereto, or not giving Notice as aforesaid, or using or disposing of any of the Articles so exempted in any other Manner than as before directed, and being convicted thereof before One Justice of the Peace, shall forfeit the Sum of Five Pounds, to be levied by Distress and Sale.

Tolls to be free from Taxes.

And be it also further enacted and declared, That the said Rates, Tolls, and Duties, shall at all Times hereafter be exempted from the Payment of any Taxes, Rates, Assessments, or Impositions whatsoever; any Law or Statute to the Contrary notwithstanding, other than such Taxes, Rates and Assessments as the Land which shall be used for the Purposes of the said Navigation would have been subject to if this Act had not been made.

Further Allowance for Goods remaining upon a Wharf above a certain Time.

And be it further enacted by the Authority aforesaid, That if any Iron, Iron-stone, Coals, Lime for the Improvement of Land, or other Goods whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belonging to the said Company of Proprietors, their Successors and Assigns, for above the Space of Twenty-four Hours; then, and in such Case, the said Company of Proprietors, their Successors and Assigns, shall be intitled to and receive such Allowance over and above the Connage Rates herein before limited, as shall be agreed upon between the said Company of Proprietors, their Successors and Assigns, or their Agent or Agents, and the Owner or Owners of such Coals or other Goods; or in case of Difference concerning the same, as shall be ascertained by the said Commissioners, or any Five of them.

Rates to be fixed by Proprietors, and

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and

and Assigns, shall, at their first General Assembly, fix the Rates or Duties to be by them taken by virtue of this Act, which said Rates or Duties shall be equal throughout the whole Length of the said Canal, except as herein after mentioned; and that it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, at any General Assembly to be afterwards held for that Purpose, of which Three Months Notice shall be given in Manner herein after mentioned, to lessen or reduce the said Rates and Duties hereby granted, or so fixed at such first General Assembly, as they shall think proper, and may afterwards, from Time to Time, at any General Assembly, of which such Notice shall be given as aforesaid, advance the said Rates, Tolls or Duties so lessened, to any Sum or Sums of Money not exceeding the Rates and Duties herein before mentioned, and that no Reduction of the Rates and Duties hereby granted shall be confined to any particular Part of the said Cut or Canal, but shall extend to and take place upon the Whole and every Part thereof, except the Rates and Duties to be fixed upon Coals delivered and navigated upon the River Trent, which may be fixed lower than the Rates and Duties upon Coals delivered in any other Part of the said Canal, and shall be made with the Consent of the Proprietors of at least Two-thirds of the Shares of the said Navigation.

be equal throughout the whole Navigation.

And, for the more easy collecting the said Rates and Duties hereby laid and directed to be paid, be it further enacted by the Authority aforesaid, That the Masters, Owners and Managers of every Boat, Keel, or other Vessel navigating upon the said intended Cut or Canal, or on 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 Tonnage or Duties, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat or other Vessel, from whence brought, and where they intend to land the same; and in case they 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 Twenty Shillings for every Ton of Goods which shall be in such Boat or Vessel respectively, of which such Account shall be refused to be given, or of which such false Account shall be given, or which shall

Masters of Boats to give an Account in Writing to the Collectors of the Particulars of the Goods, &c.

be delivered out as aforesaid, as the Case shall happen to be, over and above the Rates and Duties they are obliged to pay for the same; and in case of Neglect, Refusal, or Denial of Payment on Demand of such Forfeiture or Forfeitures before mentioned, or any Part thereof, to the said Company of Proprietors, their Successors and Assigns, that then, and in such Case, the same shall be recovered and levied in such Manner, and by such Methods, as the Rates and Duties hereby granted to the said Company of Proprietors, their Successors and Assigns, are herein before directed and appointed to be recovered and levied.

For ascertaining Tonnage of Timber, &c.

And, for the better ascertaining the Tonnage of Timber, Wood, Coal, and Lime-stone, be it enacted and declared, That Fifty Feet of round or Forty Feet of square Oak, Ash, or Elm Timber, or Fifty Feet of Fir or Deal, Balk, Poplar, and other Timber Wood, shall be deemed, rated, and estimated, as and for One Ton Weight, and the Ton of Coals and Lime-stone shall consist of Twenty two Hundreds, of One hundred and twelve Pounds each to the Ton.

In Case of Difference concerning Weight of Goods, Vessels to be detained and Goods weighed &c.

And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties and the Master or Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandises, 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 Merchandises as shall be therein contained; and in case the same shall, upon 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 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 and Duties are hereby appointed to be recovered and levied; but if such Goods, Wares, and Merchandises, shall appear to be of the same or less Weight or Quantity than the Master, Owner, or Person 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 Merchandises, such Damages as shall appear to the said Commissioners,

missioners, or any Five or more of them, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered against the Company of Proprietors of the said Navigation, their Successors or Assigns, by Action of Debt, in any of His Majesty's Courts of Record.

Navigation to be free upon Payment of Rates.

