ANNO UNDECIMO

Georgii III. Regis.

An Act for making a navigable Cut or Canal from *Bradford*, to join the *Leeds* and *Liverpoole* Canal at *Windhill*, in the Township of *Idle*, in the County of *York*.

WHEREAS an Act was made in the last Session of Parliament, for making and maintaining a navigable Cut or Canal from *Leeds Bridge*, in the County of *York*, to the *North Lady's Walk* in *Liverpoole*, in the County Palatine of *Lancaster*, and from thence to the River *Mersey*: And whereas the making a navigable Cut or Canal from the Town of Bradford, in the County of York, through the several Townships, Parishes, or Hamlets of Bradford, Bolton, and Idle, in the County aforesaid, to join and communicate with the said Canal Navigation from Leeds to Liverpoole, at Windhill aforesaid, for the Navigation of Boats and other Vessels with heavy Burthens, will open a short, easy, and commodious Communication between the said Town of Bradford and the said Canal Navigation, which will be of great Advantage to the Trade carried on there and at the Places adjacent, and will also tend to the Improvement of the Lands near the same, the Relief of the Poor, and Preamble

Preſervation of the publick Roads, and, moreover, be of great publick Utility: And whereas the Perſons hereinafter mentioned are deſirous, at their own proper Coſts and Charges, to begin, carry on, and complete the ſaid propoſed navigable Cut or Canal; wherefore, 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 aſ-

Proprietors. ſembled, and by the Authority of the ſame, That Mary Hodgſon, and Elizabeth Walker, Spinſters; Edward Leedes, Charles Swain, Booth Sharpe, Richard Wilſon, John Field, Joſhua Field, John Huſtler, John Buck, Joſhua Walker, John Longbotham, Nathan Jowett, Samuel Attkinſon, Abraham Bower, Richard Sclator, Thomas Leach, Thomas Hardcaſtle, Abraham Balme, John Middleton, William Hardcaſtle, John Preſton, Jonas Fox, John Eagle, John Attkinſon, William Attkinſon, Thomas Croſley, and John Smith, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as they, or the major Part of them, at any publick Meeting ſhall nominate and appoint, under their Hands and Seals, ſhall be united into a Company, for the better carrying on, making, compleating, and maintaining the ſaid navigable Cut or Canal, according to the Rules, Orders, and Directions herein-after expreſſed and laid down, and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Bradford* Navigation, and by that Name ſhall have perpetual Succeſſion, and ſhall have a common Seal, and by that Name ſhall ſue, and be ſued, and alſo ſhall and may have Power and Authority to purchaſe Lands for the Uſe of the ſaid Navigation, without incurring any of the Penalties or For-

Power to make the Canal as ſoon as 6000 *l.* be ſubſcribed. feitures of the Statute of Mortmain: And the ſaid Company of Proprietors ſhall be, and are hereby impowered, as ſoon as Six thouſand Pounds ſhall have been ſubſcribed, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to make and compleat a Cut or Canal, navigable and paſſable for Boats, Barges, and other Veſſels, from or near a certain Bridge in Bradford aforeſaid, called Hoppy Bridge, through the ſaid Townſhip of Bradford, and through the ſaid Townſhips of Bolton and Idle, to join to and communicate with the ſaid Canal Navigation from Leeds to Liverpoole at Windhill aforeſaid, in ſuch Courſe and Direction as is delineated in the Map or Plan hereafter mentioned, or within the Space of Twenty-four Yards from the ſame; and to ſupply the ſaid Cut or Canal, while the ſame ſhall be making, and when made, with Water from ſuch Springs, Soughs, Brooks, Drains, Streams, and Watercourſes, as ſhall be found in making the ſaid Cut or Canal, and from ſuch Springs, Brooks, Soughs, Streams, Drains, and Watercourſes running

running into a Brook called Bowlingmill Beck, as shall be found within the Distance of Two thousand Yards of Hoppy Bridge aforesaid, except such Water as may supply any House or Houses by Pipes; and also to make such Reservoirs as shall be found necessary for the Purposes of the said Cut or Canal within the said Distance, for the more convenient supplying the said Canal with Water, and for the Purposes aforesaid; as also for the making, using, compleating, extending, and maintaining of such Trenches, Passages, Gutters, and Watercourses, Soughs, and Drains, as shall be proper and necessary to convey Water into, out of, or under the said Cut or Canal, according to the Tenor or Purport of this Act: And the said Company of Proprietors, and their Agents, Servants, and Workmen, are hereby authorised and impowered, in, upon, and through the Lands and Grounds of or belonging to the King's Majesty, His Heirs or Successors, or 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 is herein after mentioned) to enter, and to bore, dig, cut, trench, sough, remove, take, carry away, and lay Earth, Soil, Clay, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel, or Sand, or any other Matters or Things which may be dug or got, in the making of the said Cut or Canal, or out of any Lands or Grounds of any Person or Persons adjoining or lying contiguous thereto, and which may be proper, requisite, or convenient for carrying on, continuing or repairing the same, or which may hinder, prevent, or obstruct the making, using, completing, and maintaining the same; and to alter, divert, and change the Courses of any Brooks or Watercourses, lying within Three hundred Yards of Hoppy Bridge aforesaid, that may in any Manner hinder, damage, or obstruct the said Cut or Canal, and to carry, divert, and convey such Brooks or Watercourses, through and over the Grounds adjoining to or near the Course of the said Cut or Canal, and to make such Banks between the same, where necessary, as will be sufficient for a Road and Towing-path, and to separate such Brooks or Watercourses from the said Cut or Canal; and also to make, build, erect, and set up, in or upon the said intended Cut or Canal, or upon the Lands adjoining or near the same, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens, Water-flanks, Reservoirs, Drains, Wharfs, Quays, Landing-places, Loading-places, Weigh-beams, Cranes, and other Works, Ways, and Conveniences, as and where they the said Proprietors shall think requisite and convenient for the Purposes of the said Navigation; and also to alter, repair, amend, widen, or enlarge the said Works of or belonging thereto; and also to place,

Proprietors, &c. impowered to take Materials from private Lands, &c.

and alter the Course of Brooks, &c.

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 be, or are intended to be made, erected, repaired or done; and also to make, maintain, repair, and alter any Fences or Passages, over, under, or through the said 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 Roads, Towing-paths, Banks, and Ways convenient for towing, hauling, or drawing of Boats, Barges, or other Vessels, passing in, through, or upon the said Cut or Canal, as they the said Proprietors shall think convenient, 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, erect, make, and do all Matters and Things, which they shall think convenient and necessary for the making, effecting, preserving, improving, completing, and using the said Navigation, in pursuance and within the true Intent and Meaning of this Act; they the said Proprietors doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, to the Owners and Proprietors of such Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, as shall be changed, altered, taken, used, 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, 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, subject to such Provisions and Restrictions as are herein-after mentioned.

doing as little Damage as possible, and making Satisfaction to Owners, &c.

Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Proprietors to erect any Lime-kiln on the East Side of the said Canal, nearer a Dwelling-house in Bradford aforesaid, called Stotthill, the Inheritance of Benjamin Bartlett Esquire, now in the Possession of Thomas Crosley, than the South End of a Meadow, the Inheritance of Michael Shaw, lying on and adjoining to the North End of Baley Croft, in Bradford aforesaid; or to take down or damage, (save as herein-after provided), any Dwelling-house or Out-house, without the Consent of the Proprietor or Proprietors thereof, under his, her, or their Hands and Seals respectively; or to cut down any Timber Trees, 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 Conveniences, or any Part thereof, shall

Proprietors not to erect any Lime-kiln within a certain Distance of a House called *Stotthill*.

shall be made or carried, other than such Trees, Woods and Underwoods, as shall or may be growing in the Course of the said intended Canal and Towing-paths.

Certain Cottages to be taken down.

And whereas the several small Dwelling-houses or Cottages particularly mentioned, situate on the Line of the said Canal, must necessarily be cut through, be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Servants, or Workmen, for the Use of the said Navigation only, to take down and cut through Six Dwelling-houses or Out-houses, Yards, and Gardens thereunto belonging, the Property of Abraham Balme Gentleman, situate, standing, and being at Bradford aforesaid, and now or late in the Possessions of John Mercer, Richard Hodgson, James Hodgson, John Jennings, William Pollard, and John Greame; and also Six other Dwelling-houses or Out-houses, and Premises thereto belonging, the Property of the Reverend Richard Hartley Clerk, standing and being in Bradford aforesaid, and now or late in the several Possessions of John Clough, Josiah Craven, Joseph Marshall, John Green, William Rushton, and Thomas Hudson, to make the said Cut or Canal, Towing-paths, and all other Conveniencies in, over, through, or upon the Grounds where such Buildings, Walls, and Fences, now respectively stand, or are, first making Satisfaction for the same, in such Manner as is directed to be made with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

Lands may be entered to take Surveys.

And be it further enacted, That it shall and may be lawful to and for the Agents and Servants of the said Company of Proprietors, from Time to Time, and at all Times hereafter, to enter upon the said Dwelling-houses or Out-houses, and also upon the Lands or Grounds of the several Persons, Bodies Politick, Corporate and Collegiate, through which the said Cut or Canal, Roads, Ways, 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 respectively, as they shall think necessary or proper for the making such Cut or Canal, Roads, Ways, and other Matters and Conveniencies aforesaid; such Agents and Servants making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands and Grounds for the Time being, in case the same exceeds the Sum of One Shilling.

Breadth of the Canal, &c.

And be it enacted, That the Lands or Grounds to be taken or used for such Cut or Canal, or Towing-paths, and the Ditches, Drains, and Fences, to separate such Towing-paths from the adjoining Lands, shall not exceed Eighteen Yards in Breadth; nor shall any Lands or Grounds be set out, ascertained, contracted for, and sold, for the Purpose of making any navigable Cut, Trench, or Sluice, to convey Coals, Stones, or other Things, to or from the said Cut or Canal, without the Consent of the Owner or Owners thereof.

And

Bodies Politick, &c. impowered to sell to Proprietors.

And be it further enacted, That after any such Parts of the Lands or Grounds shall be so set out and ascertained for making the said Cut or Canal as aforesaid, Roads, Ways, and other the Purposes and Conveniencies herein-after mentioned, it shall and may be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Ideots, or Femes-covert, who are or shall be seised, possessed of, or interested in their own 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, 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; 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 or Collegiate, and other Land-owners, under any Disability as aforesaid, by and with the Consent of the Commissioners to be appointed as is 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 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 the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom, to the Contrary notwithstanding; and any Bodies Politick, Corporate or Collegiate, and all Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, or they, or any of them, shall respectively do by virtue of or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, other than those which concern any Purchase or Exchange between any such respective Land-owners (so to be made as aforesaid), shall, at the Expence of the said Company of Proprietors, be inrolled with the Register for the West Riding of the County of York; and true Copies

thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment, or Copy thereof, shall be taken 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.

And whereas Differences may arise between the said Company of Proprietors and the several Owners of, and Persons interested in any Lands, Grounds, or Tenements, which shall or may be affected or prejudised by the Execution 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, That Sir George Savile, Sir Cecil Wray, Sir George Armitage, Sir John Lister Kaye, Sir Thomas Wentworth, Sir Thomas Frankland, Sir John Ingleby, the Reverend Sir William Lowther, Sir James Ibbotson, Sir William Milner, Baronets; Thomas Arthington, Charles Allanson, the Reverend Benjamin Butler, Robert Arthington, John Arthington, John Audsley, Musgrave Briscoe, Edmund Barker, Benjamin Bartlett, Benjamin Newton Bartlett, John Blaydes, Edmund Barker junior, Thomas Bastow, Richard Burton, Peter Birt, Charles Booth, Abraham Balme, Thomas Burton, Gilbert Brooksbank, James Booth, John Bentley, John Bentley junior, Robert Butterfield, John Buck, Edward Balme, John Cookson M. D. Thomas Collins Clerk, James Collins, John Caygill, William Cockshot, Thomas Cockhill, John Cockhill, John Clark, William Charlesworth, Henry Duncome, William Danby, Joshua Dixon, John Dearden, Samuel Dixon, Edward Elmsall, John Edwards, James Farrer, Francis Fawkes, Joshua Field, William Furgison, Fairfax Fearnley, John Frith, John Field, Benjamin Fearnley, Joseph Fountain, Francis Fourness, Harpham Green, George Greenwood, Richard Greenwood, William Greenwood, George Green, the Reverend Thomas Hudson Clerk, Richard Hartley Clerk, Walter Hawksworth, Joshua Horton, Samuel Harper, Christopher Hird, Doctor John Heb, Doctor William Hird, Benjamin Hird, John Hustler, Isaac Hollings, Peter Heaton, William Hey, Richard Hodgson, John Hodgson, William Hodgson, Thomas Hodgson, James Hayworth, Joshua Hartley, Samuel Hutton, Thomas Holdsworth, the Reverend George Leigh, William Lamplugh Clerks, Edwin Lascelles, Daniel Lascelles, Edward Leedes, Thomas Lodge, Samuel Lister, John Lumb, John Leathley, James Lister, Thomas Ledger, James Maud, Thomas Medhurst, Richard Markham, Jeremiah Marshall, Hugh Marshall, John Moorhouse, Abraham Marshall, Samuel Mirfield, Edward Norton, William Norton, Fletcher Norton, Jonathan Nicholls, George Oates, Medcalf Proctor, Joseph Pollard, Joseph Pollard junior, Joseph Pollard of Allerton, John Pollard, Jonathan Preistley, William Prescott, Richard Richardson, William Radcliffe, William Rookes, William Richardson, M. D. Jeremiah Rhodes, John Roydes, Richard Roydes, John Radcliffe, John Ramsden, Joseph Rushworth, Christopher Routh, the Reverend Henry Richardson, John Richardson, Clerks; Charles Swain Booth Sharpe, the Reverend James Sykes Clerk, James Stillingfleet Clerk, Walter Stanhope of Eccleshill, Walter

Commissioners Names.

