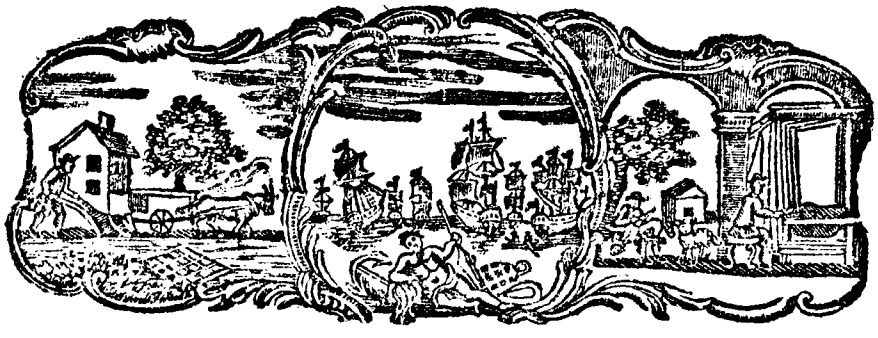


ANNO TRICESIMO TERTIO

# Georgii III. Regis.

## CAP. CX.

An Act for making and maintaining a Navigable Canal from the River *Calder*, in the Townſhip of *Warmfield cum Heath*, to or near the Town of *Barnſley*, and from thence to *Barnby Bridge* in the Townſhip of *Cawthorne*, in the Weſt Riding of the County of *York*; and certain Railways, and other Roads, to communicate therewith. [3d *June* 1793.]

WHEREAS the making and maintaining a Canal from the River Calder, in the Townſhip of Warmfield cum Heath, to or near the Town of Barnſley, and from thence to Barnby Bridge, in the Weſt Riding of the County of York, and ſeveral Railways, or other Roads, to communicate therewith, into and through the ſeveral Pariſhes and Townſhips of Warmfield cum Heath, in the Pariſh Preamble.

of Warmfield, the Parish or Township of Crofton, the Township of Walton in the Parish of Sandal Magna, the Township of Cold Heinley, in the Parish of Felkirk, the Townships of Notton, Royston, Carlton, and Burton otherwise Monk Bretton, in the Parish of Royston, the Township of Barnsley, in the Parish of Silkstone, the Township and Parish of Darton, the Township of Bargh otherwise Barugh, in the Parish of Darton, and the Township of Cawthorne, in the Parish of Silkstone, within the West Riding of the County aforesaid, for the Navigation of Boats and other Vessels, and for the Passage of Waggons, Carts, and other Carriages with heavy Burthens, will open a cheap and easy Access to many valuable and extensive Mines of Coal and other Minerals in the adjacent Country, and be the Means of carrying and conveying Coals and other Minerals, Goods, Wares, Merchandize, and other Articles, to and from the said respective Towns, and the Neighbourhood thereof, at a small Expence, and be in many other Respects of great Advantage to the Publick: And whereas the several Persons herein-after particularly named are desirous, at their own proper Costs and Charges, to make and maintain the said proposed Navigable Canal and Railways, or other Roads; but cannot effect the same without the Aid and Authority of Parliament: May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, his Grace the Duke of Leeds, the Right honourable Lord Hawke, the Right honourable the Countess Dowager of Bute, the Right honourable Hamilton Fleming claiming the Title of the Earl of Wigtoun, Sir William Mordaunt Milner Baronet, Sir Thomas Pilkington Baronet, Sir Edward Smith Baronet, Sir Francis Wood Baronet, Sir George Wombwell Baronet, Sir William Lowther Baronet, Sir Rowland Winn Baronet, Henry Andrews, Joseph Beckett, Thomas Richard Beaumont, John Bowden, James Bowden, John Bingley, John C. Brooke, Benjamin Binks, William Binks, William Brown, Henry Beet, Richard Burton, Anne Collier, John Cockshutt, Thomas Cotton, Henry Clarke, Jonas Clarke, George Clarke, John Cooke, James Carr, John Calverley, Joseph Clarke, William Dawson M. D. the Reverend Jeremiah Dixon, John Dixon, John Dixon of Wakefield, Hugh Danser, Robert Denison, Elizabeth Denison Widow, Theobald Dillon, John Ellison,

Proprietors Names.

Francis Edmunds, James Lane Fox, John Fox, Francis Fawkes, Mary Field, Elizabeth Gunning, Benjamin Heywood, John Pemberton Heywood, Thomas Hewetſon, John Hirſt, Gertrude Hall, Howel Hart, Thomas Hall, John Hardy, William Ingram, Francis Ingram, Joſias Jeſſop, Robert Jenner, William Jackſon, Anne Kirkſhaw, Thomas Lodge, Elizabeth Legh, John Lowther, John Lee, James Lucas, William Lawton, Francis Maude, Gamaliel Milner, William Martin junior, William Matſon, Richard Slater Milnes, John Pate Nevile, Joſeph Oldroyd, John Perkins, Richard Perkins, James Richardſon M. D. John Roper, William Rooth, Francis Ruſſel, Richard Richardſon, Walter Spencer Stanhope, Mark Skelton, John Smyth of Heath, John Smyth of Holbeck, James Smyth, James Steer, John Shaw, Joſeph Shaw, John Seaton, John Smeaton, Samuel Thorp, Jonathan Teal, Richard Taylor, Edward Taylor, Anthony Lofthouſe Tottenham, John Tottenham, Godfrey Wentworth Wentworth, Thomas Waterton, Richard Wilsford, John Wordſworth, Chriſtopher Wilſon, Richard Wilſon, John Wombwell, Joſeph Walker, Peregrine Wentworth, John Wilſon, John Wilſon junior, Thomas Walker, Joſeph Walker, George Wood, and the Reverend Henry Zouch, together with ſuch Perſon or Perſons as ſhall at any Time hereafter be poſſeſſed of One or more Share or Shares as hereinafter mentioned of the ſaid Canal and Undertaking, are and ſhall be united into a Company for the better carrying on, making, completing, and maintaining the ſaid intended Navigable Canal, and Railways or other Roads, according to the Rules, Orders, and Directions herein-after mentioned and expreſſed, and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of The Company of Proprietors of the Barnſley Canal Navigation, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued; and the ſaid Company of Proprietors ſhall be and are hereby authorized and impowered, from and after the Twenty-fourth Day of June One thouſand ſeven hundred and ninety-three, on which Day this Act ſhall commence and take Effect, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſiſtants, by Cuts, Tunnels, or otherwiſe, to make, complete, and maintain a Canal navigable and paſſable for Boats, Barges, and other Veſſels, from the River Calder, in the Townſhip of Warmfield cum Heath, to or near the Town of Barnſley, and from thence to Barnby Bridge, in the Townſhip of Cawthorne, in the Weſt Riding of the ſaid County of York, and to ſupply the ſaid intended Canal whilſt the ſame ſhall be making, and when

Made a Body Corporate.

Power to make the Canal, &c.

when made, with Water from the said River Calder, or such Springs, Brooks, Streams, Rivulets, and Watercourses, as are or shall be found in making the said intended Canal, or from such Brooks, Streams, and Watercourses, as are or shall be found within the Distance of Two thousand Yards from any Part of the said Canal (except as is herein-after provided); and also (except as herein-after excepted) to make such Reservoir and Reservoirs as shall be necessary for the Purpose of the said intended Canal, within the Distance last mentioned, for the more convenient supplying the same with Water, and to erect a Fire Engine or Engines, or other Machines, for supplying the said intended Canal, or any Part or Parts thereof, with Water from the said River Calder, and also to make such and so many Feeders, Aqueducts, Bridges, and Channels, as they shall think fit, for supplying the said intended Canal, and Reservoirs, with Water; and also within the like Distance from any Part of the said intended Canal, to cleanse, scour, dig, open, deepen, enlarge, or streighten the Streams, Brooks, and Watercourses, which may happen, come, or be brought into or made to communicate therewith respectively, and to dig, cut, or raise the Banks of any of the said Streams, Brooks, and Watercourses, for bringing Water into the said intended Canal and Reservoirs, and to make such proper Trenches or Passages for Water in, upon, or through the Lands or Grounds adjoining or near to the said intended Canal and Reservoirs, or such Streams, Brooks, or Watercourses as aforesaid, or any of them (save as aforesaid), as the said Company of Proprietors, or their Successors, shall think fit; and also to make and lay a certain Railway or other Road, or both if need be, to branch from the said Canal at or near Barnby Bridge, and to extend from thence through the Lands of the said Walter Spencer Stanhope to a certain Place called Norcroft Bridge, in the Townships of Cawthorne and Silkstone aforesaid, or One of them, and One other Railway, or other Road, to branch from the said Railed Road at or near Norcroft Bridge towards Silkstone Bridge, passing between the Vicarage and the Mill there, and from thence Westward to the Junction of the Thurgoland and Hoyland Swain Roads; and also Four other Railways, or other Roads, in the Township of Barnsley aforesaid, to branch from the said Canal; (to wit) the First of them over and across One Close of Ground belonging to the said Walter Spencer Stanhope, in Barnsley aforesaid, in the Possession of John Wilson; another Close adjoining thereto, belonging to his said Grace the Duke of Leeds, in Barnsley aforesaid, in the Possession of John Dixon; and

and One other Close adjoining the last mentioned Close, belonging to the said Francis Edmunds, in the Possession of John Roper, in Barnsley aforesaid, where the same communicates with a certain Lane there, called Honey Well Lane, and extending up the said Lane until it communicates with a Road next herein-after particularly mentioned: The Second of them over and along One Close of Ground belonging to the said John Wilson, in Barnsley aforesaid, in the Possession of Steel, where the same communicates with a certain Road or Lane there, called Smithy Mill Closes Road; and from thence up the said Road or Lane to a certain other Road or Lane called Hall Balk Road, and forward on the said Hall Balk Road to the South, until the same communicates with the before mentioned Road at the West End of the said Road, called Honey Well Lane: The Third of them over and across Two Closes of Ground in Barnsley aforesaid, belonging to and in the Possession of the said Henry Clark, where the same communicates with the before mentioned Lane or Road, called Hall Balk Road, and from thence continued up the said Lane or Road, until it communicates with the West End of the Smithy Mill Road; and the other of the said Roads over, across, or along a certain Close of Ground in Barnsley aforesaid, belonging to and in the Possession of the said Joseph Beckett; One other Close of Ground adjoining thereto, belonging to the said Francis Edmunds, in the Possession of William Lawton; One other Close next adjoining thereto, in the Possession of Thomas Totty, the Property of the said Right Honourable Hamilton Fleming, and Two other Closes lying together, and adjoining upon the last mentioned Close belonging to the said John Bingley, in Barnsley aforesaid, in the Possession of Robert Sherwood, where the same communicates with a certain Lane, called Green Foot Lane, and so forwards up the said Lane, until it communicates with the Turnpike Road which leads from Barnsley to Huddersfield, in the said County: And, for the several Purposes aforesaid, the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and impowered to enter into and upon the Lands or Grounds of or belonging to the King's most Excellent Majesty, his Heirs or Successors, or of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever (save as herein-after mentioned), and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Part or Parts thereof as they shall think necessary and proper for making the said intended Canal, Railways, and other Roads,

or any of them, and any such Reservoir and Reservoirs, Feeders, Aqueducts, and Bridges respectively as aforesaid, and also all such other Works, Watters, and Conveniencies, as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and easy using the said intended Canal, Railways, and other Roads and Works; and also shall and may have Power and Authority to purchase Lands, Tenements, and Hereditaments, to them and their Successors and Assigns, for making the said Canal, Railways, and other Roads, and the several Works hereby authorised to be made, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and at any Time hereafter to sell any of the Lands, Tenements, or Hereditaments, purchased for the Purposes aforesaid; and also 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 Watters or Things which may be dug or got in the making of the said Canal, Railways, or other Roads and Works, or in making any Reservoir or Reservoirs, Feeders, Bridges, or Aqueducts, or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, or repairing the same intended Canal, Railways, or other Roads or Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, and maintaining the same respectively, or in making, using, completing, extending, and maintaining of such Reservoirs as aforesaid, or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be necessary and proper to convey Water to or from the said intended Canal, according to the Intent and Purport of this Act; and also to make, build, erect, and set up, in or upon the said intended Canal, Railways, or other Roads and Works, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Water Stanks, Reservoirs, Drains, Wharfs, Quays, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniencies, as and where (except as herein-after excepted) they the said Proprietors shall think requisite and convenient for the Purposes of the said Canal, Railways, or other Roads and Works;

and

and also from Time to Time to alter, repair, and amend, or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, and other Works or Conveniencies, as well for the carrying and conveying of Coals, Stone, and other Minerals, Goods, Wares, Merchandize, and other Articles, to and from the said Canal, Railways, and other Roads, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Canal, Railways, and other Roads or Works, of or belonging to the said Navigation, or useful for any Purpose therein; and also to place, lay, work, or 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 intended Canal, Railways, or other Roads and Works, or the Reservoirs, Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, and drawing of Boats, Barges, and other Vessels, passing in or upon the said intended Canal, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon the said intended Canal to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing the said intended Canal, and Towing Paths on the Sides thereof; and to construct, erect, make, and do all other Matters and Things which they shall think necessary for making, effecting, extending, preserving, improving, completing, and easy using the said intended Canal, Railways, or other Roads and Works, in pursuance of and according to the true Intent and Meaning of this Act, they the said Company of Proprietors doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner hereinafter mentioned, to the Owners or Occupiers, or the Persons interested in any Lands, Tenements, or Hereditaments,

taments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Servants, Agents, or Workmen, and all other Persons whomsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned.

Houses, &c. not to be affected.

II. Provided always, and be it further enacted, That nothing herein-before contained shall extend to authorise or impower the said Company of Proprietors, or any other Person or Persons, in making the said Canal, to take, use, injure, or damage any Manor or Manson House, or Building appurtenant or belonging thereto, or any Ground upon which, on the First Day of January One thousand seven hundred and ninety-three, any Dwelling House or Out House stood, or any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, or a Lawn or Pleasure Ground inclosed or adjoining to a House, without the Consent of the respective Owners or Occupiers thereof, or to make any Railways, or other Roads, for Carriage of Coal over or through any of the Lands or Grounds which shall have been bona fide used as Bleaching Grounds for the Space of Two Months previous to any Application to be made, by virtue of the Powers of this Act, to the Proprietors or Owners of such respective Bleaching Grounds.

Clause respecting Mr. *Stanhope*'s Close in the Occupation of Mr. *Wilson*.

III. Provided always, and be it further enacted, That nothing herein-before contained shall extend to restrain the said Company of Proprietors from making any Railways, or other Roads, over or through the said Close of Ground belonging to the said Walter Spencer Stanhope, and in the Occupation of the said John Wilson, by Reason or on Account of the said Close being used as Bleaching Ground.

Two Plans and Books of Reference shall be signed by the Speaker of the House of Commons.

IV. And whereas a Survey has been taken to ascertain the Practicability of making the said intended Canal; and a Map or Plan, with a proper Book of Reference thereto, has been made in consequence thereof, in order to shew the Line or Course of the said Canal, and the various Distances from Place to Place, as far as it affects the Property of each Individual through which it passes, and the Extent and Particulars of the Whole: Be it therefore further enacted, That there shall be Two Parts made of the said Map or Plan, and Book of Reference thereto, which shall be certified by

the Right Honourable the Speaker of the House of Commons, and severally deposited, the One with the Clerk of the Peace for the said West Riding of the said County of York, and the other with the Clerk to the said Company of Proprietors, to which all Persons shall have Liberty to resort, and examine or make Extracts or Copies thereof, as Occasion shall require, paying to the said respective Clerks for Copies of, or Extracts from, the said Books of Reference, after the Rate of Sixpence for every One hundred Words; and the said Map or Plan, and Book of Reference, so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Twenty-one Days Notice to him given for that Purpose, shall and is hereby required, from Time to Time, to produce the said Map or Plan, and Book of Reference, before the Commissioners herein-after mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, he having a reasonable Sum of Money for his Travelling Expences, Absence from Home, and Attendance.

Power to deviate 100 Yards from the Line laid down in the Plan.

V. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, or convey the same Canal, into, through, across, under, or over any Part or Parts of the several Estates, Lands, or Grounds, now or late belonging to, or reputed to belong to the said several and respective Persons named or described in the said Book of Reference, or hereinbefore mentioned, other than within the like Distance of One hundred Yards from such Part or Parts as are mentioned in the said Book of Reference, or herein-before mentioned in that Behalf, or belonging to any other Person not named in such Book of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, and Grounds do or shall respectively belong.

Directing Plans of the specified Railways to be made and deposited, in like Manner as the Plans of the Navigation.

VI. And be it further enacted, That the said Company of Proprietors shall, before the Expiration of Six Calendar Months after the Commencement of this Act, make, or cause to be made, proper Maps or Plans describing the Line or Course of the said several Railways and other Roads herein-before specified, and the several Lands

Lands or Grounds through which the same are intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands respectively; which said Maps or Plans, and Books of Reference, or Duplicates thereof, authenticated under the Common Seal of the said Company of Proprietors, shall, before the Expiration of the said last mentioned Period of Time, be deposited with the Clerk of the Peace for the said West Riding of the County of York, and with the Clerk to the said Company of Proprietors respectively, to which all Persons shall have Liberty to resort, and examine or make Extracts or Copies thereof as Occasion shall require, in like Manner as is herein mentioned with respect to the said Map or Plan, and Book of Reference, describing the Line or Course of the said Canal.

To limit Deviations from the Line or Course of the specified Railways.

VII. And be it further enacted, That the said Company of Proprietors, in making the said intended Railways and other Roads, shall not deviate more than Twenty Yards from the respective Lines thereof so to be described in the said Maps or Plans, and Books of Reference respectively as aforesaid, or extend the same in Length further than Twenty Yards beyond the Terminations of the said respective Lines, without the Consent in Writing of the Person or Persons through whose Lands or Grounds every such Deviation or Extension shall be made respectively.

Errors in describing the Line not to prevent making the Canal.

VIII. Provided always, and be it further enacted and declared, That the said Company of Proprietors shall and may make the said intended Canal, Railways, or other Roads, into, through, across, or over the Estates, Lands, or Grounds, of any Person or Persons whomsoever, whose Name or Names shall appear to the Satisfaction of the said Commissioners, and be by them certified under their Hands to have been by Mistake omitted in the said Book of Reference, or this Act, or across any Roads, Brooks, or Rivulets, which shall so appear, and be certified to have been omitted by Mistake in Manner as aforesaid, and also where it shall appear to the Satisfaction of the said Commissioners, and be by them certified as aforesaid, that instead of the Name or Names of the Owner or Owners of such Estates, Lands, or Grounds, the Name or Names of some other Person or Persons, to whom such last mentioned Estates, Lands, and Grounds do not belong, hath or have been inserted by Mistake therein.

Not to erect Buildings on the Lands of *Theobald Dillon* Esquire.

IX. Provided also, and be it further enacted, That the said Company of Proprietors, in making the said Canal within

within the Parish of Warmfield cum Heath aforesaid, shall not cut or make the same nearer to the Mansion House of Theobald Dillon Esquire, called Heath Hall, in the Occupation of John Wombwell Esquire, than delineated in the said Map or Plan, without the Consent, in Writing, of the said Theobald Dillon, or the Owner of his said Mansion House for the Time being; and that it shall not in any Case be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, or any other Person or Persons, under Colour or Authority of this Act, to make or use any Towing Path for or on Account of the said intended Navigation upon any Part of the Estate of the said Theobald Dillon, in the Parish of Warmfield cum Heath aforesaid, on the Side of such Navigation next to his said Mansion House there, nor without the Consent in Writing of the said Theobald Dillon, or the Owner of such Mansion House for the Time being, to make, build, erect, or set up any Fire Engines, Houses, Warehouses, Watch Houses, Quays, Wharfs, Cranes, Weigh Beams, or any other Erections or Buildings whatsoever in or upon any of the Lands and Grounds of or belonging to the said Theobald Dillon, in the Parish of Warmfield cum Heath aforesaid.

Fire Engine Smoke to be consumed.