And be it further enacted by the Authority aforesaid, That all Persons whatsoever shall have free Liberty to use with Horses, Cattle, and Carriages, the private Roads and Ways, (except the Towing-paths) and with Boats or other Vessels the navigable Cuts, Canals, or Sluices, to be made by virtue of this Act, for the Purpose of conveying Stone, Coals, Timber, and other Goods, Wares, Merchandises, and Commodities whatsoever, to or from the said Cut or Canal, Trenches, or Passages, and also to Navigate upon the said Cut or Canal, Trenches, Sluices or Passages with any Boats or Vessels, and to use the said Wharfs or Quays for loading and unloading Coals and other Goods, and the said Towing-paths for haling and drawing such Boats and Vessels, upon Payment of such Rates and 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 be from Time to Time 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.

Vessels under Twenty Tons not to pass Locks without Consent of Company.

Provided always, That no Boat or other Vessel of less Burthen than Twenty Tons shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, their Successors or Assigns, or their principal Agent for the Time being, in Writing first had and obtained, or unless the Owner of such Boat or Vessel shall pay Tonnage equal to a Boat or Vessel of Twenty Tons.

Drains to be made into the Canal to convey the Water from the Lands adjoining, and how the same shall be maintained.

And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, shall, and they are hereby required, at their own proper Costs and Charges, to make, or cause to be made, such Arches, Tunnels, Drains, or other Passages over, under, or into the said Cut or Canal, authorised to be made by this Act, and the said Trenches, Streams and Water-courses communicating therewith, and Towing-paths on the Sides thereof, of such Depth and

and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near to the said Cut or Canal, without obstructing or impounding the same, and likewise to make, or cause to be made, such Back Drain or Drains as may be necessary, and shall be sufficient, to carry off any Water which may ooze or pass through any of the Banks of the said Cut or Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto, making Satisfaction for the Ground so used for the same; and that all such Arches, Tunnels, Drains, or other Passages, shall, from Time to Time, be supported, maintained, and kept in good and sufficient Repair by the said Company of Proprietors, their Successors and Assigns; and if at any Times or Time, after One Month's Notice shall be given in Writing by or on Behalf of any Owner or Occupier, Owners or Occupiers, of the said adjacent Lands, who shall find him, her, or themselves aggrieved, by the Obstruction of the said Water-courses, to any One of the said Committee for the Time being, or to the known Agent or Collector of the Rates and Duties of the said Proprietors for the Time being, the said Arches, Tunnels, Drains, or other Passages, shall not be made, cleansed, repaired, and maintained, according to the true Intent and Meaning of this Act, it shall and may be lawful for any Person or Persons, having an Order in Writing for that Purpose from any Five or more of the Commissioners, from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, Tunnels, Drains, or other Passages, and the reasonable Expences thereof, to be ascertained by the said respective Commissioners, or any Five or more of them, shall be defrayed by the said Company of Proprietors, their Successors and Assigns; and in case of Neglect or Refusal to satisfy the same for the Space of One Month after Demand thereof made upon their Agent or Agents, or upon any Collector of the said Rates and Duties upon the said Navigation, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges, and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

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

And be it further enacted by the Authority aforesaid, That where, by Means of making the said navigable Cut or Canal, any Cattle which used to depasture in the adjacent Lands or Grounds shall be deprived of their usual Watering-places; that then, and in such Cases, the said Company of Proprietors, their Successors and Assigns, shall

shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said navigable Cut or Canal for Cattle to water at, in every such Ground where they were heretofore accustomed to drink and water as aforesaid, and to supply the said Watering-places with Water from and out of the said Cut or Canal, if necessary.

Owners may make Drains through *Dinnington*, *Anstone*, and *Tod-wick*, to *Wood-mill*.

And whereas it will be for the Advantage of the Owners and Occupiers of Lands and Grounds adjoining or lying near to the Watercourses leading from the several Commons, called Laughton Common and Brampton Common, in the said County of York, through the several Parishes of Dinnington, Anston, and Todwick, in the same County, near to a Mill, in the Parish of Anston aforesaid, called Wood-mill, the Property of Thomas Duke of Leeds, and may be for the Advantage of the Owner or Occupiers of the said Mill, and the Owners and Occupiers of the other Mills and Works upon the Brook or Rivulet leading from the said Mill, called Wood-mill, to have the said several Watercourses from their respective Sources cut deeper and wider, so as effectually to drain the said Lands and Grounds, and by that Means supply the said Mill, called Wood-mill, and all the other Works and Mills upon the Course of the said Brook or Rivulet below the said Mill, with Water, and also be of great Service to the said navigable Cut or Canal, after such Waters have passed the said Mill or Mills; be it therefore enacted by the Authority aforesaid, That the said Company of Proprietors shall, and they are hereby directed, at their own proper Costs and Charges, within Three Months next after they shall begin to put this Act in Execution, to cut and widen the said several Watercourses from their respective Sources, through the said several Parishes of Dinnington, Anston, and Todwick, to the Dam of the said Mill, called Wood-mill, so as to make a sufficient, proper, and complete Drain, not exceeding Four Feet in Breadth, for the draining and clearing from Water all the Lands and Grounds adjoining or lying near to the said several Watercourses, in order the better to supply with Water the said Mill, called Wood-mill, and all the other Mills and Works upon the Course of the said Brook or Rivulet below the same; and also shall, at their own like Costs and Charges, from Time to Time, from thenceforth for ever thereafter, support, maintain, and cleanse the same; and shall also, at their own like Costs and Charges, make and erect across and over the same One good and substantial Carriage-bridge, at a Place called Monk's Bridge, in the Road from

Saint John's to Todwick aforesaid; and also One other Carriage-bridge in the Road leading from Saint John's Common aforesaid to the Town of Dinnington aforesaid; any Thing herein contained to the Contrary thereof notwithstanding.