Stanhope, William Stanhope, John Silveſter, John Smith, John Smith junior, John Spencer, Richard Sclator, Samuel Scatcherd, George Stansfield, Henry Scott, Henry Smithſon, Henry Sager, John Smith, James Smith, John Sharpe, Thomas Strother, Chriſtopher Stoney, John Shepley, Joſeph Sykes, Samuel Sager, John Tempeſt, Richard Towne, John Taylor, William Tottie, Walter Vavaſor, Andrew Wilkinſon, George Walker, Richard Weddal, Walter Wade, Thomas Wilſon, Francis Wood, Charles Wood, Richard Wainman, William Wainman, Thomas Walker, Henry Waugh, Edward Wilks, Joſhua Wilks, Thomas Woolrich, John Woolmer, John Wormald, John York, and the Reverend Henry Zouch Clerk, 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 and the ſeveral Proprietors of, and Perſons intereſted in, any Lands, Grounds, Tenements, or Hereditaments, that ſhall or may be affected or prejudiſed 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 their Hands and Seals, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid Proprietors, either by an Annual rent or Payment, or by a Sum of Money in groſs 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, Tenements, or Hereditaments, for or by reaſon of altering, diverting, and changing the Courſe of any Brook or Watercourſe; or the making, repairing, and maintaining, the ſaid Cut or Canal, Banks, Reſervoirs, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, or Sluices, or ſupplying the ſame, or any of them, with Water as aforeſaid; 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 cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning or diverting any Streams or Brooks into or from the ſame; or by reaſon or means of the Execution of any of the Powers herein contained by the ſaid Company of Proprietors, their Agents, Workmen, or Servants, in caſe ſuch Price or Value, Damages, and Recompence reſpectively, cannot be ſettled, adjuſted, and agreed for by and

Commiſſioners to ſettle Differences.

and between the said Company of Proprietors for and on the Part and Behalf of themselves; or if any such Bodies Politick, Corporate or Collegiate, or other Person or Persons so interested or intitled as aforesaid, for or on his, her, or their Parts, shall refuse to submit to the Determination of the said Commissioners, or shall be dissatisfied therewith when made as aforesaid; or if any such Body Politick, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase-money or Annualrent, or such Recompence as shall be so determined to be paid; or shall, upon Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands or Grounds, for the Space of Ten Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, 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 or shall be 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 of the County of York for the Time being, or in case such Sheriff or his Under Sheriff shall happen to be One of the Company of Proprietors of the said Navigation, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to One of the Coroners within the said County of York, not interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return a Jury; and the said Sheriff or Coroner 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 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 Ten, nor more than Twenty Days, after such Warrant shall be served upon the said Sheriff or Coroner; 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 speedily be procured, to attend that Service, (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of

if Parties are dissatisfied,

Juries to be impannelled to assess the Purchase-money.

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 as 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 Matter in Controversy; which Jury upon their Oath, to be administered by the said Commissioners, or any Five or more of them, (which Oath, 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 enquire of, assess and ascertain the Sum or Sums of Money or Annualrent to be paid for the Purchase of such Lands, Grounds, or Hereditaments, or the Recompence to be made for the Damage 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-money, Rent, or Recompence, so to be assessed by such Jury; which said Verdict, and the Judgement thereupon 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.

Penalty on the Sheriffs and Persons summoned, who shall make Default.

And be it enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person 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 the Sum of 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 Owner thereof, after such Panalty, and the Charges of such Distress and Sale shall be deducted.

Expences of Juries how 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 for any Lands, Grounds, or Hereditaments, or for any Damages to be done to the Property of any Person or Persons whomsoever, than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been assessed by the Commissioners,

ſioners, that then all the Expences of ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled by the ſaid Commiſſioners, or any Five or more of them, and be defrayed by the Company of Proprietors; but if any Verdict ſhall be given for no more or a leſs Sum than had been previouſly offered by or on the Behalf of the ſaid Company of Proprietors, or than had been determined and aſſeſſed by the ſaid Commiſſioners as aforeſaid; then, and in every ſuch Caſe, the 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 ſhall have ſuch Controverſy or Diſpute.

Perſons requeſting a Jury, to enter into a 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 ſummoning ſuch Jury as aforeſaid, firſt enter into Bond to the Treaſurers of the ſaid Company of Proprietors for the Time being, in the Penalty of Fifty Pounds, to proſecute ſuch his 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, or than had been aſſeſſed by the ſaid Commiſſioners, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence for any Lands, Grounds, or Hereditaments, or Damages as aforeſaid.

Commiſſioners not to take Notice of Complaints, till Application has been made to the Company.

And be it further enacted, That the ſaid Commiſſioners ſhall not, nor ſhall any of them be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained 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, or their known Agent or Agents, or to ſome Collector of the Tolls ariſing from the ſaid Navigation, within the Space of Three Calendar Months next after the Time that ſuch 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 enter on Lands.

And be it further enacted, That upon Payment of ſuch Sum or Sums of Money, or Annual rent, as ſhall be contracted and agreed for between the Parties, or determined and adjuſted by the ſaid Commiſſioners, or any Five or more of them, or aſſeſſed by ſuch Juries in Manner as aforeſaid, for the Purchaſe of any ſuch Lands or Grounds as aforeſaid to the Owners thereof, or other Perſons intitled to receive ſuch Money or Rent reſpectively, or legal Tender thereof made to ſuch Owner or Owners, or other

Person or Persons, or to the principal Officer or Officers of any such 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 Owners or Persons respectively as aforesaid; then, and in such Case, such Lands and Grounds respectively, and the Fee-simple and Inheritance thereof, shall from thenceforth be vested in, and become for ever the sole Property of the said Company of Proprietors, to and for the Use of the said Navigation, but to or for no other Use or Purpose whatsoever; and then it shall and may be lawful to and for the said Company of Proprietors, their Agents, Servants, and Workmen, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stones, 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 shall think requisite, and to have, use, and enjoy the same, to and for their own Use and Benefit: And this Act shall be sufficient to indemnify, as well the said Commissioners as the said Company of Proprietors, and their Agents, Servants, and Workmen, for what they or any of them shall do by virtue of the Powers hereby granted.

Agreements and Verdict to be recorded.