X. And be it enacted, That in order to prevent the Inconvenience that might arise to the Inhabitants of Warmfield cum Heath from the Smoke of the Steam Engine intended to be erected on Heath Common for the Purpose of supplying the said Canal with Water, the said Company of Proprietors are hereby required to cause the Boiler, Fire Place, and Flues of the said Engine to be constructed and used according to the best and most effectual Mode that has hitherto been invented, contrived, or executed, so that in working the said Engine the Smoke may be burnt or consumed; and if the said Company of Proprietors, or the Person or Persons whom they shall employ in the working of the said Engine, shall neglect to construct or use the said Engine in the Manner herein required, any Person or Persons suffering Inconvenience from such Neglect may give Notice in Writing to such aforesaid Person or Persons of such Neglect, or may leave the same at such aforesaid Engine; and if the said Company of Proprietors, or Person or Persons so employed in working the said Engine, shall after such Notice continue to neglect the using of such Means for consuming the Smoke as aforesaid, then the said Proprietors, or Person or Persons, shall forfeit and pay not more than Forty Shillings nor less than Ten Shillings per Day for every Day in which they may be guilty of such Neglect from

the Time of such Notice until they shall make use of the Means herein directed for consuming the said Smoke, the Money arising from such Forfeitures to be paid to the Overseer of the Poor, for the Use of the Poor of the Township in which such Engine shall stand.

Canal shall not be deviated more than 80 Yards South-west of the Line in *Barugh*.

XI. Provided also, and be it enacted, That in making the said intended Canal, the said Company of Proprietors shall not deviate more than Twenty Yards from the South-west Side of the Course or Direction delineated in the said Map or Plan, in, through, or over the Lands or Grounds situate within the said Township of Barugh, belonging to the said Thomas Richard Beaumont, or to Thomas Cotten, Esquires, nor shall any Fire Engine be erected upon the said Lands and Grounds.

Restrictions against building Houses or Mills upon Towing Paths in particular Places.

XII. And be it further enacted, That nothing in this Act contained shall extend to enable the said Company of Proprietors to erect or build any House, Mill, or other Building (other than such Warehouses, Toll Houses, Watch Houses, and Cottages for their Workmen), for the Use of the said Navigation, upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays on the Sides thereof, or to convert or employ any Water that shall be brought into or discharged out of the said intended Canal, Trenches, or Sluices, hereby authorized to be made, for the Use of any Mill or Mills hereafter to be erected near the same, or for any other Use or Purpose than for the navigating Boats or Vessels upon the said Canal; or to cut down any Timberwood, Brushwood, or Underwood, upon any of the Estates or Lands through or into which the said intended Navigable Canal, Trenches, Sluices, Railways, or other Roads, Passages, Works, or Conveniences, or any Part thereof respectively, shall be made (except such Timberwood, Brushwood, or Underwood, as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Navigable Canal, Towing Paths, Trenches, Sluices, Railways, or other Roads, Passages, or Conveniences respectively as aforesaid, or within or upon the Lands or Grounds wherein shall be Materials which shall be wanted for any of the said Works); and the Proprietors of the respective Lands and Grounds on which such Timberwood, Brushwood, or Underwood shall stand or be growing at the Time of the Commencement of this Act, their Heirs and Assigns, shall have it in their Election to take such Timberwood, Brushwood, or Underwood respectively, when felled or cut down by the said Company of Proprietors, at such Price or Value as the same respectively

Against felling Timber and Brushwood.

shall

shall have been estimated at or purchased by the said Company of Proprietors, which said Timberwood, Brushwood, or Underwood, so to be fallen by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said intended Canal free from all Tolls and Duties to be raised and levied by virtue of this Act; but in case the same shall not have been estimated at or purchased by them upon a Valuation separate and distinct from the Lands or Grounds upon which the same respectively shall grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Lands and the said Company of Proprietors, or their Agents, or in case of any Difference of settling or ascertaining the same, then at such Price or Value as the said Commissioners herein-after mentioned shall direct or appoint; and if any House, Mill, or other Building (except as aforesaid), shall be erected upon any such Lands or Grounds, it shall be lawful to and for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of the setting out the same, his, her, or their Heirs or Assigns, to take, pull down, and remove such Houses, Mills, and other Buildings, without being guilty of a Trespass, or being liable to any Action or Prosecution for so doing.

Lands may be entered for making a Survey.

XIII. And be it further enacted, That it shall be lawful for any of the Agents and Servants of the said Company of Proprietors, from Time to Time, and at all Times hereafter, to enter upon the Lands or Grounds of the said several Persons, Bodies Politick, Corporate, or Collegiate, through which the said intended Canal, Railways, and other Roads, Ways, and other Works hereby authorized and 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 Canal, Roads, Ways, and other the Matters and Conveniences aforesaid, such Agents and Servants making Satisfaction for the Damages they shall do thereby to the Occupiers of such Lands or Grounds for the Time being.

Breadth of the Canals and Towing Paths.

XIV. Provided always, and be it further enacted, That the Land or Ground to be taken or used for such Canal, Trenches, Towing Paths, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-four Yards in Breadth, to be measured horizontally, except in such Places where any Dock, Bason, or Reservoir, shall be made, or where the said intended Canal and

Trenches

Trenches shall be raised higher or cut more than Six Feet deeper than the present Surface of the Land, in such Places where it shall be judged necessary for Boats and other Vessels to turn, lie, or pass each other, or where any Crane may be erected, or where any Wharf shall be made for the Landing and Delivery of Coals, Timber, or other Goods, Wares, Merchandize, or Things.

For levelling the Rubbish, &c. thrown on the adjacent Lands, and covering it with Soil.

XV. Provided also, and be it further enacted, That before any Clay, Gravel, Sand, Rubbish, or other Materials (except Soil) to be dug or got in the cutting or making of the said intended Navigation, and not used for some of the Works thereof, shall be laid upon any Land adjoining or near thereto, all the Soil of such Land, and also of the Land so cut for the said Navigation, within the Depth of Six Inches, shall be taken and removed, and be laid into Heaps distinct from such Clay, Gravel, Sand, Rubbish, and other Materials; and that the said Clay, Gravel, Sand, Rubbish, and other Materials (except as aforesaid), shall be in a proper and husbandlike Manner, most convenient for Cultivation, levelled within the Space of such Land adjoining or near to the said Navigation, from whence the Soil shall have been previously taken off and removed as aforesaid, and then the Whole of the aforesaid Soil shall be in like Manner carried and spread upon and over the Surface of the said levelled Materials, so and in such Manner as to render it Land as fit and proper as may be for the Purposes of Vegetation, Culture, and Husbandry; and that such levelling of Materials, and carrying and spreading of Soil thereon as aforesaid, shall be fully and effectually done and compleated in each and every Close or separate Piece of Ground in or through which the said Navigation shall pass or go, within Three Calendar Months next after the same shall be cut and made through such Close or separate Piece of Ground; and that if the said Company of Proprietors, or any others employed by or under them, shall refuse or neglect, within the respective Times aforesaid, to remove the said several Soils, and level the said Materials, and then carry and spread the said Soils in Manner hereinbefore specified and directed, then, and in every such Case, it shall be lawful for the Owner or Owners, Occupier or Occupiers, for the Time being, of the Close, Land, or Ground wherein or whereon the Subject of such Refusal or Neglect shall be or arise, and he, she, and they respectively is and are hereby impowered to cause the Clay, Gravel, Sand, Rubbish, Materials, and Soils respectively, concerning which such Refusal or Neglect shall be

made or arise, to be respectively removed, turned over, separated, levelled, and spread, so and in such Manner as to effect the bringing the Soil to the Surface, and thereby rendering it Land fit and proper for the Purposes aforesaid; and that then, and in every such Case, it shall also be lawful for all and every such Owner or Owners, Occupier or Occupiers, and he, she, and they is and are hereby impowered to recover all the Costs, Charges, and Expences of and attending the Work which he, she, or they respectively shall so do or cause to be done as aforesaid, of and from the said Company of Proprietors, in such and the like Manner, and by such and the like Means, or any of them, as are herein provided and prescribed for the Recovery of Satisfaction for Land to be purchased, used, or damaged in the Execution of this Act.

Where Roads are injured, others to be made.

XVI. Provided always, and be it further enacted, That in all Cases where in Exercise of the Powers aforesaid any Part of any Carriage or Horse Road, either publick or private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company of Proprietors shall at their own Expence (and which they are hereby impowered to do) before any such Roads shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured as aforesaid, in, over, through or upon the Lands adjoining, or as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition.

For making a Carriage Road to Mr. *Wood*'s Mills.

XVII. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, to set out and appoint to and for George Wood Esquire, as the Owner of an ancient Water Corn Mill, Messuages, Cottages, Buildings, and Lands at Burton Smithies, and to his Heirs and Assigns for ever, a convenient Carriage Road from such Mill, Messuages, Cottages, Buildings, and Lands to and from the said intended Canal, through and over the Lands and Grounds of his Grace the Duke of Leeds, in the Township of Barnsley aforesaid, by the Hedge dividing the Lands of his Grace and John Wilson, doing as little Prejudice to his Grace as may be; and if the Parties do not agree amongst themselves, to value and ascertain the Recompence and Satisfaction which the

said George Wood, his Heirs, Executors, Administrators, or Assigns, shall pay for such Road, and when and to whom the same shall be paid; and if after such Road shall be so set out and appointed, his said Grace the Duke of Leeds, his Heirs or Assigns, shall erect any Building or Buildings upon his said Lands or Grounds, and shall find it necessary or convenient for such Purpose to build over such Road, or alter the Course thereof through his said Lands, it shall and may be lawful for him or them so to do; and in Default of Payment of such Recompence or Satisfaction as aforesaid, the same shall and may be recovered, with Costs, by Action of Debt in any of his Majesty's Courts of Record at Westminster; which said Road shall be made, repaired, and maintained by the said George Wood, his Heirs and Assigns; and if it shall appear to the said Commissioners that such Carriage Road can be more conveniently made, either wholly or in Part, through the Lands of any other Person or Persons, then, with the Consent of such last mentioned Land Owner or Land Owners, the said Commissioners are hereby authorized and impowered to set out and appoint such Road accordingly, the said George Wood, his Heirs and Assigns, if the Parties do not agree amongst themselves, making Satisfaction as herein-before provided in Case of Lands purchased for the Use of the said Canal.

XVIII. Provided always, and be it further enacted, That nothing in the said last mentioned Proviso contained shall extend to defeat, prejudice, or affect the Right of the said Duke of Leeds, or of any other such Land Owner or Land Owners as last aforesaid, to the Soil of, or to the Mines or Minerals lying or being within or under their respective Lands or Grounds, through or over which the said last mentioned Road shall be made, it being intended that nothing but the Right of Way, subject as aforesaid, shall pass to the said George Wood, his Heirs or Assigns.

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

XIX. And be it further enacted, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained for making the said intended Canal, Railways, and other Roads and Ways, and other the Purposes and Conveniencies herein-before authorized or directed, it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities and other Purposes, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves and their Heirs and Successors, but also for and on Behalf of their Cestuique

Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their 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 such Person or Persons as they shall nominate and appoint for the Purposes of this Act, 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 intended Canal, the Property of any Land Owner or Owners shall be separated into small Parcels, not exceeding Two Acres, or not exceeding Twenty Yards in Breadth, and so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate and Collegiate, and other such Land Owner or Land Owners, by and with the Consent of the Commissioners to be appointed as hereinafter mentioned, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of and to be attested by Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds so separated into small Parcels as aforesaid, to any Person or Persons whomsoever, for such good and valuable Consideration or Considerations, or Price or Prices in Money, or other Equivalent, as to the said Commissioners shall seem reasonable, and that all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate or Collegiate, and other Persons so conveying or exchanging as aforesaid, are hereby indemnified for what they shall respectively do by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Exchanges, 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 be made at the Expence of the said Company of Proprietors, and shall be expressed in the following or some similar Form of Words, as the Circumstances of the Case may require; (videlicet),

and, with Consent of Commissioners, to sell or exchange any Lands which may be so separated as to render the Occupation thereof inconvenient.

Form of Conveyance.

I [*or* we] *A. B.* of in Consideration of the Sum of to me [*or* us] paid [*or* in Consideration of the Annual Rent of to me *or* us to be hereafter yielded and paid] by the Company of Proprietors of the *Barnsley* Canal Navigation, do hereby grant and release to the said Company, all [*describing the Premises to be conveyed*], and all my [*or* our] Right, Title, and Interest, to and in the same, and every Part thereof, to hold to them, their Successors and Assigns, for ever, by virtue and according to the true Intent and Meaning of the Act of Parliament, passed for making and maintaining the said *Barnsley* Canal Navigation, and certain Railways, and other Roads, to communicate therewith. In Witness whereof I [*or* we] have hereunto set my Hand and Seal, [*or* our Hands and Seals], this Day of in the Year of our Lord One thousand

And shall be inrolled with the Clerk of the Peace for the West Riding of the County of York; and true Copies thereof, signed by such Clerk of the Peace or his Deputy, shall be allowed to be good Evidence in all Courts whatsoever, for which Inrollment or Copy thereof the said Clerk of the Peace, or his Deputy, shall receive the Sum of Sixpence for every One hundred Words, and no more, and so in Proportion for every less Number of Words.

Compensation to be made for Tithes.

XX. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tithes, both great and small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are, or at any Time hereafter might have become entitled to such Tithes, according to their respective Interests therein, such Tithes to be estimated at the Average Value of the Four Years commencing at Michaelmas Day One thousand seven hundred and eighty-eight, and ending at Michaelmas Day One thousand seven hundred and ninety-two, such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to Spiritual Persons by an Annual Rent.

Pieces of Land being cut of less than 2 Acres, or less than 20

XXI. And be it further enacted, That if in making the said Canal any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each

each or either Side of the said Canal shall be less than Two Acres in Quantity, or less than Twenty Yards in Breadth throughout the whole Length thereof, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Canal, then, and in every such Case, the said Company of Proprietors shall also take and purchase the said Piece or Parcel, Pieces or Parcels of Ground, so to be left on each or either Side of the said Canal, being less than Two Acres in Quantity, or less than Twenty Yards in Breadth throughout the whole Length thereof as aforesaid, and shall pay for the same after the Rate and in the Manner they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Canal, provided the Owner or Owners, or the Person or Persons entitled to the Possession, or to the Rents and Profits, of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise; and the Consent of the Commissioners is hereby declared not to be necessary to the Sale to the said Company of any Pieces or Parcels of Ground answering the Description before mentioned.

Yards in Breadth, shall be purchased by the Company if required.

XXII. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of, or concerning any Lands, Tenements, or Hereditaments, which shall be Copyhold, or of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands, Tenements, or Hereditaments shall be held, according to the Custom of the same Manors respectively, and such Lands, Tenements, or Hereditaments shall remain and continue subject to such and the same Fines, Rents, and Services, as are due and payable, and of Right accustomed, in such and the same Manner as if this Act had not been made, unless the Lord or Lords, Lady or Ladies, of the Manors for the Time being, whereof such respective Copyhold Hereditaments shall be holden, shall be desirous of infranchising the same, in which Case such Lord or Lords, Lady or Ladies, shall be competent so to do, notwithstanding they shall be seised of or entitled to the same Manors respectively for a less Interest than an Estate of Inheritance in Fee Simple.

For preserving Copyhold Rights.

XXIII. And whereas Differences may arise between the said Company of Proprietors and the several Owners of, and Persons interested in, the Lands, Grounds, Tenements,

Commissioners for settling Differences.

nements, Waters, or Hereditaments, which shall or may be taken for or affected, damaged, or prejudiced by the Execution of the Powers hereby granted touching the Purchase Money or Recompence to be made for the same: Be it therefore enacted, That all Persons who have or shall have an Estate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, in the West Riding of the County of York, of the yearly Value of One hundred Pounds over and above all Reprizes and Incumbrances, or are possessed of or entitled to a Personal Estate, or of a Real and Personal Estate together, of the Value of Three thousand Pounds, and every eldest Son or Heir Apparent of a Peer of the Realm, or of a Person qualified to serve in Parliament as a Knight of the Shire, shall be, and they are hereby accordingly appointed Commissioners for the settling, determining, and adjusting of all Questions, Matters, and Differences which shall or may arise between the said Company of Proprietors and the several Owners of, or Persons interested in, any Lands, Grounds, Tenements, Waters, or Hereditaments, which shall or may be taken for or affected, damaged, or prejudiced by the Execution of all or any of the Powers hereby granted, and for other the Purposes herein-after mentioned.

Qualification of Commissioners.

XXIV. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act, during the Time of his holding any Place of Profit under the said Company of Proprietors, or during the Time of his being a Proprietor in the said Navigation, or in any Case where he shall be in anywise interested or concerned in the Matter in Question (otherwise than in administering an Oath or Affirmation to the Effect following), until he shall have taken and subscribed such Oath or Affirmation before any One or more of the said Commissioners, who is and are hereby authorized and impowered to administer the same; (that is to say),

Oath.

I *A. B.* do swear, [*or, being One of the People called Quakers*, do solemnly affirm], That I am truly and *bonâ fide* in the actual Possession and Enjoyment of the Rents and Profits of Freehold or Copyhold Lands, Tenements, and Hereditaments, or both, of the clear yearly Rent of One hundred Pounds above Reprizes [*or*, possessed of or entitled to a Personal Estate, or of a Real and Personal Estate together, to the Amount or Value of Three thousand Pounds, or otherwise qualified as above required, *as the Case may be*]; and that I will, without Favour or Affection,

fection, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by an Act made in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled, [*Set forth the Title of this Act*].

And the Clerk to the said Commissioners shall be present when such Oath shall be taken by any Commissioner appointed by virtue of this Act; and an Entry or Memorandum of such Oaths being taken by the said Commissioners shall be made by and certified under the Hand of such Clerk, which Certificate shall be deemed sufficient Evidence of such Oath having been taken in all Courts whatsoever; and if any Person by this Act declared incapable to act as a Commissioner, shall nevertheless presume to act as such in the Execution of this Act, every such Person 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, or Wager at Law, or more than One Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners may act as Justices.

XXV. And be it further enacted, That such of the said Commissioners who are Justices of the Peace for the said West Riding of the County of York, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

Notice to be given of Meeting of Commissioners.

XXVI. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had, for putting in Execution any of the Powers or Authorities vested in them by this Act, unless previous Notice of the Time and Place, and Purpose of such Meeting, shall be given and inserted in the Leeds Weekly Newspapers, so long as the same shall be published, or in such of them as shall continue to be published, or in such other Manner as the said Company of Proprietors shall direct or appoint, at least Fourteen Days before such Meeting; and that every Meeting of the said Commissioners by virtue of this Act shall be publick; and that no Act, Order, or Proceeding of the said Commissioners, or any of them, in the Execution of this Act,

(except

(except in such Cases as are hereby otherwise directed), shall be valid, unless the same shall be made or done at a Meeting to be held in pursuance of this Act; and that all Powers and Authorities by this Act given to or vested in the said Commissioners, shall and may, from Time to Time, be exercised by the Majority of the Commissioners present at any Meeting, such Meeting not to consist of less than Five.

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

XXVII. And be it further enacted, That upon Application to be made by the said Company of Proprietors, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended 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 unto any Three or more of them, requesting or desiring them to appoint a General Meeting of the Commissioners, the Commissioners so applied to shall, and they are hereby respectively authorized and required, within Ten Days after such Request or Application made, to give Notice in Manner 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 Twenty-one Days, nor more than Twenty-eight Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered, and required to assemble at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them, in Execution, and shall or may adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners then assembled shall think proper or convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then, and from Time to Time as often as the Case shall happen, the Clerk or Clerks to the said Commissioners shall and may, by publick Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight after the Day on which the last Meeting of the Commissioners was appointed to be held.

Power to hold occasional Meetings.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby impowered, although they shall not be

assembled at any 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 Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, and for other Purposes, notwithstanding any Adjournment of the said Commissioners.

Places of holding the Meetings of Commissioners.