Proprietors to fence off the Towing-paths from the adjoining Lands, &c.

And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing-paths on the Side or Sides of the said Cut or Canal, and navigable Trenches or Passages, or such Part or Parts thereof as shall be found necessary by the said Commissioners, or any Five or more of them, from the Lands and Grounds adjoining to such Towing-paths, with a sufficient Post and Rail, Hedge, Ditch, Trench, Bank, or other Fence, sufficient to keep in Sheep and other Cattle, and to prevent Horses or other Cattle which may be Towing, or otherwise at work, upon or passing along the said Towing-paths, or any Parts thereof, from getting in any Manner into any such adjoining Lands or Grounds, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid, and shall, at their own Costs and Charges, maintain and support the same; and also

and make Bridges, &c.

shall, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates, Bridges, and Stiles, in and over all the Hedges and Fences to be by them so made on the Sides of such Towing-paths as aforesaid; and also such Bridges, Fords, and Passages over, under, or through the said Cut or Canal, and the said Trenches, Streams, and Watercourses, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall, from Time to Time, judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, or Hereditaments adjoining to such Cut or Canal, Trenches, Streams, Watercourses, and Towing-paths, or any of them respectively; and the said Company of Proprietors, their Successors and Assigns, shall not make the said Cut or Canal, or any Trench or Watercourse, or any Part thereof, in or across any common Highway, publick Bridle-way or Foot-path, until such Time as they shall, at their own proper Charge, have made and perfected such Bridge or Bridges over, or convenient Passages through, or Arch or Arches under the said Places where the said Cut, Canal, Trench, or Watercourse respectively shall be intended to be made for such Road, Way,

or

or Path, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall adjudge proper; and all such Bridges, Arches, Fords, and Passages so to be made, shall, from Time to Time, be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors, their Successors and Assigns.

In case of Failure, the Owners of the Lands to make the Bridges, &c.

And be it further enacted, That in case the said Company of Proprietors, their Successors and Assigns, or their Agents, shall fail or neglect to make, erect, and set up such Gates, Bridges, and Stiles, in and over the Fences on the Sides of the said Towing-paths, or such Bridges, Arches, and Passages, over, under, or through the said Cut or Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering-places for Cattle as herein before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands adjoining thereto, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall, from Time to Time, direct or appoint; or to maintain and support such Bridges, Arches, and Watering-places, when erected, set up, or made, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or any Five or more of them; then, and in every such Case, it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, who shall find themselves or himself aggrieved by any such Failure or Neglect, to make, erect, and set up, all such Gates, Stiles, Bridges, Arches, Passages, and Watering-places, as the said Commissioners, or any Five or more of them, shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors, their Successors and Assigns as aforesaid, and to maintain, repair, and support the said Bridges, Arches, and Watering-places, from Time to Time, as Occasion shall require; and all the reasonable Costs and Charges thereof to be settled and allowed by the said Commissioners, or any Five or more of them, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, who shall have so made and erected the said Gates, Stiles, Bridges, Arches, Passages, and Watering-places, or have repaired and maintained the same as aforesaid, by the said Company of Proprietors, their Successors and Assigns, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default

and Charges, as allowed by Commissioners, to be repaid them.

In Default of Payment, Charges to be levied by Diſtreſs of the Company's Chattels.

fault of Payment of the ſaid Coſts and Charges within the Time aforeſaid, the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, by Warrant under their Hands and Seals, to levy the ſaid Coſts and Charges by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, their Succeſſors and Aſſigns, in or upon the ſaid Cut or Canal, or the Wharfs, Quays, or Warehouſes adjoining or near the ſame, to and for the Uſe of ſuch Perſon or Perſons who ſhall have ſo laid out and expended the ſame as aforeſaid, rendering to the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or to ſome of their Agents, the Overplus, if any ſuch there be, after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Commiſſioners, or any Five or more of them; otherwiſe every or any of the ſaid Owners or Occupiers of Lands who ſhall have made, erected, ſet up, maintained, or repaired any ſuch Gates, Stiles, Bridges, Arches, or Watering-places as aforeſaid, upon the Failure or Neglect of the ſaid Company of Proprietors, their Succeſſors and Aſſigns, doing the ſame, or paying the ſaid Coſts and Charges as aforeſaid, ſhall and may have ſuch and the like Remedy againſt the ſaid Company of Proprietors, their Succeſſors and Aſſigns, for the Recovery of ſuch Coſts and Charges, by Action at Law; to be commenced and proſecuted in ſuch Manner as in other Caſes is in and by this Act directed.