And be it further enacted, That all Agreements of the Owners of Land, and Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, being first signed by Five or more of the said Commissioners, who shall be present at the making of such Determinations, or the taking of such Verdicts and pronouncing such Judgements, shall be transmitted to and kept by the Register of the West Riding of the County of York, 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 Inrolment of Contracts, Agreements, Sales, and Conveyances as are herein before mentioned, paying for each Inspection the Sum of Sixpence, and to take Copies thereof, without any Stamps, paying for every Copy, not exceeding

ceeding Two hundred Words, the Sum of Three-pence, and so in proportion for any Number of Words; and immediately on such Payment, and Entry of such Agreements, and also the Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of the said Lands, Tenements, Hereditaments and Premises, shall vest in the said Company of Proprietors, and they shall be respectively deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises had actually conveyed the same to them by Lease and Release, Bargain and Sale, Deed inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or 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 shall be made, but also 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 and Remainder, against the Issue or Issues of such Person and Persons, and every Person claiming under them, as effectually as a Fine and Recovery, or either of them, would have done, if the same had been levied or suffered by the proper Parties, in due Form of Law.

Purchase money how to be applied.

And be it further enacted, 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 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 exceed 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 so seised of Lands and Grounds 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, or such other Person or Persons as aforesaid, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Grounds, or Hereditaments, for or in respect whereof such Purchase Money or Monies,

Monies received in Exchange, shall be so paid as aforesaid, were limited, settled, and assured, at the Time such Purchase-monies were so agreed for, ascertained, or assessed as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect, such Conveyances and Settlements to be made at the Expence of the said Company of Proprietors; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies, together with such other Sum or Sums of Money to be paid for the Purchase of Lands or Hereditaments, which shall not amount to Twenty Pounds aforementioned, shall be placed out by such Bodies Politick, Corporate or Collegiate, Corporation Aggregate or Sole, or other Person or Persons as aforesaid, in some of the publick Funds, or on Government or real Securities, in the Name of One or more Person or 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 as well the Interest arising, or to be produced from such Funds or Securities, as also the annual Sums for such Lands, Grounds, 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, or Hereditaments, so to be purchased, in case the same were 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.

Commissioners to apportion the Money to be paid to the several Persons interested.

And be it further enacted, That the said Commissioners, or any Five or more of them, may, and they 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, 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 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 vested in the Purchase of Lands, Tenements, or Hereditaments.

In Default of Payment, Rates to be liable.

And be it further enacted, That in Default of Payment of such Sum or Sums of Money, and at such Times, and in such Manner as shall be assessed and awarded for Damages of any Kind by virtue of this present Act, by the said Commissioners, or any Five or more of them, it shall and may be lawful for the said Commissioners, or any Five or more of them, to appoint One or more Person or Persons to receive the Tolls, Rates, and Duties by this Act imposed, and thereout, in the first Place, to pay all such

Damages so to be determined or assessed as aforesaid, with 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, to recover the same with full Costs of Suit.

If Damages and Costs be not paid in a limited Time, to be levied by Distress.

Provided always and be it further enacted, 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 Calendar 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 the Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said County of York, authorising and impowering him to raise and levy the Damages so to be determined and assessed, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, 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 to be recovered.

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 said Company of Proprietors as the same shall become due and payable; and in case of Non-payment thereof within Sixty Days next after the same shall become due, it shall and may be lawful 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 to receive the Rents and Duties hereby granted and made payable, which Person or Persons so appointed shall give sufficient Security to the said Commissioners, and to pay the same to such Person or Persons to whom such yearly Rent or Sum shall be due and unpaid as aforesaid, until such yearly Rents or Sums,

and the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid.

Punishment of Persons destroying the Works.

And be it further enacted, That if any Person or Persons shall, to the Prejudice of the said Navigation, wilfully break, throw down, damage, or destroy any Banks, or other Works to be erected or made by virtue of this Act, or do any other Hurt or Damage to obstruct, hinder, or prevent the carrying on, compleating, supporting, and maintaining the intended Navigation, such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject 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 Person or Persons to any of His Majesty's Plantations, in like Manner as other Felons are directed to be transported by any of the Laws or 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.

Commissioners to settle between Owners and Tenants.

And be it further enacted, That the said Commissioners, or any Five or more of them, may, and are hereby impowered to settle what Shares or Proportions of the Satisfaction to be made as aforesaid shall be allowed to any Tenant, or other Person having a particular Estate, Term or Interest in the Premises, for his or their Interest therein.

Proprietors may raise Money amongst themselves,

And, to the End the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and compleating the said navigable Cut or Canal, Roads, and other Conveniencies, provided that the said Sum do not exceed Six thousand Pounds in the Whole; and that the same shall be divided into Sixty Shares of One hundred Pounds each, and that no Person subscribing thereto do become a Proprietor of less than One Share; and the Money so raised, is hereby directed and appointed to be laid out, in the first Place, in discharging and satisfying for all Fees and Disbursements for applying for and obtaining and passing this present Act of Parliament, and all other necessary Expences relating thereto, and all the Residue and Remainder of such Money for and towards making, compleating and maintaining the said navigable Cut or Canal, and other the Purposes of this Act.

and to be deemed personal Estate.

And be it further enacted, That the said Sum of Six thousand Pounds, or such Part thereof as shall be raised by the several Persons herein before named, and by such other Person and Persons who shall or may, at any Time within Twelve Months from the passing of this Act, become a Subscriber to the said Navigation, shall be, and are

are hereby vested in the several Persons before mentioned, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, 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 personal Estates, and transmissible as such; and all Bodies Politick and Corporate, and every 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 of Money as shall be demanded in lieu thereof, towards carrying on and compleating the said intended Navigation, shall be intitled to and receive, after the said Navigation shall be compleated, the entire and neat Distribution of One-fiftieth Part of the Profits and Advantage that shall or 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 and Corporate, Person or Persons, having such Property of One-fiftieth Part or Share in the said Undertaking, and so in proportion as aforesaid, shall bear and pay an adequate proportional Sum of Money to carry on the said Undertaking, in manner herein enacted, directed, and appointed.

Bodies Politick, &c. subscribing, to receive 5 *per Cent.* until the Canal be finished.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby required, out of the Money 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 compleated and finished, to pay unto every Body Politick or Corporate, Person or Persons, their several and respective Executors, Administrators, or 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 compleating the said Navigation, Interest for the same after the Rate of Five Pounds for every One hundred Pounds for a Year, from the Time that each such Sum or Sums shall be so respectively advanced as aforesaid.

Proprietors may votes by Proxy.

And be it further enacted, That 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 Share of the said Navigation, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Adjournment to be held as hereafter appointed, for carrying on the said Undertaking, which 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 Hands and Seals, and such

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 Politick or Corporate, 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 Six Shares for any One Person, and for which he, she, or they shall have been 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 Meeting, or Adjournment thereof, to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present.

