ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XLVII.

An Act to enable the Right Honourable *Sackville* Earl of *Thanet* to make a navigable Cut or Canal from a Place called *The Spring*, lying near *Skipton Caſtle*, in the County of *York*, to join to and communicate with the navigable Canal from *Leeds* to *Liverpoole*, in a Cloſe called *Hebble End Cloſe*, in the Townſhip of *Skipton*, in the ſaid County of *York*.

WHEREAS, by virtue of an Act of Parliament, made in the Tenth Year of the Reign of His preſent Majeſty, (intituled, An Act 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*), a conſiderable Part of the ſaid Canal, which lies between Leeds and Skipton, in the ſaid County of York, has been Preamble.

T

completed, and made navigable for Boats and other Vessels: And whereas the Owners and Occupiers of Land, and others, the Inhabitants at and near Leeds, Bradford, Bingley, Keighley, Silsden, and other Places lying contiguous to the said Canal, have Occasion for and are frequently in great Want of large Quantities of Lime and Lime Stones, for the Improvement of their Lands, and other Purposes: And whereas the Right Honourable Sackville Earl of Thanet is seised and possessed of certain Lands and Grounds near the Castle of Skipton aforesaid, in which are great Quantities of Lime-stone Rocks, and which are situate within the Distance of Five hundred and thirty Yards, or thereabouts, from that Part of the said Canal which lies nearest to the Town of Skipton aforesaid: And whereas a navigable Cut or Canal is very capable of being made, for the Navigation of Boats and other Vessels, from a certain Part of the aforesaid Land of the said Earl of Thanet, called The Spring, which adjoins to or is situate near the said Lime-stone Rocks, through the Lands, Grounds, and Waste belonging to the said Earl, and other Land belonging to the Free Grammar School at Skipton aforesaid, hereinafter more particularly mentioned, and to join to and communicate with the said navigable Cut from Leeds to Liverpoole, in a certain Close in the Township of Skipton aforesaid, called The Hebble End Close, by Means whereof the several Towns and Places aforesaid, and the adjacent Country, may, at all Times, be supplied with Lime and Lime Stone from the said Lime-stone Rocks, which will be of great and general Utility: And whereas the said Close called The Hebble End Close, through which the said intended navigable Cut or Canal is to be made, and in which it is to join to and communicate with the Leeds and Liverpoole Canal, belongs to the Free Grammer School at Skipton aforesaid, and a great Part of the said Close will be necessary to the said Earl, his Heirs and Assigns, for the making of the said navigable Cut or Canal, and the Roads and Towing-paths on the Side thereof:

And whereas the said Earl of Thanet is willing and desirous, at his own Expence, to make and maintain such intended navigable Cut or Canal; but as the same cannot be effected without the Aid of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Earl of Thanet, his Heirs and Assigns, shall be, and be is and they are hereby impowered, by him and themselves, his and their Agents, Officers, Workmen, and Servants, to make and complete a Cut or Canal, navigable or passable for Boats, Barges, and other Vessels, from or near a certain Place or Parcel of Land belonging to the said Earl, and situate near to Skipton Castle, in the County of York, called The Spring, through the Gardens, Houses, Lands, Grounds, and Waste, belonging to, and the Property of the said Earl; and also through a certain Close belonging to the Free Grammar School, called The Hebble End Close, situate in the Township of Skipton aforesaid, and the several Roads and Highways leading from or lying between the said Place, called The Spring and The Hebble End Close aforesaid, to join to, and communicate with, the said Canal Navigation from Leeds to Liverpool, in the said Close called The Hebble End Close, 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 also to make such Reservoirs as shall be found necessary for the Purposes of the said Cut or Canal, within the Lands, Grounds, and Waste aforesaid, for the more convenient supplying the said Canal with Water, as also for the making, using, completing, 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; and to alter, divert, and change the Courses

The Earl of *Thanet* impowered to complete a navigable Cut near *Skipton Castle*.

of any Brooks or Watercourses 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 and Grounds now the Property of the said Earl, adjoining or near the said Canal, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Dens, Reservoirs, Drains, Wharfs, Quays, Landing-places, Loading-places, Weigh-beams, Cranes, and other Works, Ways, Roads, and Conveniencies, as and where the said Earl, his Heirs and Assigns, shall think requisite and convenient for the Purposes of the said Navigation; and also to alter, repair, amend, widen, or enlarge the said Works or belonging thereto; 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 or Towing-paths, Banks, and Ways, convenient for towing, haling, or drawing of Boats, Barges, or other Vessels, passing in, through, or upon, the said Cut or Canal; 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 other Matters and Things which the said Earl, his Heirs or Assigns, 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.