For making Bridges of Communication for the Dukes of *Norfolk* and *Leeds*, and of Lord *Byron*.

And be it further enacted by the Authority aforeſaid, That the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall, at their own proper Coſts and Charges, build, make, and erect, upon, or over the ſaid Cut or Canal, and from Time to Time, and at all Times, well and ſufficiently ſupport, maintain, and keep in Repair the ſeveral Bridges of Stone or Brick, of a proper and convenient Breadth and Conſtruction for Carriages to paſs thereupon with Safety in the ſeveral and reſpective Places, Grounds, and Lands herein after mentioned; (that is to ſay) In the Lordſhip of Worksop, One Bridge in a Cloſe belonging to the ſaid Edward Duke of Norfolk, called The Twelve Acre Cloſe, in the Occupation of Joſeph Parkin junior; and One other Bridge in another Cloſe belonging to the ſaid Duke, called Patrick Ends, containing Six Acres, Three Roods, and Thirteen Perches, in the Occupation of Mary Mally; and alſo One other Bridge in another Cloſe belonging to the ſaid Edward Duke of Norfolk, called Netherhelmes, in the Occupation of Robert Croſswell; and likewiſe One other Bridge in another Cloſe belonging to the ſaid Edward Duke of Norfolk,

folk, called Howard Hill, in the Tenure of Noble Champion; and One other Bridge in another Close belonging to the said Duke of Norfolk, called Griffins, in the Occupation of William Raynes; and One other Bridge in another Close belonging to the said Edward Duke of Norfolk, called Meadow, in the Occupation of William Raynes; and also the several Bridges in the several Closes and Wood Grounds belonging to the said Thomas Duke of Leeds, and called by the respective Names herein after specified; (that is to say) The Long Meadow, otherwise Morton Meadow, in the Parish of Anston, in the Occupation of Thomas Morton; the Old Spring Close, and the Dule-hole Close, which said Two last-mentioned Closes lie in the Parish of Thorpe Salvin, and are in the Occupation of him the said Duke; the Hard Meadow, in the Parish of Harthill, in the Possession of Thomas Wright; the Little Moore Close, in the Parish of Wales, in the Possession of John Wright; the Wales Carr Close, in the said Parish of Harthill, in the Possession of John Pashley; and the Wood Ground, called Norwood, in the said Parish of Harthill, in Possession of him the said Duke: And also the several Bridges in the said Closes and Wood Grounds belonging to the Right Honourable William Lord Byron, within the Parish of Gringley on the Hill, in the said County of Nottingham, herein after mentioned; (that is to say) The Great Beck Field, the Shaw and the Wood, and also One Foot Bridge in a Field there, called The Leys.

Owners of Lands impowered to make Gates, &c. for their own Convenience.

And be it enacted, That if the Owners or Occupiers of any Lands, through which the said intended Cut or Canal shall be made, do or shall, at any Time or Times hereafter, find, upon Experience, that the several Gates, Stiles, Bridges, Arches, Passages, and Watering-places, which the said Commissioners, or any Five or more of them, shall have limited or directed to be made by the said Company of Proprietors, their Successors and Assigns, in, upon, over, and under the said Cut or Canal, or the Towing-paths thereof, are insufficient, either in Number or Situation, for the commodious Use or Occupation of their respective Lands and Grounds, on both Sides, or on either Side of the said Cut or Canal, that then, and so often, or in any such Case, it shall and may be lawful to and for every or any such Owners or Occupiers of the said Lands for the Time being, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, or Watering-places, of the same or the like Construction with others made and erected by the said

Company of Proprietors, their Successors and Assigns, or, in, over, or near the said Cut or Canal, or Towing-paths thereof, in such Places as shall be found and adjudged most necessary and convenient, for the better Use, Cultivation, Improvement, or Occupation thereof, and to repair and support the same, at their own like Costs and Charges, as Occasion shall require, so as the Navigation of, in, or upon the said Cut or Canal, be not prevented or obstructed thereby, for any longer Space of Time, or in any other Manner, than the same will be necessarily, by any of the other Gates, Stiles, or Bridges, to be made or erected in or over the said Cut or Canal, by the said Company of Proprietors, their Successors and Assigns, as aforesaid, and so as no Damage or Injury be thereby done to any of the Works of the said Navigation.

if the Navigation be not obstructed thereby.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained, shall extend, or be construed to extend, to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended Cut or Canal shall be made, under, or by virtue of this Act, from making, erecting, or using any Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their respective own proper Lands, Grounds, or Wastes adjoining, or near to the said Cut or Canal hereby authorised to be made, or from landing any Goods or Merchandise, or other Things thereupon, or upon the Banks lying between the same and the said new-intended Cut or Canal; or for making and using 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 and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, 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, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, upon their respective own proper Lands, Grounds, or Wastes respectively, his, her, and their Heirs, and Assigns, so that the Rates, Tolls, or Duties, granted to the said Company of Proprietors, their

Land Owners may erect Warehouses, &c.

their Succeſſors and Aſſigns, for Tonage and Wharfage, ſhall not be thereby reduced or altered.