A further Sum to be raised if necessary.

And be it further enacted, That in case the said Sum of Six thousand Pounds, herein before authorised to be raised, shall be found insufficient for the making, compleating, and maintaining the said navigable Cut or Canal, and other the Works hereby authorised to be made, and all Charges and Expences relating thereto; 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 compleating and perfecting the said Navigation, not exceeding the Sum of Three 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, proportionable 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 Sum of Six thousand Pounds; any Thing herein contained to the Contrary notwithstanding.

First Meeting of Proprietors.

And be it further enacted, That the First publick Meeting of the Proprietors for putting this Act in Execution shall be held at The Sun Inn, in Bradford aforesaid, on the first Friday in June, One thousand seven hundred and seventy-one, and then adjourned again to the same Place, or from thence to some other Place near the said Cut or Canal, and so from Time to Time to some convenient Place near the same; at which publick Meeting and Adjournments a Clerk or Clerks, and other Officer or Officers, Surveyor or Surveyors, for carrying on and compleating the Works, shall be chosen, nominated, and appointed, as the Company of Proprietors by themselves, or Proxies, or the major Part of them, shall judge necessary; such publick Meeting and Adjournments to consist at least of a Number of Proprietors who are possessed of Thirty Shares in the said

said Navigation, by themselves or Proxies, and if that Number do not appear at such publick Meeting or Adjournment, then such Meeting shall be held at the same Place on that Day Three Weeks.

Proprietors to settle Accounts, &c.

And be it further enacted, That the Company of Proprietors at such publick Meeting, or Adjournments thereof, shall have Power to call for, audit and settle all Accounts of Money laid out and disbursed, or received on account of the said Navigation, with the Clerk or Clerks, 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 same; and the said Company of Proprietors shall, at every publick Meeting or Adjournment thereof, by the Authority of this Act, have Power, from Time to Time, to make such Call or Calls for Money from the Subscribers to the said Navigation, to defray the Expences of, or to carry on the same, as they, from Time to Time, shall find wanting and necessary, so that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so, as no Call to that Amount be made but at the Distance of Three Calendar Months; which Money so called for, shall be paid to such Person or Persons, and in such Manner, as the said Proprietors at the publick Meetings or the Adjournments thereof, shall, from Time to Time, appoint and direct for the Use of the said Undertaking; and shall have full Power and Authority to order the Management of all Affairs of the said Navigation, in purchasing of Land, Liberties, and Materials, for the Use of the said Navigation, and also ordering, directing, and employing the Work and Workmen, and placing and displacing Servants, Agents, and other Officers; and to make all Contracts and Bargains touching the said Undertaking, so as no such Purchase, Bargain, or Matter, be done or transacted without the Concurrence of the major Part of the Proprietors met at such publick Meeting or Adjournments as aforesaid; and every the Owner and 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 Money to be called for as aforesaid, at such Time and Place, as shall be appointed by the Clerk attending such publick Meeting or the Adjournments thereof, of which Three Calendar Months Notice shall be given for that Purpose: 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 so called for as aforesaid, at the Time and Place appointed by the Proprietors at such publick Meetings or Adjournments, he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, or their respective Share and Shares, Part and Parts, and Interest in the said Navigation, Undertaking, and Premises; and in case such Person or Persons shall

Persons neglecting to pay their Share, when called for, to forfeit 5 *l.* for every 100 *l.*;

and neglecting to pay for Two Months, forfeit all Interest in the Navigation.

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 Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they, so neglecting, shall forfeit his, her, and their respective Share and Shares, Parts and Interests in the said Navigation, Undertaking, and Premises, and all the Profit and Benefit thereof; all which Forfeitures shall go to the Rest of the Proprietors of the said Navigation in Trust, for all the said Proprietors, in proportion to their respective Interests.

Subscribers to have Notice before forfeit.

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 Owners, nor unless the same shall be declared to be forfeited at some publick or adjourned Meeting of the Proprietors, possessed of at least Forty Shares in the said Navigation; which Meeting shall be held within Six Calendar Months next after such Forfeiture or Forfeitures shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting, against all Action and Actions, Suits and Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors with regard to the carrying on the said intended Navigation.

Proprietors may make Bye-laws, &c.

And be it further enacted, That the said Company of Proprietors for the Time being, shall always have Power and Authority, being possessed of Forty Shares, at any publick or adjourned Meeting as aforesaid, to remove or displace any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein before prescribed and laid down with regard to their Proceeding amongst themselves, as to them shall seem meet; and shall have Power to make such new Rules, Bye-laws, and Orders for the good Government of the said Company, for the good and orderly using the said Navigation, Tunnels, and Locks, and for the well governing of the Bargemen, Watermen, and Boatmen, and others who shall carry any Goods, Wares, and Merchandise upon any Part of the said Canal, and to impose and inflict such reasonable Fines or Forfeitures upon the Breakers of such new Rules, Bye-laws, or Orders, as to such publick or adjourned Meeting shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye-laws, and Orders, 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.

Subscribers dying before Shares compleat,

Provided also, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking

Undertaking shall happen to 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 Will, or otherwise, how such Share and Shares shall be disposed of, and the Money paid in upon Calls for the future; then, and in such Case, the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant, or other Person or Persons whomsoever, intitled to the Estate and Effects of such Owner deceased, shall be indemnified against all such Infant and Infants, and other Person whomsoever, for paying any Sum of Money, when called for as aforesaid, to compleat every such Subscription: And if any such Owner deceased shall not have left Assets sufficient, or in case the Executor or 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 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 or Sums of Money, which shall have been by such Owner or Owners in his or her Life-time, by virtue of any Call or Calls, or otherwise, advanced upon such Share or Shares; and in Default of such Shares being answered and made good in Manner aforesaid, it shall and may be lawful to and for the said Company of Proprietors, to sell and dispose of the Share or Shares of such deceased Owner or Owners, and pay and apply the Money arising by such Sale, after deducting the reasonable Charges occasioned by such Sale, to or for the Benefit of the Representative or Representatives of such deceased Owner or Owners.

Executors may compleat Payment.

Executors of deceased Owners failing in Payment, other Persons may be admitted.

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 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 Bargain and Sale, 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 Company's Clerk for the Time being, to be filed and kept for the Use of the Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for

How Shares may be disposed.

which no more than Sixpence 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, 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 unto him, her, or them, or any Vote as Proprietor or Proprietors.

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

And be it further enacted, That after any Call of such Monies shall be made by the Authority of this Act, no Person or Persons shall sell or transfer any Share which he, she, or they, shall then have in the said Undertaking, until the Monies called for upon their respective Share or Shares shall be paid, upon the Penalty of forfeiting his, her, or their respective Shares of the said Undertaking to the said Company, in Trust for the Benefit of the said Proprietors; such Forfeiture nevertheless to be notified and declared at such general or adjourned Meeting as aforesaid.