XXIX. Provided also, and be it further enacted, That every Meeting of the Commissioners for hearing and determining any Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors and any other Person or Persons, shall be held at the Towns of Wakefield or Barnsley, or at some Place within One Mile of some Part of the said Canal, and so as that all the Meetings of the said Commissioners, to be holden in pursuance of this Act, shall be appointed and holden only between the Hours of Ten in the Morning and Four in the Afternoon, and no Order shall be made, or any Proceedings of the said Commissioners had or done under this Act, at any earlier or later Hour than as aforesaid.

Commissioners to settle Differences between Company and Land Owners.

XXX. And be it further enacted, That the said Commissioners acting in any Question, Matter, or Difference which shall or may arise, are hereby authorized and impowered, by Writing under their Hands, with the Consent of the Parties concerned, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company of 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 entitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained for making the said intended Canal, and other Works and Conveniencies, or any Part thereof, and other the Purposes of this Act, and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Company of Proprietors as a Recompence for any Damages which may or shall, at any Time or Times whatsoever, be sustained by such Bodies Politick, Corporate or Collegiate, or any Person or Persons respectively, being Owners of, and interested in, any Lands, Grounds, Tenements, Waters, or Hereditaments, for or by reason of the severing or dividing the same, or the making, repairing, or main-

maintaining the said intended Canal, Reservoirs, Aqueducts, Feeders, Railways, or other Roads, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by the altering, diverting, taking away, or using any Springs, Streams of Water, or Watercourses flowing to or supplying with Water any Mill or Mills, or Engine or Engines for the working or getting of Coals or other Minerals, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said intended 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 or communicating Water to or from the said intended Canal, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same, or by reason or means of the Execution of any of the Powers herein contained by the said Company of Proprietors, or by their Agents, Workmen, or Servants, in case such Price or Value, Damages and Recompences respectively cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors, or their Agents, and such Proprietors of or Persons interested in the said Lands or Grounds, Tenements, or Hereditaments as aforesaid; and if the said Company of Proprietors for and on the Part and Behalf of themselves, or any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Dermination which shall be by them made as aforesaid, or if any such Bodies Politick, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or Annual Rent, or such Recompence as shall be so determined to be paid, or shall upon Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Grounds, for the Space of Twenty-one Days next after such Notice, Neglect, or Refusal to treat, or shall not agree with the said Company of Proprietors, or by

If Parties refuse to submit to Commissioners, or are dissatisfied, &c.

reason of Absence shall be prevented from treating, or through Disability, by Non-age, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation and other the Works aforesaid, or shall not produce and evince a clear Title to the Premises which they are or shall be in Possession of, or to the Interest they claim therein, then, and in every such Case, the said Commissioners 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 said County of York for the Time being, and in case the said Sheriff or his Under Sheriff shall happen to be One of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to some One of the Coroners of the said West Riding of the County of York, not interested as aforesaid, commanding such Sheriff or Coroner respectively 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 in His Majesty's Courts at Westminster, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine Days nor more than Twenty-one Days after such Warrant or Warrants 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 so to be appointed as aforesaid, the said Sheriff or Coroner, or their Deputies respectively, 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 the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby impowered to summon and call before them all and every such Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses, touching the Matter in Question, and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in Controversy, which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be

Juries to be impanneled to assess the Purchase Monies, &c.

be called upon to give Evidence, the said Commissioners are hereby impowered to administer), shall enquire of, assess, and ascertain the Sum of Money or Annual Rent to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgement for such Purchase Monies, Rent, or Recompence, so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and 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 other Persons whomsoever, and shall not be removed by Certiorari, or other Process whatsoever, into any of his Majesty's Courts of Record at Westminster, or any other Court, any Law or Statute notwithstanding; and if any such Sheriff or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding 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 Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn and examined, or give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the Party in whose Behalf such Person, in case he was summoned as a Witness, was so summoned, 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 to him or them the Overplus, after such Penalty, and the Charges of such Distress and Sale, shall be deducted.

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

XXXI. And be it further enacted, That in all Cases where a Verdict shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, Waters, Hereditaments, or Property of any Person or Persons whomsoever, or for any Damage to be done to any Lands, Grounds, Waters, Hereditaments, or Property

Expences of Commissioners and Jury how to be paid.

perty of any Person or Persons than had been previously offered by or on Behalf of the said Company of Proprietors, before the Meeting of the said Commissioners, or than had been determined and assessed by the said Commissioners, or if no such Recompence or Satisfaction had been offered or tendered in respect of Damages by and on Behalf of the said Company of Proprietors, then all the Expences of calling such Commissioners, summoning such Jury, and taking such Inquest, shall be settled by the said Commissioners, and defrayed by the said Company of Proprietors; but if any Verdict shall be given or made for the same, or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined or assessed by the said Commissioners as aforesaid, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, then, and in every such Case, the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged: Provided always, That whenever any Person or Persons shall, by reason of Absence, have been prevented from treating, One half of such Costs, Charges, and Expences shall be borne and defrayed by the said Company of Proprietors, and the other Half by such other Person or Persons as aforesaid.

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

XXXII. And be it further enacted, That all and every Person and Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond, with sufficient Sureties, to the Treasurer of the said Company of Proprietors for the Time being, in the Penalty of One hundred Pounds, or in such other Penalty as the said Commissioners shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and

Expences of summoning such Jury, and taking such Inquest, in the Proportion and Manner herein-before mentioned.

Notice of Injury to be given to the Company before Complaint made to Commissioners.

XXXIII. Provided always, That the said Commissioners, or any of them, shall not 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 Damage or Injury by him, her, or them sustained, or supposed to be sustained, by virtue of this Act, unless Notice in Writing hath been or shall be given in relation thereto by or on Behalf of such Person or Persons to the said Company of Proprietors, or to their known Clerk or Clerks, or Treasurer, Six Calendar Months at the least next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Persons guilty of Perjury may be prosecuted.

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

Manner of making Satisfaction for Damages done in getting Materials.

XXXV. And be it further enacted, That from Time to Time, as the said Company of Proprietors, their Agents and Servants, shall, by virtue of the Powers in this Act contained, dig, cut, or carry away any Soil, Clay, Gravel, or Stone, for making, carrying on, compleating, maintaining, or keeping in Repair the said Canal, and other Works hereby authorized to be made, or which have been or shall be made by virtue of this Act, in or from the Grounds of any Person or Persons whomsoever, the said Company shall make a reasonable Satisfaction for the same, from Time to Time, within Six Calendar Months after such Materials shall be got or dug, and the Damages done to such Lands or Grounds shall be ascertained, on Application being made by the respective Owners for that Purpose; and in case the said Company, and Owners of Lands from whence such Soil, Clay, Gravel, or Stone shall be got, cannot agree upon such Satisfaction, or the said Land Owners shall refuse to treat, or by reason of Absence shall be prevented from treating, or through Disability, Nonage, Coverture, or other Impediments, cannot treat for themselves, or make such Agreement as shall become necessary, then the said

said Satisfaction shall be determined by the Commissioners, or a Jury, in such Manner as is by this Act directed in respect of any other Satisfaction to be made by the said Company.

Verdicts to be recorded, and Lands vested in the Proprietors.

XXXVI. And be it further enacted, That all the Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and Judgements of the said Commissioners thereon as aforesaid, shall be transmitted to and kept by the Clerk of the Peace for the said West Riding of the said 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, and also the Inrollments of all such Contracts, Agreements, Sales, and Conveyances, as are herein mentioned, paying for each Inspection the Sum of One Shilling, and no more, and to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words; and that immediately on such Payment of such Sum or Sums of Money, or on giving such Security as the said Commissioners shall approve for Payment of any such annual Rent as shall be contracted or agreed for between the Parties, or determined and adjusted, or assessed as aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments as aforesaid, to the Proprietors thereof, or other Person or Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietors, or Person or Persons, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, or if any such Proprietor or Proprietors, or Person or Persons, cannot be found or ascertained, or shall refuse to accept such Money, or the Security for such Rents, then upon Payment or Delivery thereof to such Person or Persons as the said Commissioners shall by Writing under their Hands appoint, for the Use of and to be paid or delivered upon Demand, without Fee or Reward, to such Proprietor, or Person or Persons respectively as aforesaid, such Lands, Tenements, and Hereditaments, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand whatsoever, in Law or Equity, of the Person or Persons for whose Use such Money or Rent shall be paid or secured as aforesaid, in, to, and out of the same, shall vest in the said Company of Proprietors, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and

Purposes

Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seisin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Payment or Security shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use the same shall be made or granted, but also shall extend 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, and other Estates and Interests in Possession, Reversion, Remainder, or otherwise therein, against the Issue or Issues of such Person or Persons, and all and every Person and Persons whomsoever having or claiming any Estate, Right, Title, or Interest therein, either at Law or Equity, as fully and effectually as a Fine or Recovery, or either of them, would do if levied or suffered by all the proper Parties in due Form of Law.

Application of the Purchase Money belonging to Corporations.

XXXVII. And be it further enacted, That all Sums of Money exceeding Twenty Pounds 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, Idiots, Femes Covert, or other Cestuique Trusts, or to any other Person or Persons whose Lands or Estates are limited in strict Settlement, for the Purchase or Exchange of any Lands, Grounds, Tenements, or Hereditaments as aforesaid, shall be laid out as soon as conveniently may be 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 aforesaid, 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, or subject to such Uses, Trusts, Limitations, Remainders, and Contingencies as the Lands, Grounds, Tenements, or Hereditaments for or in respect whereof such Purchase Money, or Monies received in Exchange, shall be paid as aforesaid, were limited, settled, and assured at the Time such Purchase Monies were so agreed for, ascertained, or assessed respectively as aforesaid, or for such and so many of such Uses as shall be then existing or capable of taking

Effect, such Conveyances and Settlements (other than those which concern any Purchase or Exchange between or amongst any of the respective Land Owners as aforesaid) to be made at the Expence of the said Company of Proprietors, or the Trustees for any Tenant for Life who shall have arrived at the Age of Twenty-one Years, shall and is hereby authorized and empowered, with the Consent and Approbation of such Tenant for Life, in Writing under his or her Hand, to receive such Purchase Money, and with such Consent and Approbation as aforesaid to lay out the same, or any Part thereof, in erecting any Dwelling House, Warehouse, Wharf, or other permanent Improvement in such settled Estates adjoining or near to the said Canal, and in the mean Time, and until such Purchase or Purchases, or permanent Improvement, shall be made as aforesaid, the said Monies shall be placed out by such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the publick Funds, or on Government or Real Securities, bearing and producing an annual Interest, in the Names of Two Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners; and as well the Interest arising or to be produced from such Funds or Securities, as also the Annual Rent of such Lands, Grounds, Mills, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would for the Time being be entitled 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.

Commissioners to settle the Proportion of Money to be allowed to Tenants.

XXXVIII. And be it further enacted, That the said Commissioners may and are hereby impowered to settle what Shares and Proportions of the Purchase Monies, or Recompence for Damages, which shall be agreed for by the said Company of Proprietors, or determined and adjusted by the said Commissioners, or assessed by the said Juries, in Manner respectively as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein, except in such Cases where the same is or are herein directed to be laid out in Manner aforesaid.

For Recovery of Rents.

XXXIX. And be it further enacted, That all and every such Annual Rent or Rents, or other Sum and Sums

of Money which shall from Time to Time be agreed upon or settled and ascertained by such Commissioners or such Jury as aforesaid, shall be charged and chargeable on the Rates 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 Nonpayment thereof within Sixty Days next after the same shall become due and payable, and Demand thereof made by the Person or Persons who shall be entitled to receive the same, from the Clerk or Treasurer for the Time being of the said Company of Proprietors, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the said Rates, and to pay the same to such Person or Persons to whom such Annual Rent or Rents, Sum or Sums of Money, shall be due and unpaid, until the same Annual Rent or Rents, Sum or Sums of Money, together with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; and in case the said Commissioners shall refuse, omit, or neglect to appoint such Person or Persons to receive such Rates, and to pay the same as aforesaid, then that it shall be lawful for the Person or Persons to whom such Annual Rent or Rents, Sum or Sums of Money, shall be so due and payable as aforesaid, by an Order under his, her, or their Hand and Seal or Hands and Seals, to appoint One or more Person or Persons to receive the said Rates, and to pay the same to such Person or Persons to whom such Annual Rent or Rents, Sum or Sums of Money shall be due and unpaid as aforesaid, until the same Annual Rent or Rents, Sum or Sums of Money, with the Costs and Charges of recovering or receiving the same, shall be fully satisfied and paid, or otherwise it shall be lawful for such Person and Persons to whom such Annual Rent or Rents, Sum or Sums of Money, shall be due and unpaid as aforesaid, and he, she, and they is and are hereby impowered to seize and distrain any Boats, Barges, Vessels, or other Goods or Effects of the said Company of Proprietors, which shall be found on the said intended Canal, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until the Payment thereof, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after such Distress made, and Notice thereof given in Writing, by affixing such Notice on some publick Place, at any of the Wharfs or Quays belonging to the said

Company of Proprietors, then such Boats, Barges, Vessels, or other Goods or Effects, so distrained, shall and may be appraised and sold in such Manner as the Law directs in Cases of Distress for Rent.

Mines, &c. reserved to the Lords of Manors, &c.

XL. Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, or affect the Right of any Lord or Lords, Lady or Ladies, of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Canal, Railways, or other Roads, or any Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniencies, aforesaid, shall be made, to the Mines or Minerals lying and being within and under the Lands or Grounds to be set out or made use of for such Canal, Railways, or other Roads, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, or Watercourses, or other Conveniencies aforesaid, or any of them, but all such Mines or Minerals are hereby reserved to such Lord or Lords, Lady or Ladies, of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs, Executors, Administrators, and Assigns respectively; and that it shall be lawful for the Lord or Lords, Lady or Ladies, of such Manor or Manors, or such Owner or Owners of such Lands or Grounds respectively, (subject to the Conditions and Restrictions herein mentioned), to work, get, drain, take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing, the said intended Canal, Railways, or other Roads, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniencies aforesaid, or any of them, any Thing herein contained to the contrary notwithstanding.

Mines, &c. not to be worked to the Prejudice of the Navigation.

XLI. And be it further enacted, That if the Owner or Worker, Owners or Workers, of any Coal or other Mine or Mines, shall in pursuing such Mine or Mines work so near, in the Opinion of the said Company of Proprietors, to the said intended Canal, as to endanger or damage the same, or in the Opinion of the said Owner or Worker, Owners or Workers, of the said Mine or Mines, to endanger or damage the further working thereof, then it shall be lawful for the said Company of Proprietors to treat and agree with the Owner or Worker, or Owners or Workers, for all such Coal or other Minerals as may be near or under the said intended Canal, as shall be thought proper to be left for the Security and Preservation of the said intended Canal, or other Works, or Mine or Mines as aforesaid, and in case the said Company of Proprietors, and such Owner or Worker,

or

or Owners or Workers of such Mine or Mines, shall disagree about the Satisfaction to be made for such Coal or other Minerals, then it shall be lawful for the said Commissioners, at the Request of the said Company of Proprietors, or of such Owner or Worker, Owners or Workers, of such Mine or Mines, to cause a Jury to be summoned and impannelled in the Manner herein-before directed, who shall and they are hereby authorized and required, by such Ways and Means as aforesaid, to assess and determine what Satisfaction such Owner or Worker, Owners or Workers of such Mine or Mines, ought to have and receive from the said Company of Proprietors, on being restrained from working such Mine or Mines, and upon Payment or Satisfaction made to such Owner or Worker, Owners or Workers of such Mine or Mines, by the said Company of Proprietors, according to the Verdict or Judgement of such Jury, such Owner or Worker, Owners or Workers of such Mine or Mines, shall be and they are hereby perpetually restrained from working such Mine or Mines within the Limits for which such Satisfaction shall by the said Jury be adjudged and declared to extend.

Company's Agents to enter Mines to view the Works.

XLII. And, for the better discovering Persons who shall or may open, dig, sink, or carry on any Work for the getting of Coal or other Minerals, contrary to the Directions of this Act, be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves, or their Agents or Servants, at any Time or Times in the Day Time, to enter upon any Lands or Grounds through or near which the said intended Canal and Works, hereby authorized to be made, shall be or pass wherein any Coal or other Mines shall or may be dug or opened, and likewise to enter into such Coal or other Mines, and for that Purpose to make Use of any of the Gins, Ropes, or other Tackle belonging to such Mines, for being let down or drawn up, and there to view, search, dial, latch, measure, and use all other Means for discovering the Distance of the said intended Canal or Works, from the working Part of such Mines respectively; and in case it shall appear that any Mine hath been worked or got contrary to the Directions of this Act, it shall be lawful for the said Company of Proprietors, and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges of the Owners or Proprietors of such Mines respectively, to enter into and upon all such Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said

said intended Canal and other Works, and such Expences, Costs, and Charges shall be recovered by the said Company of Proprietors in such and the same Manner as the Rates hereby granted are to be recovered, and shall be paid into the Hands of the Treasurer or Receiver for the Time being to the said Company of Proprietors, to be applied for the Purposes of this Act.

Not to prevent Sir *Francis Wood*, or his Heirs, from making Ways, *etc.* on his Lands.

XLIII. Provided always, That nothing herein contained shall extend, or be construed to extend, to restrain or prevent Sir Francis Wood Baronet (Owner of divers Lands in the Township of Barnsley aforesaid, through Part of which the said intended Canal is intended to pass), his Heirs or Assigns, or his or their Lessees, Agents, Servants, or Workmen, from making One or more Drift or Drifts, Way or Ways, Passage or Passages, not exceeding Five Feet each in Width, in or under the Coal lying in his said Lands under the said intended Canal or near thereto, which shall be left or directed to be left for the Preservation of the said intended Canal, in order by such Drifts, Ways, or Passages to make and preserve a Communication between such of the said Coal as lies in his said Lands on the upper Side of the said intended Canal, on the West or South-west thereof, and such of the said Coal as lies in his Lands on the lower Side of the said Canal, on the East or North-east thereof, leaving between each of the said Drifts, Ways, or Passages, Posts or Pillars of Coal not less than Five Yards in Breadth, unless the said Company of Proprietors, and the Owner of the said Coal for the Time being, shall agree to any other Breadth; Satisfaction being made for all such Coal as shall be so left in such Manner, and so to be ascertained as herein-before directed.

The Company to make Compensation to Sir *Francis Wood*, for not getting the Coal he shall be prevented from getting by making the Canal.

XLIV. Provided also, and it is hereby enacted by the Authority aforesaid, That if by Means of the said intended Canal, or of any Restriction, Clause, Matter, or Thing in this Act contained, or of any Power or Authority hereby given, the said Sir Francis Wood, his Heirs or Assigns, or his or their Lessees, Agents, Servants, or Workmen, shall be restrained, prevented, or hindered from getting any Part of the Coal lying within his Lands aforesaid, then, and in such Case, the said Company of Proprietors shall and they are hereby required to make full Satisfaction and Compensation to the said Sir Francis Wood, his Heirs or Assigns, for the Value of all such Coal as he or they shall be so restrained, prevented, or hindered from getting; such Compensation and Satisfaction to be ascertained and settled on such Applica-

tion, and by such Means, as are herein before provided touching or concerning the Coal which may be directed to be left for the Preservation of the said intended Canal as aforesaid.

For building Bridges over the Canal in Sir *Francis Wood*'s Ground.

XLV. Provided also, and it is hereby further enacted by the Authority aforesaid, That if in consequence of the making of the said Canal through the said Lands or Grounds of the said Sir Francis Wood, he the said Sir Francis Wood, his Heirs or Assigns, shall think it convenient that One or more Bridge or Bridges should be erected across the said Canal, for the Purpose of preserving convenient Communication between his said Lands, or that any of the Fences of his said Lands should be taken down, and new Fences or Divisions made therein, at the Expence of the said Company of Proprietors, and if on Treaty between the said Sir Francis Wood, his Heirs or Assigns, and the said Company of Proprietors concerning the same, they cannot agree, it shall be lawful for the said Commissioners hereby appointed, at the Request of the said Sir Francis Wood, his Heirs or Assigns, to cause a Jury to be summoned and impannelled in Manner herein-before directed, who shall, and they are hereby authorized and required to direct such Bridge or Bridges to be erected, and such Fence or Fences to be made, at the Expence of the said Company of Proprietors, as the said Jury shall think reasonable, and the said Company of Proprietors shall and they are hereby required to erect such Bridge or Bridges, and make such Fence or Fences, as such Jury shall so direct.