Proprietors may build after Twelve Months Notice given to Owners.

Provided always, and be it enacted, That if any ſuch Lord or Lords, Owner or Owners, ſhall not, within the Space of Twelve Months after Notice given in Writing, 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 Purpoſe of erecting Warehouſes and Buildings for the Uſe of the ſaid Navigation, make, erect, and maintain in ſubſtantial Repair, in the Opinion of the ſaid Commiſſioners, or any Five or more of them, proper and ſufficient Warehouſes and Buildings agreeable to a Plan or Plans thereof, which is and are hereby required and directed to be delivered to ſuch Lord or Lords, Owner or Owners, at the ſame Time or Times when ſuch Notice or Notices ſhall be given as aforeſaid, on the reſpective Part or Parts of the Lands, Grounds, and Waſtes, comprized and deſcribed in ſuch Notice; then, and in every ſuch Caſe, the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, ſhall have full and abſolute Power and Authority, without any Hinderance or Reſtraint whatſoever, to make uſe of ſuch Lands, Grounds, or Waſtes, for erecting ſuch ſufficient Warehouſes and Buildings, agreeable to ſuch Plan or Plans ſo delivered as aforeſaid, 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 Rate of Wharfage.

And be it further enacted, That no more than Threepence 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 intended Cut or Canal, by virtue of this Act, unleſs the Goods, Wares, or Merchandiſes which ſhall be laid thereon, ſhall remain or continue on ſuch Wharf or Quay for a longer Time than the Space of Six Days.

Maſters Names and Places of Abode to be on Outſide their Boats.

And, for the better regulating of Maſters of Boats, Bargemen, and others, employed upon the ſaid intended Cut or Canal, be it further enacted by the Authority aforeſaid, That every Maſter, or Perſon having the Rule or Command of any Boat or other Veſſel paſſing upon the ſaid intended Cut or Canal, ſhall cauſe the Name and Place of Abode of the Owner or Owners, and Number of the Veſſel, to be ſet in large painted White Capital

pital Letters, on a Black Ground, on each of the Outsides of every such 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, 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 shall also cause such Boat or other Vessel, on both Sides thereof, to be in like Manner marked with large Figures, denoting or ascertaining the Number of Tons of Goods contained in such Boat or Vessel, for every Inch of Water such Boat or Vessel shall draw; and every Owner, Master, or other Person, having the Rule or Command of any Boat or other Vessel, who shall refuse or neglect to put the Owner's Name and Place of Abode, and Number of the Vessel, and the Tonnage therein as aforesaid, on any such Boat or other Vessel, in Manner aforesaid, or shall alter, deface, erase, or destroy, any Letter or Figure, describing such Name and Place of Abode, Number of the Vessel, and Tonnage therein as aforesaid, or shall refuse to have his or their Boats or other Vessels measured as aforesaid, he or they shall, for every such Offence respectively, forfeit and pay to the said Company of Proprietors, their Successors or Assigns, the Sum of Forty Shillings.

Boats to be measured.

Boat-master or Owner made answerable for Damage done by the Crew.

And be it further enacted by the Authority aforesaid, 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 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 intended Cut or Canal, Trenches, Sluices, and Passages, or by loading or unloading any Boat or other Vessel, and for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Buildings, 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

against him upon Demurrer, or by Default, the Plaintiff in such Case, shall recover his Damages thereby sustained with Double Costs of Suit.

Places to be made for Boats to turn and lie in, till other Boats pass by.

And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, shall and may, and they are hereby required in such Part of the said navigable Cut or Canal, Trenches, or Sluices, as shall not be of a sufficient Breadth for admitting a Boat or Vessel to turn about and lie, or Two Boats or other Vessels to pass each other, to open or cut proper Spaces or Places in the said Lands adjoining to the said intended navigable Cut or Canal, Trenches, or Sluices, at convenient Distances from each other, for the turning, lying, and passing, of any such Boat or Vessel; and that the said Boats or other Vessels sailing or being haled or navigated upon the said Cut or Canal, Trenches, or Sluices, shall, upon Meeting any other Boat or Vessel, stop at, or go back to, and lie in the said Spaces or Places, in such Manner, as the said Committee, or the major Part of them, under their Hands and Seals shall direct and appoint.

Regulations for Vessels passing the Locks.