Form of the Conveyance.

And be it further enacted, That the Conveyance for the Sale of the said Shares shall be in the following Form, to wit.

I *A. B.* in Consideration of paid. to me by *C. D.* do hereby bargain, sell, and transfer to the said *C. D.* his Executors, Administrators, and Assigns, Share (or Shares, as the Case is) of the Undertaking of the *Bradford* 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 of the said Share or Shares of the said Undertaking, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the Day of in the Year

Proprietors to appoint their Clerks and Officers.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any of their publick Meetings, 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 Account of the Names and Places of Abode of the several Proprietors of the said intended Navigation and of the several Persons who shall from Time to Time become Owners or Proprietors of, or intitled to any Share or Shares of and in the said Navigation and Undertaking, and of all other the Acts, Proceedings, and Transactions of the said Company of Proprietors, 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

and may, at all convenient Times, have recourse to, and peruse and inspect the same, and also the Book or Books to be kept by the Clerk or Clerks of the said Company, gratis, and may demand and take Copies thereof, or any Part thereof, paying Three-pence for every Two hundred Words to be copied; and if any such Clerk or Clerks shall refuse to permit any such Person or Persons so interested as aforesaid, to inspect or peruse such Book or Books, or refuse to make such Copy or Copies at the Rate aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and that all the Orders and Proceedings of the said Commissioners shall be regularly entered by such Clerk or Clerks in a Book or Books to be kept for that Purpose; and such Entries being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Order, or carry on such Proceeding, shall be deemed Originals, and admitted as Evidence in all Courts whatsoever.

Proprietors may take Tonnage, &c. on certain Commodities, not exceeding 6 *d. per* Ton, and on others not exceeding 9 *d.*

And be it further enacted, That, in consideration of the great Charges and Expences the said Company of Proprietors will be at in making, maintaining, and supplying with Water, the said Cut or Canal, and in making and maintaining all the other Works hereby authorised to be made and erected, it shall and may be lawful to and for the said Company of Proprietors, 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 Clay, Brick, Stones, Coals, Manure, Dung, Compost, Ashes, Timber, 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 shall think fit, not exceeding the Sum of Sixpence for every Ton of any Kind of Clay, Brick, Stone, Coals, Lime, Dung, and Manure, and not exceeding the Sum of Nine-pence for every Ton of Timber, Goods, Wares, Merchandise, or other Commodities, which shall be navigated, carried, or conveyed, upon or through the said Cut or Canal, and so in proportion for a greater or lesser Quantity than a Ton; which said Rates and Duties shall be paid to such Person or Persons, at such Place or Places, near to 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 or 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, 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 the same shall not be redeemed in Five Days after the taking thereof, the same may be appraised and sold as the Law directs, in case of a Distress for Rent.

Tolls free from Taxes.

And be it also further enacted and declared, That the said Rates, Tolls, and Duties, shall at all Times hereafter be exempt 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 Purpose of the said Navigation would have been subject to, if this Act had not been made.

Wharfage.

Provided also, and be it further enacted, That if any Goods whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf or Wharfs belonging to the said Company of Proprietors for above the Space of Twenty-four Hours; then, and in such Case, the Company of Proprietors shall be intitled to, and receive such Allowance, over and above the Tonnage Rates herein before limitted, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Goods.

Masters of Boats to give account to Collectors.

And, for the more easy collecting the Rates and Duties hereby laid and directed to be paid, be it further enacted, That the Masters, Owners, and Managers of every Boat, Keel, and 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 Tonnage or Duties, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in each Boat or other Vessel, from whence brought, and where they intend to Land the same; and if the Goods contained in such Boat shall be liable to the Payment of different Tolls, then such Master, Owner, or Person, shall specify the Quantities liable to the Payment of each Toll; 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 than what is or are mentioned in that Account, they shall forfeit and pay to the said Company of Proprietors the Sum of Ten Shillings for every Ton of Goods which shall be in such Boats or Vessels respectively, of which such Account shall be refused to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, as the Case shall happen to be, over and above the respective 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; that then, and in such Case, the same shall

shall be recovered and levied in such Manner, and by such Methods, as the said Tolls, Rates, and Duties, hereby granted to the said Company of Proprietors, are herein before directed and appointed to be recovered and levied.

A Ton of Timber.

And, for the better ascertaining the Tonnage of Timber, Wood, and other Goods to be charged with the Payment of such Rates, Tolls, and Duties as aforesaid, it is hereby 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 Lime, Stones, and Coal, and other Goods, shall consist of Twenty-two hundred, of One hundred and twelve Pounds each to the Ton.

In case of Difference concerning Weight, &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 Merchandise, concerning the Weight and Quantity of the same, it shall and may be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, 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 such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of such Boat or Vessel, affirmed the same to be, then the Master, Owner, or Person so affirming, 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 so affirmed 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, 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 from the Company of Proprietors of the said Navigation, by Action of Debt, in any of His Majesty's Courts of Record.

Collector may stop such Boat till examined.

Penalty on Owners of Boats giving a false Account of Loading, &c.

Navigation to be free on Payment of Rates.

Provided always, and be it further enacted, That all Persons whatsoever, shall have free Liberty with Boats and other Vessels, to use the navigable Cut, Canal, and Sluices, to be made by virtue of this Act, for the Purpose of conveying Coal, Stone, 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 same respectively, with any Boats or Vessels, not exceeding Fourteen Feet in Breadth, 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, not exceeding the Rates herein mentioned.

Vessels under Twenty Ton not to pass the Locks without Consent.

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

Proprietors may make Drains, Arches, Tunnels, &c.

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, That the said Company of Proprietors 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 Watercourses communicating therewith, and Towing-paths on the Sides thereof, of such Depth 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 such Back Drains as may be necessary and 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 the Lands adjoining to the same, making Satisfaction for the Grounds so used; and that all the said Tunnels, Drains, and other Works, shall, from Time to Time, be kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time or Times, after One Month's Notice shall be given in Writing, by or on the Behalf of any of the Owners or Occupiers of the said adjacent Lands, who shall find him, her, or themselves aggrieved by the Obstruction of the said Watercourses, to any One of the known Agents, or Collectors of the Tolls of the said Company of Proprietors for the Time being, the said Drains or other Passages shall not be made, cleansed, 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 said Commissioners, from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, 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

pany of Proprietors; and in case of Refusal or Neglect to to satisfy the same, for the Space of One Month after Demand thereof made upon such Agent or Collector as aforesaid, 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 Water,

And be it further enacted, That where, by means of making the said Cut or Canal, any Cattle which shall depasture in the adjacent Land shall be cut from and deprived of their usual Watering-places; that then, and in such Cases, the said Company of Proprietors shall, at their own 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 drink out of and water at, in every such Grounds, where or near 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.

proper Places to be provided.