Proprietors to raise Money amongst themselves.

XLVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, and in such Proportion as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said intended Canal, Railways, and other Roads, Aqueducts, Trenches, Sluices, and the Reservoirs, Feeders, Quays, Locks, Quays, Wharfs, and other Works and Conveniences thereto, not exceeding in the Whole the Sum of Seventy-two thousand Pounds (except as herein-after mentioned), which shall be divided into such Number of Shares as herein directed; and that no Person subscribing thereto shall subscribe less than for One Share; and the Money so to be raised is hereby directed and appointed to be laid out and applied in the First Place for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other necessary Expences preparatory and relating thereunto, and all the

Residue

Residue and Remainder of such Money for and towards making, completing, and maintaining the said intended Canal, Railways, and other Roads, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

The Money to be raised to be divided into 720 Shares;

XLVII. And be it further enacted, That the said Sum of Seventy-two thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, and by any other Person or Persons who shall or may become a Subscriber or Subscribers to the said Navigation, shall be divided into Seven hundred and twenty equal Parts or Shares, of One hundred Pounds per Share, and that the said Seventy-two thousand Pounds shall be and is hereby vested in the several Persons so subscribing the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally subscribe and pay thereunto; and all and every the said Shares shall be Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Bodies Politick and Corporate, and all and every the Person and Persons, their several and respective Executors, Administrators, and Assigns, who shall severally subscribe the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, and other Works, shall be entitled to and receive, after the said Navigation shall be completed, the entire and neat Distribution of One Seven hundred and twentieth Part of the Profits and Advantages that shall and may arise and accrue by the Rates, and other Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politick or Corporate, Person or Persons, having the Property of a Seven hundred and twentieth Part or One Share in the said Undertaking, and so in Proportion for any greater Number of Shares as aforesaid, shall bear and pay a proportionable Sum towards carrying on the said Undertaking, in Manner herein directed and appointed.

and deemed Personal Estate.

Proprietors may raise an additional Sum if necessary.

XLVIII. And be it further enacted, That in case the said Sum of Seventy-two thousand Pounds, herein-before authorized to be raised, shall be found insufficient for making, completing, and maintaining the said Canal, Railways, and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then, and in such Case, it shall be lawful for the said

said Company of Proprietors to raise and contribute amongst themselves, in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Navigation and Works, not exceeding the Sum of Twenty-five thousand Pounds, and every Subscriber towards raising such further and other Sum of Money shall be a Proprietor in the said Undertaking, and have a like Vote, by himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, not exceeding Five Votes in the Whole, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Navigation, and other Works, in Proportion to the Sum he, she, or they shall or 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 Seventy-two thousand Pounds; any Thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that in case the said Company of Proprietors shall be desirous of raising the said Sum of Twenty-five thousand Pounds herein-before authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, by an Order of any General Assembly of the said Company, to borrow and take up at Interest all or any Part of the said Sum of Twenty-five thousand Pounds on the Credit of the said Navigation, and other Works, as to them shall seem meet and convenient; and the said Company of Proprietors, and the Committee of the said Company, after an Order of any General Assembly, are hereby fully authorized and impowered to assign the Property of the said Navigation, and other Works, and the Rates arising or to arise by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates), as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same, all which said Mortgages or Assignments shall be made under the Common Seal of the said Company, in the Words or to the Effect following; (that is to say),

Power to raise Money by Mortgage.

Form of Mortgage.

BY virtue of an Act, made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*set forth the Title of the Act*], we, the Company of Proprietors

of the said Navigation, incorporated by and under the said Act, in Consideration of the Sum of
to us in Hand paid by of
do assign unto the said his [*or* her] Executors, Administrators, and Assigns, the said Navigation, and other Works, and all and singular the Rates arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors, of, in, and to the same, to hold unto the said his [*or* her] Executors, Administrators, and Assigns, until the said Sum of
together with Interest for the same after the Rate of for every One hundred Pounds for a Year, shall be fully paid and satisfied.

Given under our Common Seal, this Day of in the Year of our Lord

And all and every Person and Persons to whom such Mortgage or Assignment shall be made shall be equally entitled, one with the other, to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by Reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk or Clerks to the said Company of Proprietors, which said Book or Books shall and may be perused at all reasonable Times, by any of the Proprietors or Creditors of the said Navigation or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons whomsoever, which Transfer shall and may be made in the Words or to the Effect following; (that is to say), Mortgages may be transferred.

I [*or* we] of in Consideration of the Sum of paid by of do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Barnsley* Canal Navigation, bearing Date Form of Transfer.

Date the Day of
for ſecuring the Sum of
and Intereſt, and all my [*or* our] Right and Property therein, to the ſaid his [*or* her] Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord

And every ſuch Transfer ſhall, within Sixty Days after the Date thereof, be produced to the Clerk or Clerks to the ſaid Company, who ſhall cauſe a Memorial to be made thereof in like Manner as the original Mortgages or Aſſignments, for which the ſaid Clerk or Clerks ſhall be paid ſuch Sum as the ſaid Company of Proprietors ſhall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after ſuch Entry made, every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the full Benefit thereof and Payment thereon, and every ſuch Aſſignee ſhall and may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon or Perſons who ſhall have made ſuch Transfer to make void, releaſe, or diſcharge the ſame, or any Sum or Sums of Money thereon due or thereby ſecured, or any Part thereof.

Intereſt of Money borrowed to be paid in Preference to the Dividends, or may be ſued for at Law.

XLIX. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed by Mortgage as aforeſaid, ſhall be paid half-yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by this Act to the ſaid Company of Proprietors, or any of them, and ſhall from Time to Time be fully paid and diſcharged, or provided for, before the yearly or other Intereſt or Dividends due to the ſaid Proprietors, or any of them, ſhall be paid, made, or divided; and in caſe the ſame, or any Part thereof, ſhall be behind and unpaid for the Space of Sixty Days next after the ſame ſhall become due and payable as aforeſaid, and after Demand thereof made, that then it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, on Requeſt to them made by any Creditor whoſe Intereſt ſhall be ſo in Arrear, by an Order under their Hands and Seals, to appoint One or more Perſon or Perſons to receive the Whole or ſuch Part or Parts of the ſaid Rates or Duties as are liable to pay ſuch Intereſt ſo due and unpaid as aforeſaid, and the Money ſo to be received by ſuch Perſon or Perſons is hereby declared to be as ſo much Money received by or to the Uſe of ſuch Perſon or Perſons to whom ſuch Intereſt ſhall be then due, until the ſame, together with the Coſts and

Charges

Charges of recovering and receiving the said Rates and Duties, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of his Majesty's Courts of Record at Westminster: Provided always, that no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or by Proxy, at any Meeting of the said Company of Proprietors, for or on Account of his or her having lent or advanced any Sum or Sums of Money on the Credit of such Assignment. Mortgagees not to vote on Account of having lent Money.

L. And be it further enacted, That all and every Body and Bodies Politick or Corporate, or other Person or Persons, who shall by virtue of this Act have subscribed or undertaken for One Share of the Navigation, and their respective Executors, Administrators, and Assigns, shall be deemed a Proprietor for every such Share, and shall have a Vote for every such Share in the General and Special Assemblies to be held as herein appointed for carrying on the said Undertaking, which Vote may be given by him, her, or them, or in his, her, or their Absence, by his, her, or their Proxy or Proxies, such Proxy or Proxies being a Proprietor or Proprietors, duly constituted under his, her, or their Hand or Hands; and such Vote or Votes by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special Publick Assembly of the said Company of Proprietors, to be held by virtue of this Act, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share: Provided nevertheless, that no Person shall have more than Ten Votes in his or her own Right, nor more than Twenty other Votes in the Right of such Proxy or Proxies; and the Appointment of which Proxy shall or may be made in the Words or to the Effect following: Subscribers to have a Vote for every Share, by themselves or Proxy; not exceeding Ten Shares.

I of One of the Proprietors of the *Barnsley* Canal Navigation, do hereby nominate, constitute, and appoint of (being a Proprietor as aforesaid) Form of Appointment of Proxy.

said) to be my Proxy, in my Name and in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating to the said Navigation and Undertaking, that shall be mentioned or proposed at any Meeting of the Proprietors of the said Navigation, or any of them, in such Manner as he the said shall think proper, according to his Opinion and Judgement, for the Benefit of the said Navigation and Undertaking, or any Thing appertaining thereto. In Witness whereof I have hereunto set my Hand, the Day of in the Year of our Lord

Such Proprietor having appointed his or her Proxy as aforesaid being hereby nevertheless authorized and impowered, by any Instrument in Writing under his or her Hand for that Purpose, at his or her Will and Pleasure, to revoke and make void such Appointment, and in like Manner, from Time to Time, on future Occasions, to appoint any other Person, under the like Restriction, to act as Proxy for him or her in his or her Absence.

General Annual Assemblies to be held, and Committees appointed.

LI. And be it further enacted, That the First General Assembly or Meeting of the said Company of Proprietors for putting this Act in Execution shall be held at The White Bear Inn, in Barnsley aforesaid on the First Wednesday in the Month of July One thousand seven hundred and ninety-three, and their Second General Assembly shall be held at The White Hart Inn, in Wakefield, in the said County, upon the First Wednesday in January then next ensuing, and all future General Assemblies of the said Company of Proprietors shall be held on the First Wednesday in the Month of July yearly and every Year, at some Place in either of the said Towns of Wakefield and Barnsley, and so alternately, at such Place in each Town as the said Proprietors at each next preceding Assembly shall appoint, all such Meetings being at the Hour of Eleven of the Clock in the Forenoon, at which said General Assemblies the Proprietors, together with such Proxies as shall be then present, shall choose Thirteen Persons, who for the Time being shall be respectively Proprietors of Two or more Shares in the said Navigation, out of whom any Five or more of them shall be a Committee to manage the Affairs of the said Company of Proprietors in such Manner as is hereafter directed; and if at any Time it shall appear to any Eleven or more Proprietors that, for the more effectually putting this Act in Execution, or for any other Purpose,

a Special Assembly of the Proprietors is necessary to be held, it shall be lawful for them to cause Notice to be given thereof in some One or more Newspaper or Newspapers published or circulated in the Towns of Wakefield and Barnsley, or in such other Manner as the said Company of Proprietors shall, at any General Assembly, direct or appoint, declaring in such Notices the Place where and the Time when such Special Assembly is to be held, the same not being less than Fourteen Days after such Notice given, and likewise specifying in every such Notice the Reason for and Intention of such Special Assembly; and the Proprietors are hereby authorized to meet pursuant to such Notice, and to proceed in the Execution of this Act, or in any Thing relating to the Interests of the said Company of Proprietors, with respect to the Matters so specified only; and all such Acts of the said Proprietors, or the major Part of them, assembled at such Special Assemblies, shall be as valid, to all Intents and Purposes, as if the same were done at General Assemblies held in Manner herein-before appointed, such General or Special Assemblies to consist of Proprietors by themselves or Proxies possessed of not less than One hundred Shares.

Each Member of Committee to have but One Vote, except the Chairman.

LII. Provided always, That no One Member of the said Committee, though he may be a Proprietor of many Shares, shall have more than One Vote in the said Committee, except the Chairman, who shall be chosen by and out of the said Committee, and who, in case of a Division of equal Numbers, shall have the Casting Vote, although he may have given One Vote before.

Committee to be under the Controul of the General Assembly.

LIII. Provided also, That such Committee shall, from Time to Time, make Reports of the Proceedings to, and be subject to the Examination and Controul of the said General and Special Assemblies of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

General and Special Assemblies to consist of Owners of a certain Number of Shares.

LIV. And be it further enacted, That if at any such General or Special Assembly there shall not be Persons present who shall have Forty such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time, but in such Case there shall be a new Assembly of the Proprietors at the same Place, upon the same Day of the Week in the Week following,

following, and so from Time to Time, until the Proprietors of such Numbers of Shares as aforesaid, either as Principals or Proxies, shall be present, and such Choice shall be then made of Persons to be of a Committee as ought to have been made on the Day for holding such General or Special Assembly, had there then been a sufficient Number of Persons present, as Owners of Shares or Proxies, and the Persons then chosen to be of the said Committee shall have the same Power as they would have had, and shall continue in such Office until such Time as they would have done, had they been chosen on the Day for holding such General or Special Assembly.

Power of General Assemblies and Committee.

LV. And be it further enacted, That every such General or Special Assembly shall have Power to call for, audit, and settle all Accounts of Monies received, laid out, and disbursed on Account of the said Navigation, and other Works, by the Treasurer, Receivers, and other Officers to be by them appointed, or any other Person or Persons whomsoever, employed by, or concerned for or under them, in and about the said Navigation, or other Works, and for that or any other Purpose shall have Power to adjourn themselves from Time to Time, and from Place to Place, as shall be thought convenient by the Persons present, having, either as Principals or Proxies, a Majority of Votes; and every General or Special Assembly, or such Committee as aforesaid, shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Navigation, and other Works, to defray the Expences of, or to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no such Call do exceed the Sum of Ten Pounds upon each Share, and so as no Calls be made but at the Distance of Two Calendar Months at the least from each other, which Monies so called for shall be paid to such Person and Persons, and in such Manner, as the said General or Special Assembly or Committee shall from Time to Time direct and appoint, for the Use of the said Navigation, and other Works; and such Committee shall, until the next General or Special Assembly to be holden in Manner as aforesaid, meet at such Times and Places, and from Time to Time adjourn themselves to such other Time and Place as they shall think fit; and in order to defray the Expence of the Meetings of the said Committees, it shall be lawful for the said Committees, and they are hereby allowed to expend or detain to themselves a reasonable Sum of Money out of the Capital

pital Stock of the said Proprietors, for their Expences in attending such Meetings; and the said Committee shall have Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands and Materials for the Use of the said Navigation and other Works, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of Three or more of the Committee then assembled; and every Owner or Owners of One or more Part or Parts, Share or Shares in the said Undertaking, shall pay his, her, or their Share or Shares, and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which One Calendar Month's Notice at least shall be given (except the First Call, not exceeding Ten Pounds for every Share, which may be on Twenty-one Days Notice) by publishing the same in some One or more such Newspapers as aforesaid, or in such other Manner as the said Company of Proprietors shall at any General or Special Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the First Call to be made by virtue of this Act, at the Time and Place appointed as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager at Law, or more than One Imparlance, shall be allowed; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the First Call as aforesaid, at the Time and Place so appointed, 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, Parts and Interests, in the said Navigation, Undertaking, and Premises; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Six Months after the Time appointed for Payment thereof as aforesaid, and at the Place so to

be

be appointed for Payment thereof as aforesaid, then he, she, or they, so neglecting or refusing, shall forfeit his, her, or their respective Share and Shares, Parts and Interests, in the said Navigation, Undertaking, and Premises, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them, to and for the Use and Benefit of the other Proprietors of the said Undertaking: Provided always, that no Advantage shall be taken of the Forfeiture of any Share or Shares of the said Navigation or Undertaking, until Personal Notice be given by the Clerk or Clerks, Treasurer or Treasurers, of the said Company of Proprietors, to the Owner or Owners thereof, or Notice in Writing left at his, her, or their usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be held after the End of Twelve Calendar Months after the Forfeitures shall happen to be made, and every such Forfeiture shall be an Indemnification and Discharge to and for all and every Proprietor or Proprietors so forfeiting, after such Share or Shares shall have been deemed to be forfeited by a General Assembly, but not before, against all Action and Actions, Suits or 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 carrying on the said intended Navigation and Undertaking.

Subscribers to have Notice before they forfeit their Shares.

Company may remove Members of the Committee, *etc.*

LVI. And be it further enacted, That the said Company of Proprietors shall always have Power and Authority, at any General Assembly, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet, (the Method of calling General or Special Assemblies, and the Time and Place of meeting and voting, and appointing Committees, only excepted), and shall have Power to make such new Rules, Bye Laws, and Orders, for the good Government of the said Company, their Agents and Workmen, for making, maintaining, and using the said intended Canal, Railways, and other Roads, Aqueducts, Trenches, Soughs, and the Warehouses, Wharfs, Fire Engines, or other Machines, Passages, Locks, Tunnels, and all other Conveniencies, Matters, and Things that shall be made for the same, and also for and concerning all such Vessels,

make Bye Laws, *&c.*

Veſſels, Goods, and Commodities as ſhall be navigated and conveyed thereon, and alſo for the well-governing of the Bargemen, Watermen, Boatmen, and others which ſhall be employed in the carrying of any Coal, Goods, Wares, and Merchandize, upon any Part of the ſaid intended Canal, Railways, or other Roads, Cuts, and Trenches; and from Time to Time to alter and repeal the ſaid Bye Laws, Orders, and Regulations, and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons offending againſt the ſame, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence, ſuch Fines 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 reduced into Writing under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon 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, provided they be not repugnant to the Laws of this Realm, or any Directions in this Act contained.

Subſcribers dying before Shares completed,

LVII. And be it further enacted, That if the Proprietor or Proprietors of any Share or Shares in the ſaid Undertaking ſhall die before Payment ſhall have been made of the full Sum to be advanced on each Share which he, ſhe, or they ſhall have been poſſeſſed of or entitled unto, without having made Proviſion, by Will or otherwiſe, for Payment of the ſame, then, and in ſuch Caſe, the Executors or Adminiſtrators of any ſuch Proprietor, and the Truſtee or Truſtees, Guardian or Guardians of any Infant, or other Perſon or Perſons whomſoever entitled to the Eſtate and Effects of ſuch Proprietor, ſhall be indemnified againſt ſuch Infant, and all other Perſons whomſoever, for paying any Money when called for as aforeſaid, to complete every Subſcription; and if ſuch deceaſed Proprietor or Proprietors ſhall not have left Aſſets ſufficient, or in caſe any ſuch Executors or Adminiſtrators, Truſtees or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls and Payments, the ſaid Company of Proprietors ſhall be and are hereby impowered, authorized, and required to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Proprietor, 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 Proprietor, or the Truſtee or Truſtees, Guardian or Guardians of any Infant, or others entitled

Executors may complete the Payment,

to his, her, or their Effects, the full Money which shall have been paid by such deceased Proprietor or Proprietors in his, her, or their Life Time, by virtue of any Call or Calls, or otherwise upon such Share or Shares, or so much Money as the same can be sold for; and in Default of such Call being answered and made good in Manner aforesaid, it shall be lawful for the said Company of Proprietors to sell and dispose of the Share or Shares of such deceased Proprietor or Proprietors, and they are hereby authorized and required to pay and apply the Money arising by such Sale (after deducting the Charges occasioned thereby) to or for the Benefit of the Representative or Representatives of such deceased Proprietor or Proprietors.

Shares may be disposed of.

LVIII. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares of the said Undertaking to sell and dispose of any such Share or Shares which he, she, or they shall or may be entitled to therein, in Manner and subject to the Rules and Conditions herein mentioned; and any such 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 Assignment or Conveyance made to him, her, or them, and executed by such Person or Persons from whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers; One Part whereof, so executed, shall be delivered to the said Company, or their Clerk or Clerks, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk or Clerks for that Purpose, for which not more than Two Shillings and Sixpence shall be paid; and the said Clerk or Clerks is and are hereby required to make such Entry accordingly, and until such Duplicate of such Deed shall be so delivered unto the said Company or Clerk as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation or Undertaking, nor any Interest paid to him or them for his, her, or their Share or Shares so purchased, or be entitled to a Vote as Proprietor or Proprietors of the said Navigation and Undertaking.