And be it further enacted, That it shall and may be lawful to and for the Trustee or Trustees for the Time being, of the Free Grammar School at Skipton aforesaid, to sell and convey such Part of the said Close called The Hebble End Close, as shall be necessary for making the said Navigable Cut or Canal, and the Roads and Towing-paths on the Side thereof, to the said Earl, his Heirs and Assigns, for such Price or Prices in Money, as by the several Persons herein-after named as Arbitrators, or any Three or more of them, shall be settled and adjusted in Manner herein-after mentioned; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom, to the Contrary notwithstanding; and the Trustee or Trustees for the Time being of the said School is and are hereby indemnified for what he, they, or any of them, shall respectively do by virtue of or in pursuance of this Act.

Trustees of the Grammar School at *Skipton* may sell Part of *Hebble End Close*.

And be it further enacted, That such Part of the said Close, called The Hebble End Close, as shall be so sold and conveyed, pursuant to the Power and Authority hereby given, shall be and remain from thenceforth for ever freed and absolutely discharged of and from all and every the Uses, Trusts, Estates, Powers, Provisoes, and Declarations, in and by any Settlement, Feoffment, or other Conveyance or Assurance thereof, limited, expressed, and declared; and that all and every Sum and Sums of Money which shall be received as and for the Purchase of any Part of the said Close as aforesaid, shall be laid out, as soon as conveniently may be, in the Purchase of other Lands, Tenements, and Hereditaments, in Fee-simple; and the Lands, Tenements, and Hereditaments, so to be purchased, shall be conveyed unto, and vested in, the Trustee or Trustees for the Time being of the Free Grammar School aforesaid, who shall stand seised of and be possessed in the same, to and for such Uses, Estates, Intents, and Purposes, and under and subject to such Trusts, as the said Close, called The Hebble End Close, is limited, settled, and assured; and, in the mean Time, and until such Purchase or Purchases shall be made, the said

All Sums arising from the Purchase of *Hebble End Close* to be laid out in the Purchase of other Lands.

said Money shall be placed out by the Trustee or Trustees for the Time being of the same School in some of the publick Funds, or on Government or Real Securities, in the Names of the Trustee or Trustees for the Time being of the same School; and the Interest arising, or to be produced from such Funds or Securities, shall be paid and applied in such and the same Manner, and for such and the same Uses, Intents, and Purposes, as the Rents and Profits of such Lands, Tenements, and Hereditaments, so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

Arbitrators relative to the Prices in Money to be paid by Earl of *Thanet*.

And be it further enacted by the Authority aforesaid, That it shall be, and it is hereby referred to Stephen Walter Tempest, of Broughton, in the said County of York, Esquire; John Clayton, of Carr, in the County Palatine of Lancaster, Esquire; John Currer, of Kildwick, in the said County of York, Esquire; Roger Swire, of Connonley, in the same County, Esquire; Mathew Wilson, of Ashton, in the same County, Esquire; Thomas Lister, of Gisborne Park, in the same County, Esquire; the Reverend William Roundel, of Marton, in the same County, Clerk; and William Bagshaw, of Coatesball, in the same County, Esquire; to settle, adjust, and determine the Price or Prices in Money which shall be paid by the said Earl of Thanet, his Heirs or Assigns, and shall be accepted by the Trustee or Trustees for the Time being of the same School, for the Purchase of such Part of the same Close as he the said Earl of Thanet, his Heirs or Assigns, shall be desirous to purchase for the Purpose aforesaid; and that all and every other Questions, Matters, and Differences, which shall or may happen to arise between the said Earl of Thanet, his Heirs and Assigns, and the Trustee or Trustees for the Time being of the said Free Grammar School, or their Lessees, Tenants, or Occupiers, of the same Close, or any Part thereof, or any other Person or Persons having any Estate, Term, or Interest therein, touching or in anywise concerning such Purchase, or touching or concerning the Share or Proportion of the said Purchase Monies to be allowed to the Tenant or other