Towing-paths to be fenced.

And be it further enacted, That the said Company of Proprietors shall make sufficient Fences to separate the Towing-paths on each Side of the said Cut or Canal, from the other Lands adjoining, where necessary, and to make Gates and Stiles in, over, and through the said Fences, where wanted, and also make Bridges, Arches, and Passages, over, under, or through the said Cut or Canal, and shall maintain, uphold, support, and keep the same, severally and respectively, in good and sufficient Repair, in such Manner as the said Commissioners, or any Five or more of them, shall judge necessary, for the Use of the Owners and Occupiers of the Lands adjoining to the said Cut or Canal, or Towing-paths respectively; and the said Company of Proprietors shall not make the said Cut or Canal, or any Trenches or Watercourses, or any Part thereof, in or across any Highway, or publick Bridleway, or Foot-path, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges, over, or convenient Passage through where the said Cut or Canal, Trench, or Watercourses respectively are intended to be made, the same to be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors.

Gates, Stiles, &c. to be provided.

In case of Failure,

And be it further enacted, That in case the said Company of Proprietors, and their Agents, shall fail or neglect to make, erect, and set up such Gates, Bridges, and Stiles, in, over, and through the same, on the Sides of the said Towing-paths, or such Bridges, Arches, or 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 said Lands adjoining thereto

thereto, or from Time to Time to maintain and support such Bridges, Arches, and Watering-places, where made, erected, and set up, in such Manner as the said Commissioners, or any Five or more of them, shall from Time to Time direct or appoint, 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 the said Owners or Occupiers of the said adjacent Lands, thinking themselves or himself aggrieved by any such Failure or Neglect, to make, erect, or set up, all such Gates, Stiles, Bridges, Arches, Passages, Watering-places, and other Convenience as aforesaid, 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 as aforesaid, and from Time to Time to repair, maintain, and support the said Bridges, Arches, Passages, and Watering-places, as Occasion shall require, in case, upon Application to the said Commissioners, after Two Calendar Months previous Notice to the Treasurer or Clerk of the said Proprietors of such intended Application, the said Commissioners, or any Five or more of them, shall authorise and direct such Repairs as aforesaid; and all the reasonable Costs and Charges thereof shall be settled and allowed by the said Commissioners, or any Five or more of them, and 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, Watering-places, or other Conveniencies aforesaid, or have repaired or maintained the same as aforesaid, by the said Company of Proprietors, 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 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, in or upon the said Cut or Canal, or the Wharfs, Quays, Warehouses, adjoining or near the same, to and for the Use of such Person and Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors, 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.

the same to be done by the Land-owners,

at the Expence of the Company.

And be it further enacted, That nothing shall be demanded or taken for Wharfage by the said Proprietors, or any Person or Persons, who shall, at any Time hereafter

Time limitted for Goods lying on the Wharfs.

after, make, erect, or build any Wharfs or Quays on any Part of the said intended Cut or Canal, by virtue of this Act, in respect of Coals, or other Goods or Merchandise which shall be loaded into or discharged from any Boats or other Vessels, and which shall not lie upon such Wharfs or Quays for any longer Time than Six Hours; and that no more than the Sum of One Penny Halfpenny per Ton shall be demanded or taken for the Wharfage of Coal, Stone, and Brick, nor more than Three-pence per Ton for the Wharfage of any other Goods or Merchandise, where the same shall be respectively placed upon such Wharfs or Quays, and shall not remain or continue thereupon for a longer Space of Time than Six Days: And it shall and may be lawful to make, erect, and use any Crane or Cranes, weighing Machine or Machines upon such Wharfs or Quays, for the more convenient loading, unloading, and weighing of any such Coals, or other Goods.

Masters to put their Names on Boats.

And be it further enacted, That every Master or Person having the Rule or Command of any Boat, or other Vessel, passing on the said Cut or Canal, shall cause the Name of the Owner thereof, and the Number of his Boat or Vessel to be entered with the Clerk of the Company of Proprietors for the Time being, and shall permit and suffer every such Boat or Vessel to be measured at the Expence of the said Company, by their Agent, at any Time, not to exceed Four Times in One Year; and on Neglect of entering such Name and Number, and on Refusal of such Measurement as aforesaid, such Offender or Offenders shall, for every such Offence respectively, forfeit and pay to the said Company of Proprietors the Sum of Forty Shillings: And that the Master or Owner of every Boat or other Vessel, passing 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, by loading or unloading any Boat or other Vessel, or in any other Manner whatsoever, 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 pass against him, or Judgement be given against him, upon Demurrer, or by Default, the Plaintiff, in any such Case, shall recover his Damages thereby sustained, with Costs of Suit, as between Attorney and Client.

Masters to be answerable for Damage.

And be it further enacted, That the said Company of Proprietors shall and may, and they are hereby required, in

Proper Places to be made for Boats to turn.

in such Parts of the said Navigation, Cut, or Canal, Trenches, and 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 Places or Spaces 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, or passing of any such Boat or Vessel; and that the said Boats or other Vessels, sailing or being haled or navigated upon the said navigable Cut or Canal, Trenches and 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 Company of Proprietors shall direct and appoint.

Regulations for Vessels passing Locks.

Provided always, and be it enacted, That no Boatman, or his Agent or Servant, navigating any 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 Vessel to pass through any such Lock; and also that every such Boatman, or other Person as aforesaid, in coming down the said Cut or Canal, shall shut the lower Gate 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 said Lock, shall shut the upper Gates thereof, before he or they shall draw the Cloughs of the lower Gates; 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 Gates 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 above Three hundred Yards below a Lock, shall pass through such Locks before the Vessel coming down, then the Vessel next above shall come down; and if there are more Vessels than One above or below 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 and made for that Purpose, such Vessels shall go up and come down at such Locks by Turns as aforesaid, until all the said Vessels going up and 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 Peace, upon the Oath of One or more credible Witness or Witnesses, as also the Waller or other Person having the Command of such Boat or Vessel, shall, for every

every such Offence, forfeit any Sum not exceeding Twenty Shillings.

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

And be it further enacted, That if any Boat or Vessel shall be placed in any Part of the said Cut or Canal, or any Sluice or Passage aforesaid, so as to obstruct the Navigation, and the Person having the Care of such Boat or Vessel shall not immediately, upon Request made, remove the same, he shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings, nor less than Five Shillings, for every Hour such Obstruction shall continue after such Request for Removal shall be made as aforesaid; and it shall and may be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat or Vessel to be unladen, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part thereof, until the Charges of such Removal be paid: And if any Boat or Vessel shall be sunk in the said Cut or Canal, 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, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all the Expences necessarily occasioned relating thereto.