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

LIX. 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 Navigation and Undertaking, until the Monies called for upon their respective Share or Shares so to be sold shall be paid; and

and every Person making Default herein shall forfeit such his, her, or their respective Share or Shares of the said Navigation and Undertaking to the said Company, in Trust for the Benefit of all the other Proprietors, unless the Person or Persons who shall be Vendor or Vendors shall, at the Time of such Transfer, pay the Money called for upon every such Share so sold or transferred to the Treasurer of the said Company, such Forfeiture having been first notified and declared at a General Assembly in Manner before directed.

LX. And be it further enacted, That every Assignment or Transfer of the said Share or Shares shall be in the Form or to the Effect following:

Form of Transfer of Shares.

I *A. B.* of in Consideration of the Sum of paid to me by *C. D.* of do hereby bargain, sell, assign, and transfer to the said *C. D.* his [*or* her] Executors, Administrators, and Assigns, Share [*or* Shares] of the Undertaking of the *Barnsley* Canal Navigation, and other Works thereto belonging, in the West Riding of the County of *York*, to hold to him the said *C. D.* his [*or* her] Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions, on which 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 of our Lord

Directions what shall be done on Alienations of Shares by Marriage or Death.

LXI. And be it further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said intended Canal, and other Works, in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made, and sworn to by some credible Person before One of the Judges at Westminster, a Master Extraordinary in Chancery, or One of his Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the entering of Transfers of Shares in the said intended Canal, and other Works; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said intended Canal, and other Works, by virtue of any Bequest or Will,

Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, or the Letters of Administration in case the Proprietor shall have died Intestate, shall be produced and shewn to the said Clerk, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration in case the Proprietor shall have died Intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects (as the Case may happen to be) before One of the Judges at Westminster, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner herein-before mentioned.

Officers to the Company to be appointed.

LXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at a General Meeting assembled, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer or Treasurers, and Clerk or Clerks, Receiver or Receivers, Collector or Collectors of the Rates, and such other Officers as they shall think proper, and shall take sufficient Security from every such Treasurer or Treasurers, Clerk or Clerks, Receiver or Receivers, Collector or Collectors, and other Officers, having the Care or Custody of any Money to be raised or received by virtue of this Act, or of any Books, Papers, or Writings, belonging to or which shall respect the said Company of Proprietors, for the due Execution of his or their Office, and also for the Payment of all such Monies, and for the Delivery of all such Books, Papers, and Writings, belonging to the said Company, as the said Company of Proprietors shall think proper, and from Time to Time to remove any such Treasurer or Treasurers, Clerk or Clerks, Receiver or Receivers, and every such Clerk or Clerks, or One of them, shall always attend the General Meetings and Assemblies of the said Proprietors, and the Meetings of the said Committee, and shall in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Navigation and Undertaking, and of the several Persons who shall, from Time to Time, become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the said Committee, by virtue of and under the Authority of

this Act; and that every Proprietor of the said Navigation and Undertaking shall and may, at all convenient Times, have Recourse to, and peruse and inspect the same, and also all other Book or Books to be kept by the Clerk or Clerks to the said Company gratis, and may demand and have Copies thereof, or any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if any such Clerk or Clerks shall refuse to permit any of the said Proprietors to inspect or peruse any such Books, or refuse to make any such Copy or Copies in a reasonable Time, at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds, for the Benefit of the Person or Persons to whom such Refusal shall be made; and whenever any such Treasurer or Treasurers, Clerk or Clerks, shall die, or be removed from, or quit the Service of the said Company of Proprietors, it shall be lawful for the Committee of such Proprietors for the Time being, or a Majority of them, to appoint some other fit Person or Persons to be Treasurer or Treasurers, Clerk or Clerks in the Place of him or them so dying, being removed, or quitting the said Service, until the then next General Assembly of the said Proprietors, when such Appointment shall be confirmed, or another Treasurer or Treasurers, Clerk or Clerks, shall be nominated and appointed in his or their Stead.

Proceedings of Commissioners to be entered.

LXIII. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose, such Books to be open at all seasonable Times to the Inspection of any Person interested in the said Proceedings, and desirous of seeing and examining the same, without Fee or Reward, and such Entries, being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and the same, or true Copies thereof, shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may and are hereby required, at their First Meeting, to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One of the said Three Persons as the said Commissioners shall think proper to be their Clerk, and from Time to Time may remove any such Person, and on such Removal, or in case any such Clerk shall die or quit the said Employment, the said Company of Proprietors, or the Committee for the Time being, shall, within the Space of One Calendar Month after Notice in Writing for that Purpose

Appointment of Clerk to the Commissioners.

pose to be given by the said Commissioners, nominate Three other Persons, and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received, and they the said Commissioners shall and may appoint such One of the said Three last named Persons as they shall think proper to be their Clerk, and in like Manner a Clerk to the said Commissioners shall be from Time to Time nominated and appointed as Occasion shall require, and such Clerk shall be paid for his Care, Expences, and Trouble in the Execution of his Office by the said Company of Proprietors; and such Clerk or Clerks who shall be removed or die, or quit the Service as aforesaid, his or their respective Executors or Administrators, shall, within Two Calendar Months after Notice in Writing to him or them respectively given by the said Commissioners, at a Meeting to be held pursuant to this Act, produce and deliver up to such Commissioners all Books and Accounts, Papers or Writings whatsoever relating to the Execution of his or their Office which shall be in his or their Custody or Power, and every such Person neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall for every Neglect or Refusal respectively forfeit the Sum of One hundred Pounds.

Tonnage Rates on the said intended Navigation.

LXIV. And be it further enacted, That in Consideration of the great Charges and Expences which the said Company of Proprietors will be at in making, maintaining, supporting, and supplying with Water the said intended Navigation, and in making and maintaining all the other Works hereby authorized to be made and erected, it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, receive, and recover, to and for their own proper Use and Behoof, for the Tonnage of the several Kinds of Goods, Wares, Merchandize, Commodities, and other Things herein-after mentioned, which shall be navigated, carried, or conveyed, in, upon, or along the said Canal, or any Part thereof, such Tolls, Rates, or Duties (over, above, and besides what may be paid by the Owners of Goods, Wares, Merchandize, Commodities, and other Things, to Owners or Masters of Boats or other Vessels for Freight or Carriage thereof), as the said Company of Proprietors shall think proper to charge, not exceeding the several Tolls, Rates, or Duties herein-after mentioned; (that is to say),

For

For every Quarter, containing Eight Winchester Bushels, of Wheat, Shelling Beans, Peas, Vetches, and Lentils, for every Quarter of Rape, Line, Cole, and Mustard Seed, and for every Quarter of Apples, Pears, Onions, and Potatoes, carried the whole Length of the said Canal, and in the same Proportion for any less Distance than the Whole, the Sum of Sixpence:

For every Quarter, containing Eight Winchester Bushels, of Barley, carried the whole Length of the said Canal, and in the same Proportion for any less Distance than the Whole, the Sum of Five-pence:

For every Quarter, containing Eight Winchester Bushels, of Oats or Malt, carried the whole Length of the said Canal, and in the same Proportion for any less Distance than the Whole, the Sum of Four-pence:

For every Pack or Sheet of Wool, Dried Pelts, or Spetches, weighing Three hundred and twelve Pounds Weight Avoirdupoise, the Sheet included, carried or conveyed the whole Length of the said Canal, and in the same Proportion for any greater or less Weight, or any less Distance than the whole Length, the Sum of Sixpence:

For every Ton of Coal, Sleck, Cinders, Culm, and Charcoal, per Mile, the Sum of One Penny:

For every Ton of Lime, per Mile, the Sum of One Penny:

For every Ton of Limestone, per Mile, the Sum of Three Farthings:

But if it shall happen that Boats or other Vessels which carry up either of the Two last Articles, videlicet, Lime or Limestone, return loaded with Coals, or any other Articles, amounting to Thirty Tons or more in each Boat or Vessel, then such Boat or Vessel to be rated or charged, Lime, per Ton per Mile, the Sum of Three Farthings; Limestone, per Ton per Mile, the Sum of One Halfpenny:

For every Ton of Stone, Iron Stone, Flag Paving Stone, and Slate, per Mile, the Sum of One Penny:

But in case the Boats and Vessels which carry up these Articles come down loaded as those mentioned carrying up Lime and Limestone, then to be rated and charged, per Ton per Mile, the Sum of Three Farthings:

For every Ton of old or Pig Iron, per Mile, the Sum of One Penny Halfpenny:

For every Ton of Cast Metal Goods, ready for the Purpose for which they are intended, except dressing, cleaning, and putting together, and for every Ton of Bar Iron, per Mile, the Sum of Two-pence:

For every Ton of English Oak Timber and Plank, containing Forty Cubical Feet, according to the customary Way of measuring, per Mile, the Sum of One Penny Halfpenny:

For every Ton of Elm, Ash, and other English Timber, containing Fifty Cubical Feet, according to the customary Way of measuring, per Mile, the Sum of One Penny Halfpenny:

For every Ton of Fir, and all other Kinds of Foreign Timber, containing Fifty Cubical Feet, according to the customary Way of measuring, per Mile, the Sum of One Penny Halfpenny:

For every Ton of Deals and Battens, equal to Thirty Deals of Twelve Feet long, Three Inches thick, and from Nine to Twelve Inches broad, per Mile, the Sum of One Penny Halfpenny:

And for every Ton of Groceries of all Kinds, Linen and Woollen Yarn, Cotton, Flax, Hemp, manufactured Goods of all Sorts, with every other Kind of Goods, Wares, Merchandize, Commodities, and Things whatsoever, not before enumerated and rated, per Mile, the Sum of Two-pence.

And it is hereby declared, that Ten superficial Yards of Flag Paving Stone, from One Inch to Two Inches and Three Quarters in Thickness, or Sixteen cubical Feet of Stone in Blocks, shall be deemed and rated as One Ton, and that One hundred and twelve Pounds Averdupois shall be taken as One Hundred Weight, and Twenty such Hundred Weights shall be deemed and rated as One Ton; that these shall be the General Rates of Tolls and Duties, or Tonnage, upon the said intended Navigation, save and except, that if any Boat or other Vessel going up or down the same, shall pass or go through any One or more of the Locks of the said Canal, without passing more than Six Miles thereupon, then the Loading contained in such Boat or other Vessel shall be rated and charged the same as if it had been actually navigated or carried the full Length of Six Miles upon the said Canal; and if the Loading contained in such Boat or other Vessel shall not amount to Thirty Tons or upwards, yet it shall be rated and charged Tonnage at that Weight; and in case the

Regulations of Vessels as to passing the Locks, &c.

Loading contained in such Boat or other Vessel shall be composed of various Kinds of Articles, chargeable at different Rates of Tonnage, then, and in such Case, the Weight short, or what it is wanting of Thirty Tons, shall be rated and charged in the same Manner, and according to the same Rate of Tonnage, as that Part of the Loading on Board which pays the highest; but if such Boat or other Vessel be going up, and return with a Loading of Coal or other Matters, and shall pay the Tolls and Duties for Thirty Tons or upwards for the Length of Six Miles or upwards in coming down, then the Loading in such Boat or other Vessel shall be charged Tolls and Duties in going up according to the Quantum thereof, and the Distance carried.

Exempting Manure from Tonnage Rates.

LXV. Provided always, and be it further enacted, That all Dung, Soil, Marle, Ashes of Coal and Turf, and all other Manure (except Lime or Limestone) for the Improvement only of the Lands and Grounds of or belonging to any Person or Persons whose Lands or Grounds the said Canal shall pass through, and all Materials for making, repairing, or paving any publick or private Roads (except Flag Stones, Curb Stones, or Causeway Stones), shall not nor shall any of them be charged with or be liable to pay any of the Rates, Duties, or Tolls authorized to be taken by this Act for being carried upon the said Navigation, or any Part thereof, but shall be free and exempt from the same; so that the Things hereby exempted from such Tolls and Duties, do not pass through any Lock authorized to be made by virtue of this Act, but at such Times when the Water shall flow over the Gauge Paddle, or Waste Weir of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying such Dung, Soil, Marle, Ashes, Manure, or Materials, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays belonging to the said Company of Proprietors, such Person or Persons not suffering such Dung, Soil, Marle, Ashes, Manure, or Materials to lie upon any Wharf or Quay longer than may be necessary for loading and unloading, or conveying the same from and to the several Places where they are to be put on board and unloaded, and making good any Damages that may be done in the Fences, Banks, or Towing Paths of the said Navigation, or any Part thereof, by the loading, unloading, or discharging any Boat or other Vessel, or by the loading of such Materials upon, to, or from the Banks of such Navigation; which Recompence and Satisfaction, in case of any Difference,

ference, shall be settled and ascertained by the said Commissioners.

What Vessels are to pay going up One Canal and down another.

LXVI. And whereas a Navigable Canal is intended to be made from the Navigation of the River Dunn, at or near Swinton, to join the Canal hereby authorized to be made at or near Barnsley, by which Boats and other Vessels may pass either into the River Calder or River Dunn; be it further enacted, That if any Boat or other Vessel shall pass light or unloaded up the Canal hereby authorized to be made, and not return loaded the same Way back, then it shall be lawful for the said Company of Proprietors to charge the Owner, Master, or Person having the Care and Charge of such Boat or other Vessel, the full Tolls and Duties of One Penny Halfpenny per Ton per Mile upon Thirty Tons, from where the said intended Canal falls into the River Calder, to the Junction with the said intended Canal from the River Dunn; but in case any such Boat or other Vessel going up light or unloaded shall return the same Way back loaded, and pay the Tolls and Duties for such Loading according to the Directions of this Act, then, and in such Case, the Owner, Master, or Person having the Care or Charge of such Boat or other Vessel, shall be exempt and eronerated from the Payment of any Tolls and Duties for such Boat or other Vessel passing up light or unloaded; and in case any Boat or other Vessel shall come down light or unloaded, that shall not have passed up with her Loading and paid the Tolls and Duties accordingly, then it shall and may be lawful for the said Company of Proprietors to charge and receive of the Owner, Master, or Person having the Care and Charge of any such Boat or other Vessel, the full Tolls and Duties of One Penny Halfpenny per Ton per Mile upon Thirty Tons, from the Junction of the said intended Canal from the River Dunn to where the Canal hereby authorized to be made shall fall into the River Calder at Heath aforesaid; but if such Boat or other Vessel shall have passed up the said last mentioned Canal loaded, and the Owner, Master, or Person having the Care and Charge thereof, shall have paid the Tolls and Duties arising upon such Loading, according to the Directions of this Act, then shall he be exempt and eronerated from the Payment of any Tolls and Duties for bringing his said Boat or other Vessel down light or unloaded.

A Lock to be erected within 150 Yards of the Junction, to prevent any Loss of Water to either Canal.

LXVII. And whereas the said Company of Proprietors of the Barnsley Canal Navigation, and the Proprietors of the said intended Canal from the River Dunn at or near Swinton, which is intended to be called the Dearne and Dove Canal, are mutually desirous to secure each other

other against any Loss or Injury which might or may arise to either of the Canals, by the Loss or passing in any Manner of the Water contained in or appropriated to One Canal to the other of the said Canals, by reason of such Canals being to communicate with each other on a dead Level, or as near thereto as may be; be it therefore enacted, That the said Companies of Proprietors of the said Canals shall and will, and they are hereby required, at their joint Costs and Charges, in equal Moieties, to erect or cause to be erected on that Part of the intended Dearne and Dove Canal next adjoining to, and at the intended Junction of the said Canals, or within One hundred and fifty Yards thereof, or at such other Place as the Company of Proprietors of the said Barnsley Canal Navigation and intended Dearne and Dove Canal Company shall mutually agree upon, and at all Times for ever thereafter support, maintain, and keep in Order, according to the best practicable Mode of forming and keeping Locks Water tight, a Stop Lock with Gates in Manner herein-after described; (that is to say) that the said Lock shall be made of such Dimensions as to admit One Boat of the Construction commonly used in the River Dunn, and that the said Lock shall be furnished with Four Gates or Pairs of Gates, Two of which Gates or Pairs of Gates shall open towards the said Barnsley Canal, and be placed at such Distance from each other as to admit such Boats as aforesaid into the Chamber of the said Lock between the said Gates, in the same Manner as in any common Lock, and the Two other of the said Gates or Pairs of Gates shall open towards the said intended Dearne and Dove Canal Navigation, and be placed at such Distance from each other as to admit such Boats as aforesaid into the Chamber of the said Lock between the said last mentioned Gates in Manner aforesaid, and the said Gates respectively shall be so made and used as effectually to prevent any Loss of Water from the said intended Dearne and Dove Canal into the said Barnsley Canal Navigation, or from the said Barnsley Canal Navigation into the said intended Dearne and Dove Canal; and that in case the Stop Gates and Works so to be erected as aforesaid shall at any Time hereafter be found ineffectual to prevent the Waste or Loss of Water from the One of the said Canals to the other of them as aforesaid, respectively, that then, and in such Case, such other Device, Works, or Machinery shall be constructed, made, and erected in such Situation as aforesaid, or in such other Situation as the said Companies of Proprietors as aforesaid respectively, or

any Engineer or Engineers of their mutual Appointment, shall agree upon, so as effectually to prevent the Waste or Loss of Water from either of the said Canals to or into the other of them; and in case the said Companies of Proprietors shall not mutually agree of and concerning the same, then, and in such Case, the same shall be ascertained and determined by the Commissioners appointed for carrying the Purposes of the said Two Canal Acts into Execution, in like Manner as such Commissioners are authorized and impowered to settle and determine any other Matters or Things, under and by virtue of the Powers of the said last mentioned Acts; and in case the said Company of Proprietors of the said intended Dearne and Dove Canal shall neglect or refuse to contribute their Moiety towards the Repair of the said Lock herein-before directed to be made, or the Gates, Shuttles, Cloughs, and Valves, or other necessary Appendages belonging thereto, that then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors of the said Barnsley Canal Navigation, and they are hereby authorized and impowered, after Six Days Notice given by their Clerk, principal Agent, or Surveyor, to the Clerk, principal Agent, or Surveyor of the said intended Dearne and Dove Canal Company, in Writing, to stop the Passage of or Communication with the said Canal during so long a Time as shall be necessary for doing such Repairs, and by Agents and Workmen of their own Appointment to repair and amend the same, at the joint Costs and Charges of the said Canal Companies, a Moiety of which said Costs and Charges the Treasurer or Collector of the said Company of Proprietors of the said intended Dearne and Dove Canal is hereby authorized, required, and directed to pay as aforesaid.

The said Lock to be under the joint Management of the Two Canal Companies.

LXVIII. Provided always, and be it enacted, That the said Lock so to be erected as aforesaid by the said Companies of Proprietors of the said Canals, shall be under the mutual and joint Management and Controul of the said Companies of Proprietors of the said intended Dearne and Dove Canal Company, and the said Company of Proprietors of the Barnsley Canal Navigation, respectively; and that each of the said Companies, their Successors and Assigns, shall and may, from Time to Time, and at all Times hereafter, appoint a Lock Keeper to superintend and look after the same, each of which Lock Keepers shall be paid his Salary or Wages by the Company of Proprietors which shall have appointed him, or in case the said Companies shall mutually agree to appoint only One Lock Keeper, then his Salary or

Wages shall be paid at the joint Expence of the said Companies; and the said Companies of Proprietors of the said Canals shall erect a House or Houses contiguous to the said Lock, and at all Times support and maintain the same in good Repair for the Residence of such Lock Keepers or Lock Keeper respectively.

If the Water is not kept up to the same Level in both the Canals, the Passage of Water, Boats, &c. may be stopped.