other Person having a particular Estate, Term, or Interest therein, or touching or concerning the Satisfaction to be made to them, or any of them, by the said Earl, his Heirs or Assigns, for any Damage which the said Trustee or Trustees, or other Persons aforesaid, or any of them, shall or may sustain, or alledge to have sustained, by the making or maintaining the said navigable Cut or Canal, or by carrying into Execution the Powers given by this Act, or any of them, shall be, and the same are hereby, in like Manner, referred to the said Stephen Walter Tempest, John Clayton, John Currer, Roger Swire, Matthew Wilson, Thomas Listen, William Roundel, and William Bagshaw; and the Award, Decision, and Determination, of the said Arbitrators herein-before named, or any Three or more of them, in all and every the Matters and Things aforesaid, to be given and made in Writing under the Hands and Seals of the said Arbitrators, or any Three or more of them, shall be binding and conclusive to all Intents and Purposes, as well upon the said Earl of Thanet, his Heirs and Assigns, as upon the Trustee or Trustees for the Time being of the Free Grammar School aforesaid, and all and every their Lessees, Tenants, and Occupiers, for the Time being of the same Close, or any Part thereof, and other the Persons aforesaid.

The Earl to erect and maintain Stop-gates.

Provided always, and it is hereby enacted, That the said Earl of Thanet, his Heirs and Assigns, shall, at his and their own proper Costs and Charges, make, erect, and maintain such Stop-gate or Stop-gates, as the Company of Proprietors of the Canal Navigation from Leeds to Liverpoole, or their Committee, shall think necessary; and that the said Company shall have Power to make use of the same for preserving the Water of the said Canal Navigation from Waste or Loss, in consequence of the said Junction.

Persons damaging the Works to be adjudged guilty of Felony.

And be it further enacted, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said intended navigable Cut or Canal, 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

wilful Hurt or Mischief, to obstruct, hinder, or prevent the carrying on or completing, supporting, and maintaining the said intended Navigation, such Person or Persons shall be adjudged guilty of Felony; and every such Felon shall be subject 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 every 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 proper, award such Sentence as the Law directs in Cases of Petit Larceny.

Persons throwing Ballast or Rubbish into the Canal or Trenches, to forfeit 5*l.*

And be it further enacted, That if any Person or Persons shall throw any Ballast, Gravel, Stone, 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; to be recovered by Distress and Sale of the Offender's Goods and Chattels, by a Warrant or Warrants under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said County of York; and in case sufficient Distress shall not be found, it shall be lawful for any such Justice or Justices to commit such Offender or Offenders to the common Gaol of the said County of York, or the House of Correction of the Town of Wakefield, in the West Riding of the said County of York, there to remain, without Bail or Mainprize, for any Time not exceeding One Month; and all such Penalties and Forfeitures shall be paid, One Moiety to the Informer, and the other Moiety to the Poor of the Parish or Place where the Offence shall be committed.

The Works not to be subject to the Controul of Commissioners of Sewers.

Provided always, and be it further enacted, That the said Cut or Canal, or any Works whatsoever by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Orders 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 hereof notwithstanding.

Provided always, 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 Six Calendar Months next after the Fact committed; or in case there be a Continuation of Damages, then within Six 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, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or that such Action, Suit, or Information, was commenced or brought after the Time so limited for bringing the same, or was brought in any other County than as aforesaid; then, and in such Case, the Jury shall find for the Defendant or Defendants; and, upon such Verdict, or if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, 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, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same, as when Costs by Law are awarded. Limitation of Actions. General Issue. Treble Costs.

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.