Provided always, and be it enacted, That no Boatman, or his Agent or Servants, navigating a Boat or other Vessel upon the said Cut or Canal, and passing with any Boat or other Vessel through any Lock to be made upon the said Cut or Canal, shall suffer the Water to remain in the Lock longer than is necessary for his Boat or other Vessel to pass through any such Lock; and also that every such Boatman or other Person as aforesaid, in going down the said Cut or Canal, shall 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 Boat or other Vessel into the Lock, shall shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; and in going up the said Cut or Canal, shall, so soon as he or they shall have passed with his or their Boat or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock coming down the said Cut or Canal, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gate shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Cut or Canal, the Vessel going up the same, if within Sight of, and at a Distance not more than Three hundred Yards below a

Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel next above shall come down; and if there are more Vessels than One below and above any Lock at the same Time in such dry Season, within the Distance aforesaid, at which Distance a Post or Mark shall be set up or made for that Purpose, such Vessel shall go up and come down in such Locks by Turns as aforesaid, till all the said Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two or more Vessels; and every Person offending in any of these Particulars, and being convicted thereof before any Justice of the Peace on the Oath of One or more credible Witness or Witnesses, as also the Master or other Person having the Command of such Boat or Vessel, shall forfeit the Sum of Twenty Shillings.

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

And be it further enacted by the Authority aforesaid, That if any Boat or Vessel shall be placed in any Part of the said Cut or Canal, or of any Trench, Sluice, or Passage aforesaid, so as wilfully 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 Obstructions in the Navigation, and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Boat or Vessel shall be sunk in the said Cut or Canal, 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, 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 till Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels sunk to be weighed up.

Persons overloading and obstructing the Passage of the Canal, to forfeit 5*l.*

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall float any Timber upon the said Cut or Canal, or load any Boat or Vessel with Timber, so that the same shall lie over the Sides of

of any such Boat or Vessel so laden, or shall overload any Boat or Vessel navigating in or upon the said Cut or Canal, Trenches, Sluices, or Passages, and when so overloaded shall put such Boat or other Vessel into the said Cut, Canal, Trenches, Sluices, or Passages, so as to obstruct the Passage of any other Boat or Vessel, or shall not immediately, upon Notice given to the Owner or Person having the Care of such Boat or other 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 Persons throwing Ballast into the Canal.

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

Canal not under the Power of Commission of Sewers.

Provided always, and be it enacted by the Authority aforesaid, That the said Cut or Canal, 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 Commission of Sewers, or to any Law or Statute relating to Sewers; any other Law or Statute to the Contrary hereof notwithstanding.

Persons on Board having Nets, not being qualified, forfeit 5*l.*

And be it further enacted by the Authority aforesaid, That if any Person or Persons navigating or working, or being on Board any Boat or other Vessel within the Limits of the said intended Navigation (not being qualified by the several Laws and Statutes relating to Game) shall carry with him or them, or have on Board any Boat or other Vessel any Fishing-net, Gun, Engine, or other Instrument for taking or destroying, and with an Intent to take and destroy Fish or Game, such Person or Persons being thereof lawfully convicted by his own Confession, or on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the County, Riding, or Place where the Offence shall be committed respectively, shall for every such Offence forfeit and pay the Sum of Five Pounds;

Pounds; and in case any Master or other Person having the Command of any Boat or other Vessel, shall knowingly suffer or permit any Person or Persons, not being duly qualified as aforesaid, to have, carry on Board, or make Use of any Fishing-net, Gun, Engine, or other Instrument for taking or destroying Fish or Game, and being thereof convicted as aforesaid before One or more Justice or Justices of the Peace for the County, Riding, or Place respectively where the Fact shall happen, shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Election of new Commissioners.

And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it enacted by the Authority aforesaid, That when any of the Commissioners hereby appointed, or to be elected in Manner herein after mentioned, shall die or refuse to act, the surviving or remaining Commissioners, or any Five 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 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 Fourteen Days at least before all such Meetings.

Qualification of Commissions.

And be it further enacted by the Authority aforesaid, That no Person shall act as a Commissioner who shall be a Proprietor of the said Navigation, or in any Case where he shall be any-ways interested or concerned in the Matter in question; and that no Commissioner herein before appointed, or who shall be elected by virtue of this Act, shall act as a Commissioner, unless he shall be seised in his own Right, or in the Right of his Wife, and not as a Mortgagee or Mortgagees, at the Time of such his acting, of an Estate of Freehold or Copyhold in Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or shall be possessed of a personal Estate to the Amount of Two thousand Pounds, over and above what is sufficient to pay off all his just Debts, unless he shall be the eldest Son or Heir-apparent of a Peer of the Realm, or of a Person qualified to be elected and serve as a Knight of the Shire for that Part of Great Britain called England; and if any Person hereby declared

declared incapable to act as a Commissioner, shall nevertheless presume to act as such, every such Person so offending shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who shall sue for the same; to be recovered, with full Costs of Suit, by Action at Law in any of His Majesty's Courts of Record at Westminster, in which Action no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed; and such Person so prosecuted shall prove that he is qualified as before mentioned, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

No Person to act as a Commissioner till he take the following Oath.

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 Five or more of the said Commissioners, who are hereby authorised and impowered to administer the same to any other of the Commissioners, viz.

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 Eleventh Year of the Reign of His Majesty King *George* the Third, *for making and maintaining a navigable Canal from* Chesterfield, *in the County of* Derby, *to communicate with the River* Trent, *at or near* Stockwith, *in the County of* Nottingham.

So help me GOD.

Commissioners may act as Justices.

Provided always, That such Commissioners who are Justices of the Peace, or who are or shall be in the Commission of the Peace for the said Counties of Derby and Nottingham, and the West Riding of the County of York, 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 not to hold any Place of Profit.