LXIX. And be it further enacted, That all the Sills or Gate Thresholds of the said Stop Lock shall be laid at the same Level, and shall be Nine Inches higher than the Bottom of that Part of the said Canals lying between the said Stop Lock and the next Lock in each of the said Canals respectively; and that at any Time or Times hereafter, when the Surface of the Water in the said Barnsley Canal shall be less than Four Feet Six Inches in Depth on the Sills of the said Stop Lock, it shall and may be lawful to and for the said intended Dearne and Dove Canal Company, or the Lock Keeper so to be appointed by them, to shut and lock up the Gate or Gates of the said Stop Lock opening towards the South-east End of the said intended Dearne and Dove Canal as aforesaid, and to prevent the Passage of any Boat or Vessel in either Direction through such last mentioned Gate or Gates, until the Depth of the Water on the said Sills or Thresholds shall be Four Feet Six Inches, and to be shut in such Manner as to prevent any Loss or Waste in the Water belonging to the said Dearne and Dove Canal; and that at any Time or Times hereafter, when the Surface of the Water of the said intended Dearne and Dove Canal shall be less than Four Feet Six Inches in Depth in or upon the said Sills or Thresholds of the said Stop Lock, it shall and may be lawful to and for the said Company of Proprietors of the said Barnsley Canal, or the Lock Keeper so to be appointed by them, to shut and lock up the Gate or Gates of the said Stop Lock opening towards the said Barnsley Canal, and to prevent the Passage of any Boat or Vessel in either Direction through such last mentioned Gate or Gates, until the Waters in the said intended Dearne and Dove Canal shall be Four Feet Six Inches on and upon the Sills of the said Stop Lock, to prevent any Loss or Waste in the Water belonging to the said Barnsley Canal.

Penalty on Persons opening the Gates of the Stop Lock in certain Cases.

LXX. Provided also, and be it further enacted, That if any Boatman, or other Person or Persons, shall open or cause to be opened any or either of the Gates in the said Stop Lock so to be erected as aforesaid during the Time the same shall be locked up, in either of the said Cases respectively as aforesaid, without the Permission of the said Company of Proprietors by whom such Gate

or Gates shall have been locked up as aforesaid, or of the Lock Keeper, Agent, or Deputy by such Company appointed; or if any Boatman, or other Person or Persons navigating any Boat or other Vessel, after he shall have brought his Boat into such Lock, shall omit or neglect to shut the Gate or Gates of such Lock through which he shall have so entered, before he opens the Gate or Gates of the other End of such Lock, or does any other wilful Act whereby the Water may be made to pass from One of the said Canals to the other of them, contrary to the Intent and Meaning hereof, and shall be thereof convicted before any One of His Majesty's Justices of the Peace for the West Riding of the County of York, on the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby impowered to administer), such Offender or Offenders shall forfeit and pay to the Company of Proprietors respectively sustaining any Loss or Waste of Water by reason of such Gate or Gates being opened, or being neglected to be shut as aforesaid, their Treasurer or principal Agent, for every such Offence, not exceeding Ten Pounds nor less than Forty Shillings, at the Discretion of the said Justice; and in Default of Payment, such Penalty shall be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby impowered to grant), and the Overplus (if any) after such Penalties and Forfeitures, and the Charges of such Distress are deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction, for the said Riding, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

Stop Gates to be placed on the *Barnsley* Canal Navigation.

LXXI. And whereas it may happen that by reason of Accidents, or an unavoidable Consumption of Water, or otherwise, that Part of the said Barnsley Canal, extending from the said Place of Junction downwards to the River Calder, may be interrupted, and yet that the other Part of the said Canal, from the said Place of Junction to Barnby Bridge upwards, may be capable of Navigation;

be it therefore enacted, That a Stop Gate or Pair of Gates shall be erected, and at all Times supported and kept in good Repair and Condition, at the joint Costs and Charges of the said Companies of Proprietors of the said Canals, in equal Moieties as aforesaid, on that Part of the said Barnsley Canal next adjoining to and below the said Place of Junction, in such Manner as that no Water shall be permitted to pass or be lost out of the upper Part of the said Canal, leading from the said Place of Junction to Barnby Bridge, in order that a free Navigation and Intercourse may at all Times be maintained and kept out of and from the said Dearne and Dove Canal to Barnby Bridge, and from thence to the said Dearne and Dove Canal.

Size of the Locks, and Depth of the Canal.

LXXII. And be it further enacted, That the said Company of Proprietors shall at all Times maintain and keep on the whole Length of the Line of the Canal hereby authorized to be made, and upon the Sills or Gate Thresholds of the several Locks to be made thereon respectively, (from and after the making and completing of the same Canal), a Body of Water Four Feet and Six Inches deep at the least (unavoidable Accidents excepted) for the Purpose of enabling Boats and other Vessels to navigate thereon; and that the said Canal, and all the Locks to be made therein, shall be of such Width and Dimensions as to admit Boats and other Vessels of the Construction commonly used on the River Dunn, to navigate upon and pass through the same; save and except the Lock or Locks to be made on the Line of the said Canal from the Place of Junction with the intended Navigable Canal from the Navigation of the River Dunn, at or near Swinton herein-before mentioned, to the River Calder, at or near Warmfield cum Heath, which shall be of a sufficient Width and Dimensions to admit Boats and other Vessels of the Construction commonly used on the River Calder to navigate and pass through the same.

LXXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, receive, and recover, to and for their own proper Use and Behoof, for Tolls of all Coal and other Minerals, Lime, Limestone, and other Stone, Goods, Wares, Merchandize, and other Commodities, which shall be carried or conveyed upon the said intended Railways, or other Roads, such Rates as shall be fixed by the said Company of Proprietors, at any General Assembly, not exceeding the several Sums of Money hereinafter specified; (that is to say):

For

Rates of Tonnage on Railways, &c.

For every Ton of Coal and other Minerals, Lime, Limestone, and other Stone, Goods, Wares, Merchandize, and other Commodities, which shall be carried a Mile upon any Railway, the Sum of Three-pence, and so in Proportion for any greater or less Distance than a Mile; but if the same shall be carried upon any stoned Road, only the Sum of Three Halfpence per Ton per Mile, and so in Proportion for any greater or less Distance than a Mile.

Company to fix the Price of Carriage on small Parcels.

LXXIV. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, at any General Meeting or Assembly of the said Company to be held as herein-before is directed, to make such Bye Law or Bye Laws for ascertaining and fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel, (not exceeding Five hundred Pounds Weight), upon the said Canal, or any Part thereof, as to them shall seem meet, fitting, and reasonable; and that the said Company of Proprietors shall from Time to Time affix and stick up, or cause to be affixed and stuck up, upon every Publick Wharf on the said Canal, in some conspicuous Place there, an Account or List upon Paper, either written or printed, of the Price and Prices, Sum and Sums of Money, to be charged or taken for the Carriage of all and every such Parcel or Parcels, not exceeding Five hundred Pounds Weight as aforesaid, upon the said Canal, or any Part thereof; and in case any Owner or Master, or other Person belonging to any Boat, Barge, or other Vessel, navigated or passing upon the said Canal, or any Collector of the Rates, Tolls, or Duties aforesaid, shall after such Account or List shall be affixed and stuck up as aforesaid demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid, shall forfeit any Sum not exceeding Forty Shillings; and such Bye Laws shall be valid and binding in all Cases upon all Persons whomsoever.

Persons demanding more, subject to a Penalty.

No Waggons, &c. to pass on Rail Ways, unless constructed as directed by the Company.

LXXV. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railways, with any Waggon, Cart, or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company of Proprietors, which Orders and Regulations shall be stuck up upon a conspicuous Part of every Toll House erected on such Railways, for the collecting of the Tolls, Rates, or Duties imposed by this Act, (except in crossing the same for the convenient Occupation of the adjacent Grounds,

Grounds, or in passing on any publick or private Carriage Road which happens to cross the said Railways, or any of them); and that if any Person or Persons whomsoever shall pass upon any Part of the said Railways, with any Waggon, Cart, or other Carriage, not constructed in the Manner herein-before directed, (except as before excepted,) he, she, or they, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings, to the said Company of Proprietors.

For stopping up a certain Bridle Way, on Mr. *Stanhope*'s Estate.

LXXVI. And whereas the making the said intended Railway, and other Road which communicates with the said intended Canal at Barnby Bridge, and passes through the Lands of the said Walter Spencer Stanhope to Norcroft Bridge, will render unnecessary a certain publick Bridle Way through other Part of the Lands of the said Walter Spencer Stanhope, leading from Norcroft Bridge aforesaid, and ending at the Turnpike Road leading from Cawthorne to Barnsley, near to Barnby Bridge aforesaid: Be it therefore enacted, That when and so soon as the said Railway or other Road shall be made and completed by the said Company of Proprietors to the Satisfaction of the said Commissioners, it shall be lawful for the said Walter Spencer Stanhope to take in the Lands on which the said publick Bridle Way is now made, and to lay the same to his other Lands, and from thenceforth the Right of Bridle Way shall cease and be no longer used.

Rail Way to be repaired by the Company, &c.

LXXVII. Provided always, and it is hereby enacted and declared, That the said intended Railway, or other Road from the Canal at Barnby Bridge to Norcroft Bridge aforesaid, shall, after the making thereof, be from Time to Time repaired for ever thenafter by the said Company of Proprietors; and it shall be lawful for the said Walter Spencer Stanhope, and the Owners of his Estate called Canon Hall, near thereto, and his and their Tenants, to pass and repass with Coaches, Carriages, and Horses, and all other Persons having a Right to pass on the said Bridle Road, to pass and repass on the said last mentioned intended Railway or other Road, in the Manner and for the several Purposes they have been accustomed to do, without being subject or liable to pay any Toll or Duty for passing on the same.

Recovery of Rates.

LXXVIII. And be it further enacted, That the said Company of Proprietors shall, from Time to Time, and at all Times hereafter, authorize and appoint such Person or Persons as they shall think proper, to demand, collect, and receive the Tolls and Duties granted to be

paid to them by virtue of this Act, at a convenient Distance from the said intended Canal, Railways or other Roads, in such Manner, and under such Restrictions and Regulations, as they from Time to Time shall direct and appoint; and in case any Person or Persons, Owner or Master having the Care and Charge of any Boat or other Vessel navigating in or upon the said intended Canal, or having the Care and Charge of any Waggon, Cart, or other Carriage, going or passing on the said intended Railways, or other Roads, or any of them, shall refuse to pay the said Tolls, Rates, and Duties, or any of them, or any Part of any of them, upon Demand to such Person or Persons so appointed to receive them as aforesaid, then, and in such Case, the said Company of Proprietors are hereby authorized and empowered to sue for and recover the same, with full Costs of Suit, as between Attorney and Client, either against the Owner or Owners, or against the Person having the Care, Charge, or Command of the said Boat or other Vessel, Waggon, Cart, or other Carriage, by Action of Debt or on the Case, in any Court of Record, or the Person or Persons so to be appointed to demand, collect, and receive the said Tolls, Rates, and Duties, shall and may be, and he and they are hereby impowered and authorized to seize and detain any such Boat or other Vessel, Waggon, Cart, or other Carriage, the Owner or Person having the Care and Charge thereof refusing to pay the respective Tolls, Rates, and Duties, according to the Directions of this Act, and also the Goods, Wares, Merchandize, Commodities, and other Things on Board such Boat or other Vessel, or within such Waggon, Cart, or other Carriage, until the said Tolls, Rates, and Duties are fully paid and discharged; and in case such Tolls, Rates, and Duties shall not be paid within Five Days next after such Seizure hath been made, then it shall be lawful for the said Company of Proprietors, or the Person or Persons so empowered to make such Seizure, to call in the Constable or Headborough of the Parish, Hamlet, or District wherein the said Seizure shall have been made, who is hereby required to attend at the Time and Place which shall be appointed, and in his Presence to sell such Boat or other Vessel, or any of the Tackling, Implements, or Furniture belonging thereto, or such Waggon, Cart, or other Carriage, or the Whole or any Part of the Goods, Wares, Merchandize, Commodities, or Things which may be found in or on Board any such Boat or other Vessel, or in such Waggon, Cart, or

other

other Carriage, and out of the Money arising therefrom to retain the Amount of the said Tolls, Rates, and Duties, together with reasonable Charges for making such Seizure and Sale, rendering the Overplus, if any there be, to the Owner or Owners, or to the Person having the Care and Charge of such Boat or other Vessel, Waggon, Cart, or other Carriage, or paying the same to the said Constable or Headborough for the Use of such Owner or Owners, Person or Persons who shall be entitled to such Overplus, after the said Tolls, Rates, and Duties, and all other reasonable Charges, shall be deducted, satisfied, and paid; and in case of Arrears of any Tolls, Rates, and Duties, it shall be lawful for the said Company of Proprietors, or the Person or Persons appointed by them to collect and receive the said Tolls, Rates, and Duties, and they are hereby authorized and impowered to distrain and detain any Goods, Wares, Merchandize, Commodities, and other Things, Tackle, Implements, or Furniture found on board any Boat or other Vessel, or in any Waggon, Cart, or other Carriage, the same being the Property of the Owner or Owners, or of the Person who had the Care and Charge of any such Boat or other Vessel, Waggon, Cart, or other Carriage, from which, or from the Loading thereof, upon any former Voyage or Stage, such Arrear of Tolls, Rates, and Duties shall be due, and for Want of a sufficient Distress then to seize and detain such Boat or other Vessel, or such Waggon, Cart, or other Carriage, until such Arrears be fully paid and satisfied; and in case such Arrears shall not be paid within Fourteen Days next after such Distress and Seizure having been made, then it shall and may be lawful for the said Company of Proprietors, or the Person or Persons so empowered to make such Distress, to call in the Constable or Headborough of the Parish, Hamlet, or District, wherein the said Distress shall have been made, who is hereby required to attend at the Time and Place which shall be appointed, and in his Presence to sell such or any Part of such Goods, Wares, Merchandize, Commodities, and other Things, Tackle, Implements, and Furniture, or the said Boat or other Vessel, or the said Waggon, Cart, or other Carriage, so detained, and from the Money arising therefrom to retain the Amount of such Arrears, together with the Costs and Charges of such Distress, Detention, and Sale, rendering the Overplus, if any there be, to the Owner or Owners, or to the Person having the Care and Charge of any such Boat or other Vessel, Waggon,

Goods may be distrained for Recovery of Arrears;

and if not paid in 14 Days, Goods may be sold.

Cart, or other Carriage, or paying the same to the said Constable or Headborough for the Use of such Owner or Owners, Person or Persons who shall be entitled to such Overplus; provided that if at the Time of any such Distress being made for Arrears of Tolls, Rates, and Duties as aforesaid, there being any Goods, Wares, Merchandize, Commodities, or other Things on board such Boat or other Vessel, or in such Waggon, Cart, or other Carriage, belonging to any other Person or Persons than the Owner or Owners, or the Person having the Care and Charge of such Boat or other Vessel, Waggon, Cart, or other Carriage, nothing in this Act shall impower, or be construed to impower the said Company of Proprietors, or the Person or Persons so impowered to make such Distress, to detain any such Goods, Wares, Merchandize, Commodities, or other Things, in consequence of such Distress, but that the Person or Persons making such Distress shall order them to be forwarded, according to their respective Directions or Consignments, by the First Boat or other Vessel, Waggon, Cart, or other Carriage respectively, which he or they can procure to take them.

Persons having the Care of any Boat, &c. to give an Account of their Loading to the Collector of the Tolls, &c.

LXXIX. And, for the more easy and regularly ascertaining the said Tolls, Rates, and Duties, be it further enacted, That every Person, Owner, or Master, having the Care and Charge of any Boat or other Vessel navigating or passing upon the said intended Canal, or of any Waggon, Cart, or other Carriage, passing upon the said intended Railways, or other Roads, shall render a true Account in Writing, signed by himself, to such Person or Persons appointed to collect and receive the Tolls, Rates, and Duties according to the Directions of this Act, at such Place or Places as he or they shall be appointed to receive the same by the said Company of Proprietors, setting forth the Quantity, Quality, Number, Weight, and Measure of all the Goods, Wares, Merchandize, Commodities, and other Things which shall then be in or on board of such Boat or other Vessel, or within such Waggon, Cart, or other Carriage, at what Place or Places within the Limits of the Canal, or the said intended Railways, or other Roads, they were taken on board, or loaded, or entered at, and also at what Place or Places the same shall be landed or unloaded, and also of the Quantity, Quality, Number, Weight, and Measure of such Goods, Wares, Merchandize, Commodities, and other Things, as shall (within the Limits of the said Canal, Railways, or other Roads) have been landed or unloaded, and where the same

same have been landed or unloaded from any such Boat or other Vessel, Waggon, Cart, or other Carriage, before the Arrival thereof at the Place where such Account shall be required to be given; and in case such Person, Owner, or Master, having the Care and Charge of such Boat or other Vessel, Waggon, Cart, or other Carriage, shall refuse giving such Account, or shall give in a false or untrue Account, he shall for every such Offence, being duly convicted thereof before One or more of His Majesty's Justices of the Peace for the West Riding of the County of York, forfeit and pay the Sum of Ten Shillings a Ton for all the Goods, Wares, Merchandize, Commodities, and other Things, which he shall at that Time have, or shall have had on board of or in his said Boat or other Vessel, or within such Waggon, Cart, or other Carriage, over and above the Tolls, Rates, and Duties chargeable thereon by virtue of this Act, to be levied and recovered by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal of such Justice or Justices; and in case there be not found sufficient to defray the same, and the necessary Expences thereon, then the Offender shall be committed to hard Labour in the House of Correction for any Space of Time not exceeding Six Calendar Months, as such Justice or Justices shall think proper; and in case that any Dispute or Difference should arise between any Collector or Collectors of the said Tolls, Rates, and Duties, and the Owner or Master having the Care and Charge of any Boat or other Vessel, Waggon, Cart, or other Carriage, or with the Owner of any Goods, Wares, Merchandize, Commodities, and other Things, concerning the Quantity, Quality, Number, Weight, or Measure of the same, it shall be lawful for any such Collector or Collectors at all Hours to stop, and until Eight Hours of Day Light shall elapse, detain any such Boat or Vessel, and until Three Hours of Day Light shall elapse, detain any such Waggon, Cart, or other Carriage, and at the Expence of the said Company of Proprietors, to number, weigh, measure, and gauge all such Goods, Wares, Merchandize, Commodities, and other Things as shall be found in, upon, or on Board of any such Boat or other Vessel, or within such Waggon, Cart, or other Carriage; and if the same shall be found to be of greater Number, Weight, or Measure, or chargeable with greater Tolls, Rates, and Duties than by the Account given in, then, and in such Case, the Person giving such Account, shall not only be liable to the same Penalty or Punishment as in the Case of refusing or giving a false Account,

Expence of Weighing, &c. by whom to be paid.

but shall repay back the full Expences of such detaining, weighing, numbering, measuring, and gauging; but if the same shall not be found to be of greater Number, Weight, or Measure, or liable or chargeable with greater Tolls, Rates, and Duties than by the Account given in, then, and in such Case, the said Collector or Collectors of the Tolls, Rates, and Duties, making such Detention, shall not only pay the whole Expences thereof, and of numbering, weighing, measuring, and gauging, but shall also pay to such Person having the Care and Charge of such Boat or other Vessel, Waggon, Cart, or other Carriage respectively, after the Rate of Two Shillings and Sixpence for every Hour such Boat or other Vessel shall have been detained over and above the Eight Hours before-mentioned, and for every Hour such Waggon, Cart, or other Carriage, which shall be detained for the Purpose aforesaid, the Sum of One Shilling for every Hour such Waggon, Cart, or other Carriage shall be detained for more than the Space of Three Hours.

Payment of Craneage and Porterage.

LXXX. And whereas it will be necessary for the said Company of Proprietors to make, build, and erect proper Wharfs, Staiths, Cranes, Warehouses, and Granaries for loading, landing, stowing, and depositing Goods, Wares, Merchandize, Commodities, and other Things, and also to keep a sufficient Number of Clerks, Porters, and Labourers, to take and keep an Account of such Goods, Wares, Merchandize, Commodities, and other Things which may be landed, loaded, received, and forwarded at and from the said Wharfs, Staiths, Warehouses, and Granaries, and for landing and loading the same into Boats or other Vessels, and into Waggons and other Carriages; be it further enacted, That for every Ton of Goods, Wares, Merchandize, Commodities, and other Things, which shall be loaded from or landed upon any of the said Wharfs or Staiths, or into or from any of the said Warehouses or Granaries so to be made and erected, there shall be paid by the Owners of such Goods, Wares, Merchandize, Commodities, and other Things, to the said Company of Proprietors, or to their Agent, Servant, or Wharfinger, at each of the said Wharfs, Staiths, Warehouses, or Granaries respectively, in Recompence for such Craneage or Porterage, any such Sum as they shall from Time to Time appoint and direct, not exceeding Sixpence.