Boats sunk to be got up.

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

And be it further enacted, That if any Person or Persons shall float any Timber on the said Cut or Canal, or shall load any Boat or Vessel with Timber, and suffer such Timber to be over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or Vessel navigating in or upon the said Cut or Canal, and when so overloaded shall go with such Boat or Vessel on the said Cut or Canal, so as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner, or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale such Boat or other Vessel back into such Place or Places as shall be proper or made for Boats or other Vessels to pass each other; every such Owner or Person floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay, for every such Offence, the Sum of Five Pounds to the said Company of Proprietors, to be laid out and employed towards maintaining the Work of the said Navigation, and to no other Use or Purpose whatsoever.

Persons throwing Balast into the Canal, to forfeit 5*l.*

And be it further enacted, That if any Person or Persons shall throw any Balast, 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 the Sum of Five Pounds.

Canal not under the Power of Commissioners of Sewers.

Provided always, and be it further enacted, That the said Cut or Canal, or any Work whatsoever, by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order, of any Commissioners of Sewers, or to any Law or Statute relating to Sewers; any Thing, or any former Law or Statute to the Contrary notwithstanding.

Election of new Commissioners.

And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it further enacted, That when any Commissioner, hereby appointed, or to be elected in manner herein-after mentioned, shall die, or refuse to act, the surviving 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 therein.

Qualification of Commissioners.

And be it further enacted, That no Person shall act as a Commissioner in any Case where he shall be any-ways interested or concerned in the Matter in question; and that no Commissioner shall act as such, 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 his acting, of an Estate of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or shall be possessed of a personal Estate to the Amount of Three thousand Pounds, over and above what is sufficient to pay all his 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 to be 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 had acted as a Commissioner in the Execution of this Act.

Notice to be given of the Meetings.

Provided also, and it is hereby further enacted, That no Meeting of the said Commissioners shall, at any Time or Times, be had for putting in Execution any Powers vested in them by virtue of this Act, touching any of the Matters

Matters or Things herein contained, unless previous Notice of every such intended Meeting shall be first given and inserted in One of the Leeds News-papers, at least Ten Days before such intended Meeting of the said Commissioners, for any of the Purposes herein contained, every such Notice to specify the Time and Place of such Meeting or Meetings respectively, and the several Matters and Things then and there proposed to be done.

Provided likewise, That no Person shall act as a Commissioner, otherwise than administering the following Oath, until he shall have taken and subscribed the Oath following, before any One or more of the said Commissioners, who are hereby authorised and impowered to administer the same. Commissioners to take the following

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 Knowledge, execute and perform the Powers and Authorities established in me by 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 *Bradford*, to join the *Leeds* and *Liverpoole* Canal at *Windhill*, in the Township of *Idle*, in the County of *York*. Oath.

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

And be it further enacted, That if any Commissioner appointed by this Act, shall have or accept of any Place of Profit arising out of the Tolls and Monies to be raised by virtue of this Act, such Person, from and after his accepting such Place of Profit, and during the Time of his holding and enjoying the same, and 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 the same. Commissioner not to hold Places of Profit.

And be it further enacted, That upon Application to be made by the said Proprietors, or the major Part of them, or by 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, or any of them, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, requesting or desiring them to appoint a general Meeting of the Commissioners; the Commissioners so requesting or applied to, or any Five or more of them, may, and shall, and they are hereby respectively authorised and required, within Seven Days of such Request or Application made, to give Notice in Manner Commissioners may call a general Meeting;

aforesaid

aforesaid 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, nor more than Twenty 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 Time and Place as the said Commissioners there assembled, or any Five or more of them, shall think proper and convenient: And if it shall happen that there shall not appear at any Meeting, which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and in such Case, the Clerk of the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Three Weeks next after the Day on which the last Meeting of the Commissioners was appointed to be held.

and for want of a sufficient Number, the Clerk may adjourn the Meeting.

Power for five Commissioners to call a Meeting:

Provided always, 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 aforesaid, 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 Damages, as are herein directed to be settled and ascertained, or for other Purposes, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Such Meeting to be within Four Miles of the Place of Dispute.

Provided also, That every particular Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference, between the said Proprietors, or any other Person or Persons, shall be held at some Place within Four Miles of the Place where such Complaint or Dispute arises.

Writings to be without Stamps.

Proceedings not to be quashed or vacated for want of Form, nor removeable by *Certiorari*.

Provided always, and be it further enacted, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hands, or under the Hand and Seal of any Justice of the Peace, or of the said Commissioners, or any of them, or any other Person or Persons whomsoever, or any Transfer of any Share or Shares, or any 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

moved by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye-law to be made in pursuance of this Act, of which when produced, the Justices hereinafter named are hereby required to take Notice, (the levying and recovering of which are not herein 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 for the West Riding of the County of York; which said Justice or Justices is and are hereby authorised to hear and examine Witnesses upon Oath, and determine the same; and all such respective Fines, Forfeitures, and Penalties by this Act imposed and inflicted, or authorised to be imposed and inflicted, (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. For recovering Fines, &c. Application thereof.

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, videlicet. Form of Conviction.

BE it remembered, That on 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.)*

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

Persons may appeal.

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 Order of the said Company, or by the Order of any Justice or Justices of the Peace, may complain to the Justices of the Peace at their next Quarter-sessions to be held for the West Riding of the said County, who shall, in a summary Way, either hear and determine the said Complaint at such Sessions, or may adjourn the Hearing thereof to the next Quarter-sessions, and may, if they see cause, 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, or Order, and may also order such further Satisfaction to be made to the Party injured, as they shall adjudge reasonable.

Major Part to determine Disputes.

And be it further enacted, That in all Cases where any Powers are vested in the said Company of Proprietors, or in the Commissioners, or any Act or Acts directed to be done by them respectively, at any Meeting for putting in Execution any of the Powers given by this Act, the Opinion or Judgement of a major Part of the Members of such respective Meeting shall be taken and considered as the Act and Judgement of the whole Body so assembled.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information shall be commenced against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, every such Suit or Information shall be brought or commenced within Two Calendar Months next after the Fact committed; or in case there be a Continuation of Damages, then, within Two Calendar Months next after the doing thereof shall cease, and not afterwards; and shall be laid and brought in the said County of York, and not elsewhere; and the Defendant or Defendants in such Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence 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 Suit or Information shall be brought after the Time so limitted for bringing the same; 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 or Actions, Suit or Information, after the Defendant or Defendants shall have appeared; or if a Verdict shall have passed against the Plaintiff or Plaintiffs; or if, upon Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Full Costs, as between Attorney and Client, and shall have such Remedy for the same, as any Defendant or Defendants have or hath in any other Case.

General Issue.

Full Costs.

And

And be it further enacted, 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. Publick Act.