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 Tolls and Monies to be raised and collected by the Authority of

the same, such Person, from and after his accepting thereof, during the Time of his holding and enjoying such Place of Profit, and also every Person 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.

On Application of Land Owners, or any of the Proprietors, Commissioners may meet.

And be it further enacted by the Authority aforesaid, That upon any Application to be made by the said Proprietors, their Successors and Assigns, or any Ten or more of them, or by any of the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended navigable Cut or Canal, or any of the Works necessary or relating thereto, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, desiring them to appoint a General Meeting of the Commissioners, the Commissioners so applied to, or any Five 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 are hereby authorised, impowered, and required to assemble, at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby 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, or any Seven or more 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, they shall be deemed adjourned until that Day Three Weeks, at the same Place where the said Meeting was last held; 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 Five in Number of the said Commissioners, shall have Power and Authority to execute the Powers hereby vested in the said Commissioners, but

but not otherwise; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

Provided nevertheless, and be it further enacted, That it shall and may be lawful for any Five 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 mentioned in such Notices, 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. Meetings may be called at any Time by Five 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 the Derby, York, and Nottingham News-papers, or 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 Five or more of them, may, from Time to Time, adjourn to the succeeding Day, or, if such Day be Sunday, the Day after; and in like Manner, from Day to Day, 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 Commissioners meeting.

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 some Place within Five Miles of the Place where such Complaint or Dispute arises. No Meeting, but within Five Miles of the Canal.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend to defeat, prejudice, or affect the Right of the Lord Preserving Rights of Lords of Manors, &c.

Lord or Lords of any Manor or Manors, Common or Waste Grounds, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniences aforesaid, or any or them, shall be made, to the Mines, Minerals, or Quarries, lying or being within or under the Lands or Grounds to be set out or made use of for such Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other Conveniencies aforesaid, or any of them, but all such Mines, Minerals, and Quarries, are hereby reserved to such Lord or Lords of such Manor or Manors, or of such Common or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs or Assigns; and that it shall and may be lawful to and for the Lord or Lords of such Manor or Manors, Common or Waste Grounds, or such Owner or Owners of such Lands or Grounds respectively, subject to the Provisoes and Restrictions herein contained, to take and carry away to his or their Use such Mines, Minerals, or Quarries, not thereby injuring, prejudicing, or obstructing the said Cut or Canal, Towing-paths, Wharfs, Quays, Trenches, Sluices, Levels, Passages, Watercourses, or other the Conveniences aforesaid, or any of them; any Thing herein contained to the Contrary notwithstanding.

The Rights of Fishery preserved.

And be it further enacted and declared, That the Lord and Lords, or Owner or Owners of all and every Manor and Manors through which the said intended Cut or Canal shall be made, shall have and be entitled to the sole, several, and exclusive Right of Fishery, of and in so much of the said Cut or Canal, Trenches and Sluices, as shall be made over or through the Common or Waste Lands within his or their Manor or Manors respectively, and also in, over, or through any other Lands or Grounds lying within any such Manor or Manors, wherein such Lord or Lords, Owner or Owners, now have or hath, or are or is intitled to the Right of Fishery in the Pits, Ponds, and Waters now being in such last-mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Cut or Canal shall be made, shall also have, and be intitled to the like sole, several, and exclusive Right of Fishery, of and in so much of the said Cut or Canal, Trenches or Sluices, as shall be made in, over, or through his, her, or their Lands or Grounds respectively,

respectively, so as, in the Use or Exercise of the said Right of Fishery, the said navigable Cut or Canal, Trenches and Sluices, and the Towing-paths, Banks, or other Works and Conveniences hereby authorised to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Cut or Canal, Trenches or Sluices, and so as the said Company of Proprietors, their Successors and Assigns, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Cut or Canal, Trenches or Sluices, which shall be taken, killed, or destroyed through or by Means of the letting off the Water out of the said Cut or Canal, Trenches or Sluices, for or upon account of any Repairs or Works to be done in or about the same; any Thing herein contained to the Contrary notwithstanding.

Power for Land Owners to use Pleasure-boats.

And it is hereby provided and further enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands adjoining to the said Canal, to use any Pleasure-boat and Boats upon the said Canal (not passing through any Lock, unless they shall first pay Tonnage equal to a Boat or Vessel carrying Fifteen Tons, or obtain the Consent of the said Company of Proprietors) without any Interruption from the said Company of Proprietors, and without paying any Rate or Duty for the same, so as the same be not made use of for carrying any Goods, Wares or Merchandises, and so as the same shall and do not obstruct, or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths on the Sides thereof.

If Lands not used within a certain Time, to be reconveyed.