Payment of Wharfage.

LXXXI And, as such Goods, Wares, Merchandize, Commodities, and other Things may frequently lay upon the said intended Wharfs or Staiths, or in the said intended Granaries and Warehouses, for some consider-

able

able Time; be it further enacted, That the said Company of Proprietors, or their Agents, Servants, or Wharfingers, at any of the said intended Wharfs, Staiths, Warehouses, or Granaries, may ask, demand, and receive, and they are hereby authorized and impowered to ask, demand, and receive such Sum or Sums of Money for Wharfage and Warehouse Room, over and above what is directed to be paid for Craneage and Porterage, as they shall think fit, not exceeding those mentioned in the following Table; (that is to say),

| | More than 24 Hours, not more than Six Days. | Six Days, but less than One Month. | One Month, but less than Six Weeks. | Six Weeks, but less than Two Months. | Two Months, but less than Ten Weeks. |
|---|---|---|---|---|---|
| | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| For every Ton of Goods, Wares, Merchandize, Commodities, and other Things (except what are hereinafter enumerated) | — — 6 | — — 9 | — 1 — | — 1 3 | — 1 6 |
| For every Ton of *Engliſh* Timber of all Kinds, and Pig and Bar Iron | — — 3 | — — 6 | — — 9 | — 1 — | — 1 3 |
| For every Ton of Coals, Stone, Iron Stone, Lime Stone, Flint, Clay, and Sand | — — ½ | — — 1 | — — 1½ | — — 2 | — — 2½ |
| For every Ton of Lime, Bricks, Tiles, Plaiſter, and Soaper's Aſhes | — — 1 | — — 2 | — — 3 | — — 4 | — — 5 |
| For every Quarter of Corn of all Kinds, Cole, Rape, Line and Muſtard Seed, Apples, Pears, Onions, and Potatoes | — — ½ | — — 1 | — — 1½ | — — 2 | — — 2½ |

And ſo in Proportion for any longer Space of Time any ſuch Goods, Wares, Merchandize, Commodities, and other Things, ſhall lay upon or within any ſuch ſaid intended Wharfs, Staiths, or Warehouſes.

LXXXII. Provided always nevertheless, That if any Goods, Wares, Merchandize, Commodities, and other Things be removed and taken away, so that they shall not lay upon any of the said intended Wharfs or Staiths, or in any of the said Warehouses or Granaries for a longer Space of Time than Twenty-four Hours, the same shall not be charged any Thing for Wharfage or Warehouse Room whatsoever.

For Recovery of Rates of Wharfage, &c.

LXXXIII. And, for the better securing the Payment of such Craneage and Porterage, Wharfage and Warehouse Room, be it further enacted, That in case any Person or Persons whomsoever shall remove or take away any Goods, Wares, Merchandize, Commodities, or Things for which any Money for Craneage or Porterage, Wharfage or Warehouse Room, shall be due, from any of the said intended Wharfs, Staiths, Warehouses, or Granaries, without the Consent of the said Company of Proprietors, or their Agents, Servants, or Wharfingers at such Wharfs, Staiths, Warehouses, and Granaries respectively, without the Payment of such Sum as shall be then due for the same by virtue of this Act, then, and in every such Case, the Person or Persons so offending, and being thereof convicted before One or more of His Majesty's Justices of the Peace for the West Riding of the said County of York, shall, for every such Offence, forfeit and pay unto the said Company of Proprietors, or to their Agent, Servant, or Wharfinger having the Care of such Wharf, Staith, Warehouse, or Granary from whence such Goods, Wares, Merchandize, Commodities, or other Things shall have been removed or taken away, any Sum not exceeding the Sum of Five Pounds, together with such further Sum or Sums of Money as shall be due from him, her, or them for Craneage and Porterage, Wharfage and Warehouse Room, on all and every Part of such Goods, Wares, Merchandize, Commodities, and other Things so removed and taken away, to be recovered by Distress and Sale, as herein-before mentioned for Recovery of the Tolls, Rates, and Duties for navigating on the said Canal.

Canals and Railways to be measured, and Stones put up.

LXXXIV. And be it further enacted, That the said Canal, and also the said intended Railways, and other Roads, shall be measured and Stones or Posts erected on the Sides thereof at the End of each half Mile; and that in all Cases where there shall be a Fraction of half a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass on the said Canal, or in the Distance which any Waggon, Cart, or other Car-

riage shall pass upon the said intended Railways or other Roads, such Fraction of half a Mile shall, in ascertaining the said respective Rates, be deemed and considered Half a Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading of any Boat, Barge, or other Vessel, so to be navigated on the said Canal, or in any Waggon, Cart, or other Carriage passing on the said Railways, or other Roads, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered a whole Quarter of a Ton.

Power to lower the Rates.

LXXXV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, at any General Assembly to be held for that Purpose, (of which Three Calendar Months Notice shall be given in some Two or more Newspapers published or circulated in the said West Riding of the County of York, or in such Manner as the said Company of Proprietors shall at any General Assembly direct or appoint), to lessen or reduce all or any of the said Rates, Tolls, and Duties hereby respectively granted as they shall think proper, and afterwards, from Time to Time, at any General Assembly, (of which such Notice shall be given as aforesaid), to advance and raise all or any of the said Rates, Tolls, or Duties so lessened, to any Sum or Sums of Money not exceeding the respective Rates, Tolls, and Duties herein-before granted; and that no Reduction of the said Rates, Tolls, and Duties hereby respectively granted, shall be made without the Consent of the major Part in Value of the Proprietors possessed of the Shares in the said Navigation and Undertaking for the Time being.

Navigation and Rail Ways, &c. to be free on Payment of Rates.

LXXXVI. And be it further enacted, That all Persons whomsoever shall have free Liberty, with Horses, Cattle, and Carriages, to use the private Roads and Ways belonging to the said Company of Proprietors, (except the Towing Paths), and with Boats, Barges, and other Vessels capable of passing through the Locks to be made by virtue of this Act, to use the said intended Canal or Sluices, and with Horses and Cattle, Waggons, Carts, and other Carriages, to use the said Railways, and other Roads, for the Purpose of conveying Coals, and all other Goods, Wares, Merchandize, and Commodities whatsoever, and to use the said Wharfs or Quays for loading and

and unloading Coals, and other Goods and Things, and the said Towing Paths for haling and drawing such Boats, Barges, and Vessels, upon Payment of such Rates, Tolls, and Duties as shall be demanded by the said Company of Proprietors, not exceeding the Rates or the respective Sums herein-before mentioned, and subject always to the Rules, Bye Laws, and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted.

Exempting Owners of Estates using Roads for Occupation from Tolls.

LXXXVII. Provided always, and be it further enacted, That nothing herein contained shall extend to charge with any of the Tolls or Duties herein-before provided and made payable, the Owners or Occupiers of any Lands, Tenements, or Hereditaments opening into or communicating with any of the Roads to be made in pursuance of the Powers herein contained, or any Person or Persons whomsoever, for passing or repassing on such Roads, the same not being railed Roads, with Wains, Carts, Carriages, Horses, and Cattle, for the Use, Occupation, and Enjoyment of such their Estates, or for such other Purposes as they have been accustomed to do, any Thing herein-before contained to the contrary notwithstanding.

Vessels under 30 Tons not to pass Locks without Consent of Proprietors.

LXXXVIII. And be it further enacted, That no Boat, Barge, or other Vessel, of less Burthen than Thirty Tons, shall pass through any of the Locks to be made by virtue of this Act, unless such Vessel shall be returning, after having passed on the said Navigation with a Lading of Thirty Tons, or have paid for a Tonnage of that Weight, without the Consent of the said Company of Proprietors, or some of their Agents for the Time being, in Writing first had and obtained, or unless the Owner or Navigator of such Boat, Barge, or other Vessel, shall pay Tonnage equal to a Boat, Barge, or other Vessel of Thirty Tons.

To prevent Lock-Keepers, &c. giving any Preference.

LXXXIX. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any Preference or shew Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Canal, or to any Waggon, Cart, or other Carriage passing upon the Railways, or other Roads, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, and other Machines belonging to the said Company of Proprietors, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Two Pounds to-

the Informer, as the Justice or Justices before whom he, she, or they shall be convicted shall direct.

Masters to put their Names on the Outside of their Boats, &c.

XC. And, for the better Regulation of Masters of Boats, Barges, and other Vessels, and Boatmen, and of the Owners of Waggons, Carts, and other Carriages, and Drivers thereof, and of all Persons employed by or under them respectively, be it further enacted, That every Owner of any Boat, Barge, or other Vessel passing upon the said Canal, or of any Waggon, Cart, or other Carriage passing upon the said Railways, or other Roads, shall cause his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, Waggon, Cart, or Carriage, to be entered with the Clerk of the said Proprietors, and shall also cause such Name and Number of the Boat, Barge, or Vessel to be painted in large White Capital Letters and Figures on a Black Ground, Four Inches high, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink when full laden, and also cause such Name, and the Number of the Waggon, Cart, or other Carriage, to be painted in large White Capital Letters and Figures, on a Black Ground, Two Inches high, and of a proportionable Breadth, in some conspicuous Part on the Outside of the Body of every such Waggon, Cart, or other Carriage, and also shall and is hereby required to fix on each Side of every such Boat, Barge, or other Vessel, correct Inderes of Copper, Lead, or other Metal, or otherwise, of such graduated Dimensions, and of such convenient Height, and under such Regulations, as the said Company of Proprietors shall from Time to Time direct, so that the true Weight of the Lading on Board be thereby ascertained and shewn, and shall permit and suffer every such Boat, Barge, or other Vessel, Waggon, Cart, or other Carriage, to be gauged or measured at the Expence of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed for that Purpose, provided that no such Vessel, Waggon, Cart, or other Carriage, shall be gauged or measured more than Three Times in One Year; and every Owner, Master, or other Person having the Rule or Command of any Boat, Barge, or other Vessel, who shall navigate the same upon the said intended Canal, or of any Waggon, Cart, or other Carriage passing on the said Railways, or other Roads, without having such Name, Figures, and Inder thereon as herein-before directed, or who shall erase, deface, or destroy the same,

same, or any Part thereof, or shall fix any false Name, Figures, or Index, or who shall refuse to permit and suffer the same to be gauged and measured as aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Proprietors of Navigation to make Drains to convey the Water from the adjoining Lands, &c.

XCI. 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 Canal, 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 Canal, without obstructing or impeding the same, and likewise to make or cause to be made such Back Drain or Drains as may be necessary and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto, making Satisfaction for the Ground so used for the same, and that all such Arches, Tunnels, Drains, and other Passages shall from Time to Time be supported, maintained, and kept in good and sufficient Repair, by the said Company of Proprietors; and if at any Time or Times, after One Calendar Month's Notice shall be given in Writing by or on Behalf of any Owner or Occupier, Owners or Occupiers, of the said adjacent Lands, who shall find him, her, or themselves aggrieved by the Obstruction of the said Watercourses, to any One of the said Committee, or to any known Agent of the said Company, or Collector of the said Tolls for the Time being, the said Arches, Tunnels, Drains, or other Passages shall not be made, cleansed, and maintained according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons, having an Order in Writing for that Purpose from the said Commissioners, and from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, Tunnels, Drains, or other Passages, and the reasonable Expences thereof, to be ascertained by the said Commissioners, shall be defrayed by the said Company of Proprietors, and in case of Refusal or Neglect to satisfy the same for the Space of One Calendar Month after Demand thereof made upon any of their Agents, or upon

and on Neglect, Commissioners may order the same to be repaired, and charge the Expence to the Company.

any Collector of the Tolls, 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: Provided always, that the Owner or Occupier of the Lands adjoining or lying contiguous to the said Canal, shall, at the Time of giving such Notice to the said Company or their Clerk as aforesaid, have his own Ditches, Drains, Passages for Water, and Watercourses leading to or from the said Canal, Trenches, Drains, and Passages for Water belonging to the said Company sufficiently cleansed and opened to convey the Water to and from the same: Provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from sudden Floods or Land Floods into the said Canal, which may injure the said Navigation.

The Company may cleanse adjoining Ditches and Drains, at the Expence of the Owners, if neglected by them.

XCII. And be it further enacted, That if at any Time the Ditches and Drains belonging to the Owner or Occupier of any Lands adjoining or lying contiguous to the said Canal shall not be sufficiently open for the free Passage of the Water from the Drains, Weirs, Culverts, and Passages belonging to the said Canal, and the same shall not be remedied within One Calendar Month after Notice for that Purpose given to such Owner or Occupier, by the Clerk to the said Company of Proprietors, it shall be lawful for the said Company of Proprietors, having an Order in Writing for that Purpose from the said Commissioners, as often as there shall be Occasion, to order and procure to be opened and cleansed such Ditches and Drains as aforesaid, and the reasonable Expences thereof (to be ascertained and allowed by the said Commissioners) shall be repaid to the said Company of Proprietors by such Owner or Occupier, and in case of Refusal to satisfy the same for the Space of Three Calendar Months after Demand made thereof, the same shall and may be recovered in such Manner as any Penalties are by this Act directed to be recovered.

For fencing off Towing Paths, and making Bridges, Watering Places, &c.

XCIII. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Charges, after any Lands shall be taken for the Use of the said intended Canal, Aqueducts, Trenches, and Towing Paths, to divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said intended Canal, and the Trenches, Feeders, or Passages hereby authorized to be made, or such Part or Parts of such Trenches, Feeders,

or

or Passages as shall be found necessary by the said Commissioners, from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders, or Passages, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences; and also shall, at their own proper Charges, after any Lands shall be taken for the Use of the said intended Rail Ways, or other Roads, divide and separate, and keep constantly divided and separated, the said Rail Ways, and other Roads, or such Part or Parts thereof as shall be found necessary by the said Commissioners, from the Lands or Grounds adjoining to such Rail Ways, or other Roads, with good and sufficient Posts, Rails, Hedges, Ditches, or other Fences, and shall, at their own Costs and Charges, from Time to Time, maintain and support the said Towing Paths, Rail Ways, and other Roads, and the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences, so made as aforesaid, as the said Commissioners shall from Time to Time judge necessary and appoint; and the said Company of Proprietors shall also at their own Charges make, erect, and set up, and from Time to Time maintain and support in good and sufficient Repair, such and so many convenient Gates and Stiles in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths, Rail Ways, and other Roads as aforesaid, and also such Bridges, Arches, Culverts, Drains, and Passages over, under, by the Side, or into the said Canal, or the said Rail Ways, or other Roads, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions, and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint, and also make proper and convenient Watering Places for Cattle, where, by Means of the said intended Canal, Rail Ways, or other Roads, or other the Works hereby authorized to be made, Cattle shall have been deprived thereof, and at all Times to supply the same with Water, for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments adjoining to such intended Canal, and other Works, Feeders, Trenches, Aqueducts, and Towing Paths, or any of them respectively; and that the said Company of Proprietors shall not make the said intended Canal, or any Feeder, Trench, or Watercourse, in or across any common Highway, publick Bridle Way, or Foot Path, until they shall at their own proper Charges have made and perfected proper and convenient Stone or Brick Bridges, Passages, Arches, or temporary Roads, until proper Bridges are completed across such

such Highway, Bridle Way, or Path, with Wing Walls, Ramparts, and Side Banks belonging or approaching to, over, and from such Bridges, such Approaches not to be steeper, or of greater Ascent than Two Inches and a Half in a Yard in Length, and so in Proportion for a greater or less Length, and of such Dimensions and in such Manner as the said Commissioners shall judge proper; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniencies to be made, shall from Time to Time be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors; and in case it shall be found necessary to alter or widen any Arch or Arches now existing, for the Purposes of the said Navigation, the same shall afterwards be repaired from Time to Time at the joint and equal Expence of the Person or Persons now liable to repair the same, and of the said Company of Proprietors.

The Company liable to be indicted for not making Bridges over the Canal,

XCIV. And be it also declared and enacted, That the said Company of Proprietors shall be liable to be indicted at Common Law for not making Stone or Brick Bridges in all Highways over and across the said intended Canal and Trenches, together with proper Wing Walls, Ramparts, and Side Banks over and from such Bridges, where such Bridges can be made, by Approaches not steeper, or of greater Ascent than Two Inches and a Half in every Yard in Length, and so in the like Proportion of Ascent, any Thing in this Act contained to the contrary notwithstanding.

or for not repairing Bridges, &c. and to pay Costs.

XCV. And be it further enacted, That the said Company of Proprietors shall be liable to be indicted at Common Law for not repairing and keeping in Repair all Bridges, Wing Walls, Ramparts, Side Banks, and Approaches aforesaid, to be erected and made by virtue of this Act, in any Highway, publick Bridle Way, or Foot Path over and across the said intended Canal; and that the said Company shall also be liable to pay the Costs of all such Prosecutions, upon Proof of One Calendar Month's Notice being given or left at the House of the Treasurer, or of any of the Clerks of the said Company, previous to the Commencement of such Prosecution, by the Surveyor of the Highways on either Side of the said intended Canal, and on Conviction of the Defendants.

Justices at Sessions, in certain Cases, to determine what Bridges shall be made.

XCVI. Provided always, and be it enacted, That if it shall appear to the said Company of Proprietors, or to their Engineer or Engineers, that on Account of the Situation of the Bridge intended to be made in any such aforesaid Highway, publick Bridle Way, or Foot

Path, a Swivel or Wooden Bridge would be more convenient to the Publick than a Bridge of Stone or Brick, or that the Approach herein-before directed to be made by the said Company of Proprietors cannot be made without very great Expence of less Ascent than Three Inches in a Yard in Length, that then, and in every such Case, upon Application being made to His Majesty's Justices who shall be assembled at any General Quarter Sessions of the Peace which shall be held in and for the said West Riding of the said County of York, by or on Behalf of the said Company of Proprietors, it shall be lawful for such Justices, upon Proof of One Calendar Month's Notice having been previously given of such intended Application, to the Surveyors of the Highways within the Parish or Township wherein any such aforesaid Bridge is intended to be built, to enquire into the Premises, and to order, direct, and determine whether any such aforesaid Bridge shall be of Stone or Brick, or a Wooden or Swivel Bridge, and of what Ascent the Approach herein-before directed to be made by the said Company of Proprietors shall be, any Thing herein contained to the contrary thereof in any anywise notwithstanding.

Swivel and Draw Bridges to be shut and fastened after Vessels shall have passed through them, on Penalty of 20 s. to 5 l.

XCVII. And be it further enacted, That if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal, or any Cuts, Trenches, or Passages to be made by virtue of this Act, all and every Person or Persons opening any such Draw Bridge or Swivel Bridge shall, and he and they is and are hereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same, and every Person neglecting so to do, shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds, nor less than Twenty Shillings; and in case such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Twenty Shillings, on due Proof being made before any Justice of the Peace for the West Riding aforesaid, as the Case may be, of such Neglect as aforesaid; and if any Person or Persons shall wilfully open any such Drawbridge or Swivel Bridge, when no Vessel is to pass through the same, so as to interrupt a free Passage for Travellers, Cattle, or Carriages, such Person or Persons, being convicted thereof in the Manner aforesaid, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of

such Justice of the Peace, which said Forfeiture or Forfeitures shall be levied and recovered in the same Manner as any other Penalty or Forfeiture is by this Act directed to be levied and recovered, and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following, (that is to say) One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township where such Offence shall be committed.

In case Company do not fence off the Towing Paths, and make Bridges, Land Owners may do it at Company's Expence.