And be it further enacted by the Authority aforesaid, That if the said Company of Proprietors, their Successors or Assigns, shall be in possession of any Lands or Grounds by virtue of this Act for the Space of Ten Years without making the said intended Navigation through the same respectively, or if the said Navigation shall be made and completed, and afterwards discontinued or disused for the Space of Five Years; then, and in either of the said Cases, from and immediately after the Expiration of the said Ten Years without making, or Five Years after disusing the said Navigation as aforesaid, the said Company of Proprietors, their Successors or Assigns, shall convey all their Right, Property, and Interest, in or to such Lands or Grounds respectively unto the several and respective Persons, or Bodies Politick, Corporate,

or Collegiate, or their Heirs, Successors or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors, their Successors or Assigns, became seised of the same, in case they or any of them shall think fit to become Purchasers thereof, and to pay such valuable Consideration for the said Lands or Grounds to the said Company of Proprietors, their Successors or Assigns, as the said Commissioners, or any Five or more of them, shall adjudge reasonable; and in case any Difference shall happen in ascertaining thereof by the said Commissioners, then as any Jury, to be impannelled in the Manner herein-before directed, shall ascertain or award to be paid for the same; provided that such Consideration, to be ascertained by such Commissioners, or to be awarded by such Jury so to be impannelled as aforesaid, shall not exceed the Sum or Sums of Money first paid by the said Company of Proprietors, their Successors or Assigns, for the Purchase of such Lands or Grounds; and in case the said Company of Proprietors, their Successors or Assigns, upon the Payment or Tender of such valuable Consideration as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid, then, and in such Case, such Lands or Grounds, upon Tender of such valuable Consideration as aforesaid to the said Company of Proprietors, their Successors or Assigns, shall revert to and be thenceforth vested in the said several and respective Person or Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors or Assigns; and in case an annual Rent shall have been paid for the said Lands or Grounds, to be taken in Manner aforesaid for the Use of the said Navigation, then such Rents shall cease and determine, and such Sum or Sums of Money shall be paid for Damages done to the said Lands or Grounds by the said Company of Proprietors, their Successors or Assigns, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors or Assigns, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury respectively shall ascertain or award such Sum or Sums of Money in Default of Payment at the Time to be fixed by such Commissioners or Jury respectively; to be recovered in such Manner as any other Damages are to be recovered by virtue of this Act.

Writings exempt from Stamp Duties.

And be it further enacted by the Authority aforesaid, That no Summons, Order, Determination, Judgement,

ment, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hands, or under the Hands and Seals of any Justices of the Peace, or of the said Commissioners, or any of them, or any other Person or Persons appointed or employed by them, or any Transfer of any Share or Shares, or other Writing whatsoever made in pursuance of the Powers given in and by this present Act, shall be charged or chargeable with any Stamp or 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, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

Proceedings not to be quashed or vacated for want of Form.

And be it further enacted, That the said navigable Cut or Canal shall be measured, and Stones erected on the Sides thereof, at the End of each Quarter of a Mile; and that all Goods, Wares, and Merchandises, which are made liable to the several Rates and Duties hereby imposed, that shall be navigated, carried, or conveyed upon the said Cut or Canal, up, to, or pass any of the said Stones so to be erected, shall be charged with, and pay the said Rates, Tolls, and Duties, for One Quarter of a Mile, for every Stone they shall so pass by, in proportion to the Rates herein-before granted; and that One hundred and Twelve Pounds weight, Avoirdupoize, shall be deemed and taken as and for One hundred Weight, within the Intent and Meaning of this present Act.

Canal to be measured, and Stones set up, &c.

And be it further enacted, That all Fines 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 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 said several Counties of Derby, York, and Nottingham, which said Justice or Justices is and are hereby authorised, within the Limits of their respective Jurisdictions, to hear and examine Witnesses upon Oath, and determine the same; and may, according to his or their Discretion, mitigate any Fine or Forfeiture herein-before allowed to be inflicted; and all such respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, or authorised to be imposed and inflicted, the

For recovering Fines.

Application thereof.

the Application whereof is not herein-before particularly directed, shall be paid into the Hands of the Treasurer or 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 or for no other Use or Purpose whatsoever.

Persons convicted before Justices, they shall draw up the following

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen, viz.

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the *(specifying the Offence, and Time and Place, when and where the same was committed, as the Case shall be)*. Given under my Hand and Seal, the Day and Year aforesaid.

Distress not to be deemed unlawful for want of Form;

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

Persons aggrieved may appeal to the Quarter-Sessions,

Provided always, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye-law or Constitution of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, or by the Order or Determination of any of the said Commissioners, or by any other Order, Act, Matter, or Thing done or executed in pursuance of this Act, may, within Six Calendar Months after such Order, Matter, or Thing shall have been made, done or executed, and Notice given, complain to the Justices of the Peace at their General or Quarter Sessions to be held

held in and for the said several Counties of Derby and Nottingham, and the West Riding of the County of York, respectively, where the Cause of Appeal shall arise, and not elsewhere, who shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said Counties respectively, and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-law, Order or Determination, and may also order such further Satisfaction to be made to the Party or Parties injured, as they shall think reasonable. who are to determine in a summary way.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and shall be laid and brought in the County where the Matters in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information, shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendant shall have Double Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law. Limitation of Actions. General Issue. Double Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be allowed in all Courts whatsoever as a Publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

FINIS.