XCVIII. And be it further enacted, That in case the said Company of Proprietors shall refuse or neglect to make, erect, and set up such Fences on the Sides of the said Towing Paths or Banks, and the said Rail Ways, and other Roads, and also such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, Rail Ways, and other Roads, or such Bridges, Arches, Tunnels, Culverts, Drains, or other Passages, over, under, or by the Sides of or into the said Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle as herein directed, or to repair, maintain, and support such Gates, Stiles, Bridges, Passages, Arches, Culverts, and Watering Places when erected, set up, and made, of such Dimensions, of such Materials, and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands, Grounds, Mills, or Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, and set up all such Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniencies as aforesaid, as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining the Works aforesaid the said intended Canal, or the Banks thereof, or the Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than is absolutely necessary for the doing thereof; and all the reasonable Expences thereof, together with all Costs and Charges attending the same, (to be settled and allowed by the said Commissioners), shall be repaid to such respective Owners or Occupiers as aforesaid by the said Company of Proprietors within the Space of Three Calendar Months next after the same shall have been so settled

tled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of such Payment the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Company of Proprietors, or to some of their Agents, the Overplus, if any, after such Distress and Sale, or otherwise such Owners or Occupiers respectively shall and may sue for and recover the same against the said Company of Proprietors, by Action of Debt in any of his Majesty's Courts of Record at Westminster.

If any Bridges, &c. made by the Company are insufficient, Land Owners may make others.

XCIX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through which the said intended Canal, or other Works shall be made, shall at any Time or Times chuse to erect any Gates, Stiles, Bridges, Passages, Arches, Culverts, Tunnels, Drains, or other Passages over, under, or by the Side of the said intended Canal and other Works, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or any such Watering Places and other Conveniencies, other than such as the said Commissioners shall have directed or appointed to be made by the said Company of Proprietors as aforesaid, for the commodious Use and Occupation of their respective Lands, Grounds, Mills, or Hereditaments, then, and in every such Case, it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the Committee of the said Company of Proprietors, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Twenty-one Days after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, such Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, or other Conveniencies, of the same or the like Construction and Materials with those made and erected by the said Company of Proprietors, in such Places as shall be found and judged most necessary and convenient, for the better Use or Occupation of such Lands, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so as the Navigation of the said intended Canal, or other Works, be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same will necessarily be by any of the other Gates, Stiles, or Bridges, or other Conveniencies aforesaid,

said, to be made or erected in or over the same intended Canal, and other Works, by the said Company of Proprietors as aforesaid:

Lords of the Manors and Land Owners may erect Warehouses, &c. on their Lands;

C. And be it further enacted, That any Lord or Lords, Lady or Ladies of any Manor, and the Owner or Owners of any Lands or Grounds through which the said intended Canal and other Works shall be made, may erect or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their respective Lands, Grounds, or Wastes adjoining or near to the said intended Canal, Railways, or other Roads, and may land any Goods or Merchandize, or other Things, upon such Wharfs, Quays, Landing Places, or upon the Banks lying between the same and the said intended Canal, Railways, and other Roads, and also may make and use proper and convenient Places for Boats or Vessels to lie in, turn, and pass by each other, so that the making or using thereof do not obstruct or prejudice the Navigation of the said intended Canal, or any Towing Path on the Sides thereof, or the said Railways, or other Roads; and all Rates that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and the same are hereby vested in the Lord or Lords, Lady or Ladies of such Manor, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid.

but if not done within 12 Months after Notice, Proprietors may build them.

CI. Provided always, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, by or on Behalf of the said Company of Proprietors, that any of such Lands, Grounds, or Wastes is necessary or proper to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, or for making and laying out necessary and convenient Roads for the Conveyance of Goods to and from the said intended Canal, make, erect, and lay out, and from Time to Time keep in good and substantial Repair, such proper and sufficient Warehouses, Buildings, and Roads, for the Use of the said Navigation and other Works, as the said Commissioners shall think necessary on the respective Parts of the Lands or Grounds described in such Notice, that then the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make Use of any such Lands, Grounds, or Wastes for erecting and building proper and sufficient Warehouses and Buildings, and making and

laying out necessary and convenient Roads to and from the said intended Canal, and other Works, agreeable to such Notice as aforesaid, first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes of this Act.

For ascertaining the Rate of Wharfage on private Wharfs.

CII. And be it further enacted, That no more shall be demanded or taken by any Lord or Lords, Lady or Ladies, Land Owner or Land Owners, who shall or may erect or build any Wharf or Quay, or make or lay out any Roads to and from the said intended Canal, and other Works, by virtue of this Act, in pursuance of the Notice to be given by or on Behalf of the said Company of Proprietors to such Lord or Lords, Lady or Ladies, Owner or Owners, for that Purpose as aforesaid, for Wharfage, Warehouse Room, Craneage, and Porterage, than what are herein-before directed in respect thereof to be taken by the Proprietors of the said Canal; and that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading and weighing of any Coals or other Goods, in case the Proprietors of such Wharfs or Quays shall neglect or refuse to make and erect the same within Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected neglect or refuse to keep the same in Repair.

Company of Proprietors, or other Persons, not to use private Wharfs.

CIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharf, Quay, Landing Place, Crane, Weigh Beam or Warehouse which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said intended Canal, for his, her, or their private exclusive Use only, nor to set up, erect, repair, or use any Cranes or Weighing Machines in or upon any such Wharf, Quay, or Landing Place; any Thing herein-before contained to the contrary notwithstanding.

Power for Owners of Mines to make Rail Ways for conveying Coals, &c. to the Canal.

CIV. And be it further enacted, That in case the Owner, Proprietor, or Worker of any Mines of Coal, Stone, or other Minerals, shall find it expedient and necessary to make any Railway or Road, not exceeding the Length of One thousand Yards from the said intended Canal, Railways, or other Roads, to convey the Coal, Stone, or other Minerals, from any such Mines to the

said intended Canal, Railways, or other Roads, over or through the Lands or Grounds of any Person or Persons, that then, and in every such Case, it shall be lawful for such Owner, Proprietor, or Worker of any Mines of Coal, Stone, or other Minerals, to treat and agree with the Owner or Owners of such Lands or Grounds as may be situate within the Distance of One thousand Yards from the Canal, Railways, and other Roads, through or over which such Railway or Road is intended to be made, for the Damage the Owner or Owners of any such Lands or Grounds shall or may sustain by making any such Railway or Road as aforesaid; and in case the Owner or Owners of any such Lands or Grounds, and the Owner, Proprietor, or Worker of any such Mines, cannot agree concerning the Recompence to be made for such Loss or Damage as aforesaid, that then it shall be lawful for the Owner, Proprietor, or Worker of such Mine or Mines to apply to the said Commissioners to ascertain the Course and Direction, and also the Distance, not exceeding the Length of One thousand Yards, which any such Railway or Road shall be made; and the said Commissioners shall upon such Application appoint a Meeting for ascertaining and fixing the Course and Direction, and also the Distance (not exceeding the Length of One thousand Yards) of such Railway or Road, of which Meeting, and of the Purport and Intent thereof, Ten Days previous Notice shall be given in Writing, by such Owner, Proprietor, or Worker of such Mine or Mines, to the Owner or Owners of such Lands or Grounds; and the said Commissioners shall view the Place in Question, and examine Evidence upon Oath touching the same, all which Oaths any One of the said Commissioners is hereby impowered to administer; and if it shall appear to the Commissioners assembled at such Meeting that such Railway or Road is proper and fitting to be made, then, and in such Case, but not otherwise, it shall be lawful for the Owner, Proprietor, or Worker of such Mines to make and open a Communication between any such Mines and the said Canal, Railways, or other Roads, hereby authorized to be made, by making and opening such Railway or Road, according to the Direction of the said Commissioners, or the major Part of them, present at such Meeting, and use the same with Horses, Carts, and Carriages, over and through the Lands or Grounds of such Person or Persons as aforesaid (not being the Scite of a Dwelling House, or a Garden, Yard, Park, Paddock, or Avenue to a House, or Lawn inclosed or adjoining to a Mansion House), in such

such Manner as to the Owner, Proprietor, or Worker of such Mines respectively shall seem expedient, so that the same be done without doing any Injury or Damage to the said Navigation, and other Works hereby authorized to be made, and so as the Owner, Proprietor, or Worker of such Mine or Mines make full Satisfaction for all Damages to be sustained by the Owner or Owners of such Lands or Grounds by reason of the making such Railway or Road; and in case the Owner, Proprietor, or Worker of any such Mines, and the Owner or Owners of any such Lands, cannot agree touching the Satisfaction to be made, then the same shall be settled and ascertained by the said Commissioners, in such Manner, and subject to the Verdict of a Jury if required, as the Value and Recompence for the Lands to be taken for making the said Canal is in and by this Act directed to be settled for and ascertained; and in Default of Payment of such Sum or Sums of Money, the same shall and may be recovered, with Costs, by Action of Debt in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager at Law, or more than One Imparlance, shall be allowed.

For exempting Bleaching Grounds &c. from general Powers of Rail Roads.

CV. Provided always, and it is hereby enacted and declared, That the Power and Authority next herein-before contained shall not extend to authorize or impower any Person or Persons whomsoever to make or lay any Railway, Waggon Way, or other Road through, over, or upon any Lands or Grounds which shall have been bona fide used as Bleaching Ground for the Space of Two Calendar Months previous to any Application to be made in pursuance of this Act, nor through, over, or upon any Lands or Grounds lying within the Distance of Three hundred Yards from the Turnpike Road leading from Sheffield to Wakefield, nor through, over, or upon any Lands or Grounds lying within the Distance of One hundred Yards from a certain Lane or Road leading or branching from the said Turnpike Road at or near Folly Hall, in Barnsley aforesaid, and extending to a certain Place called Cockerwell or Cockerwill Gate, without the Consent of the Owner or Owners of such respective Lands or Grounds; any Thing herein contained to the contrary thereof notwithstanding.

Owners to have the Preference of Lands when discontinued.

CVI. And be it further enacted, That the Owners of the Lands from whence any of the aforesaid Railways or other Roads shall have been taken, shall have the Preemption of such Parts of such Railways and other Roads which shall have been taken from the Lands whereof they shall be then Owners, when and as such Railways and

and other Roads shall be discontinued for the Purposes of this Act, the Price whereof shall be settled, in case the Parties cannot agree, in such Manner as is herein-before directed with respect to Lands which shall be taken for the Use of the said Canal.

Cuts to be made to communicate with the Canal;

CVII. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of any Mines of Coal, Iron Stone, Lime Stone, or other Minerals, or of any Furnaces or other Works, to make any Navigable Cut or Cuts, in such Manner as he, she, or they, shall think proper, through his, her, or their own Lands or Grounds, and also through the Lands or Grounds of any other Person or Persons, to communicate with the said Canal, so that no such Cut be made more than Two Miles in Length, and so that the same be done without diverting any Streams of Water which are necessary for supplying the said Canal, or which are or shall be necessary for the working of any Mills or other Works, and without doing any Injury or Damage to the said Navigation, and so as the Person or Persons making every such Cut shall (if thereunto required by the said Company of Proprietors) make, erect, and maintain a Stop Gate or Stop Gates in every such Cut, in order to prevent the Water being drained or wasted out of the said Canal by Means of making any such Cut to communicate therewith as aforesaid; and every such Cut shall be publick and open to all Persons for the Conveyance of any Goods, Wares, or other Things, in Boats and other Vessels, upon Payment to the Person or Persons at whose Charge and Expence such Cut shall be made, his, her, or their Heirs, Executors, Administrators, or Assigns, of the like Tonnage as shall for the Time being be payable to the said Company of Proprietors upon the said Canal, or such other Tolls as shall be mutually agreed upon between the said Person or Persons and the said Proprietors of the said Canal, so as no such Cut be made without previous Consent and Agreement entered into by the said Company of Proprietors, and by and with the Consent of the Undertakers of the Navigation of the Rivers Aire and Calder, in the said County of York, in all such Cases as shall require the Use of the Water to be pumped out of the said River Calder, but not otherwise: Provided always, That no such Cut shall be made by any Person or Persons through the Lands or Grounds of any other Person or Persons, unless the Owner or Owners of, and Person or Persons interested in such Lands or Grounds, or the Husbands, Guardians, Trustees, Committees, or Attornies, of any

but not without Consent of the Land Owners.

such Owners or Persons interested as aforesaid, being under Coverture, Minors, Lunaticks, Persons beyond the Seas, or under any other Disability or Incapacity of acting for themselves, shall consent thereto; and it shall be lawful for any Bodies Politick or Corporate, Corporations Aggregate or Sole, being Owners of or interested in any such Lands or Grounds, or any such Husbands, Guardians, Trustees, Committees, or Attornies as aforesaid, to give such Consent, and to agree with the Person or Persons desirous of making any such Cut, for the Land or Ground to be made use of for that Purpose, and the Damage to be occasioned thereby, and every such Consent and Agreement, being reduced into Writing, and signed and sealed by the respective Parties giving or making the same, shall be binding and conclusive upon all Persons, and Bodies Politick and Corporate whatsoever, and shall be deposited with the Clerk of the Peace for the West Riding of the County of York, and the same shall be deemed Part of the Records of the Quarter Sessions of the Peace for the said Riding.

Owners of Mines on the Rise having Advantage of Engines, &c. erected to the Dip, to make Recompence to the Owner thereof.

CVIII. And whereas it may happen that the Owners or Occupiers of Mines of Coal, Iron Stone, or other Minerals, situate near the said intended Canal, Railways, or other Roads, may of Necessity, in order to enable such Owners or Occupiers to work the said Mines, be obliged to erect an Engine or Engines, or drive Soughs, or make other Works for the Purpose of draining the Coal, Iron Stone, and other Minerals; which Engines, Soughs, or other Works, may also dry wholly or in Part the Coal, Stone, Mines, or Minerals belonging to some other Person or Persons, situate on the Rise of the said Engines, Drifts, Soughs, or other Works, or so remove the Water therefrom that the Owner thereof on the Rise may mine, work, or get all or any Part thereof at less Expence than otherwise such Owner or Occupier on the Rise could have done; and by the Powers herein-before given to lay Railways or other Roads, and make Cuts to communicate with the said Navigation, an Advantage may be given to the Owners or Occupiers of Mines to the Rise: Be it therefore enacted, That if it shall so happen, then the Owners of the Mines or other Minerals, to the Rise of such Engine or Engines, Drifts, Soughs, or other Works, shall contribute to the Expence of the Engine and other Works so erected and made to the Dip, in Proportion to the Costs and Charges attending the same, and to the Benefit derived therefrom, as the said Owners and Occupiers shall mutually agree upon, or,

in case of Dispute, shall be determined by Reference to Two Persons, One to be chosen by each of the Parties so disagreeing, or by an Umpire to be named and agreed upon by the said Two Persons, if they should disagree; but if the Owner or Occupier of any such Mines of Coal, Stone, or other Minerals, to the Rise, shall neglect or refuse to make such Recompence as aforesaid, or shall refuse or neglect to treat for the same, that then, and in such Case, it shall not be lawful for the said Owner or Occupier, under the Authority of this Act, to make any Railway or other Road over the Lands or Grounds of such Owners or Occupiers aforesaid who shall have erected such Engines or other Works, or over the Lands or Grounds of any other Person or Persons, without the Consent of such Person or Persons respectively: Provided nevertheless, That no Person or Persons who shall be Owner or Owners, Occupier or Occupiers, of any Coal, Iron Stone, or other Minerals, situate on the Rise of any Engine, Drift, Sough, or other Works to be erected, made, or driven at the Costs and Charges of any other Person or Persons, shall be liable to contribute to the Expence of erecting and making such Engine, Drift, Sough, or other Works, until such Time or Times as such Person or Persons shall actually work and get his, her, or their Coal, Iron Stone, or other Minerals, and unless it shall then appear to the said Commissioners that such Coal, Iron Stone, or other Minerals, shall be won, got, or obtained in consequence and by virtue of such Engine, Drift, Sough, or other Works, so to be erected, made, and driven on the Dip thereof.

Company of Proprietors or Committees to regulate the Navigation.

CIX. And be it further enacted, That all Boats, Barges, or other Vessels sailing, or being haled or navigated upon the said intended Canal, shall, upon meeting any other Boat, Barge, or Vessel, stop at or go back to and lie in the Places to be provided for that Purpose as aforesaid, in such Manner as the said Company of Proprietors, or the said Committee, shall from Time to Time direct and appoint, and it shall be lawful for the said Company of Proprietors from Time to Time to make such Rules and Regulations as they shall think proper for or relating to the passing of any Locks to be made by virtue of this Act, with any Boats, Barges, or other Vessels, and all such Rules and Regulations shall be binding upon, and be conformed to by the Owners or Persons having the Care or Conduct of such Boats, Barges, or other Vessels, upon Pain of forfeiting a Sum not exceeding Five Pounds nor less than Forty Shillings for

for every Default; and if any Boat, Barge, or other Vessel shall be placed or suffered to remain in any Part of the said intended Canal or Cut so as to obstruct the Navigation thereof, and the Person having the Care of such Boat, Barge, or other Vessel shall not immediately, upon Request made, remove such Boat, Barge, or other Vessel, he shall for every such Offence forfeit any Sum not exceeding Five Shillings, nor less than One Shilling, for every Hour such Obstruction shall continue after the making of such Request, and it shall be lawful for any Agent or Officer to the said Company of Proprietors to cause any such Boat, Barge, or other Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and detain such Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Boat, Barge, or other Vessel, shall be sunk in the said Navigation, or any Sluice, Tunnel, or Trench aforesaid, and the Owner or Person having the Use or Care of such Vessel shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents and Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all the Expences necessarily occasioned relating thereto.

Penalty on obstructing the Navigation.

Boats sunk to be weighed up.

CX. And be it further enacted, That the Master or Owner of any Boat, Barge, or other Vessel, navigating within the Limits of the said Navigation, and the Master or Owner of any Waggon, Cart, or other Carriage, passing along the said Railways, or other Roads, shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Boat, Barge, or other Vessel, or by his Waggon, Cart, or other Carriage, or any of the Boatmen, Watermen, Drivers, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Banks, Locks, Dams, Engines, or other Works in or upon or belonging to the said Canal, or any of the Trenches, Sluices, Aqueducts, Tunnels, and Passages to be made as aforesaid, or unto any railed Fences or other Works belonging to the said intended Railways, or other Roads, or by loading or unloading any Boat, Barge, or other Vessel, Waggon, Cart, or other Carriage, and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Erections, Lands, Tenements, or other Property adjoining or lying

Masters or Owners of Boats answerable for Damages.

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ing near to the same, or any of them, or any other Trespass whatsoever, contrary to the several Directions and Restrictions in this Act contained, or any of them; and the said Master or Owner of such Boat, Barge, or other Vessel, Waggon, Cart, and other Carriage, shall, for every such Damage, upon Conviction of such Person or Persons before any Justice of the Peace for the County, Riding, Liberty, or Place where any such Offence shall be committed, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby impowered and required to administer), pay to the Person or Persons injured, the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings nor less than Ten Shillings, and all Costs, Charges, and Expences attending such Conviction, which Damages, Penalties, and Costs, shall be levied by Distress and Sale of the Goods and Chattels of the Master, or Owner or Owners of such Boat, Barge, or other Vessel, Waggon, Cart, or other Carriage, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Master, or Owner or Owners of such Goods and Chattels, or if the said Damages shall exceed the Sum of Five Pounds, then, and in such Case, the Master, or Owner or Owners of such Boat, Barge, or other Vessel, shall and may be sued and prosecuted for the same in any Court of Record at Westminster, and if found guilty, or a Verdict pass against him, or Judgement be given against him upon Demurrer, or by Default, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit.

*Masters to recover back from their Servants any Sums paid for their Neglect or Default.*

CXI. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel navigating on the said Canal, or of any Waggon, Cart, or other Carriage passing upon the said Railways or other Roads, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by reason of any wilful Neglect or Default done or committed by his or their Servant, such Servant shall be liable to repay such Penalty or Satisfaction to such Owner or Owners, and in case of Nonpayment upon Demand thereof, and

Oath made by such Owner or Owners of the Payment by him or them of such Penalty or Satisfaction, and that the same hath not been repaid to him or them by such Servant, although demanded (such Oath to be made before One Justice of the Peace for the County, Riding, Liberty, or Place where such Penalty and Satisfaction shall have been recovered), the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale, and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Master in Discharge of such Penalty or Satisfaction so by him or them paid for the wilful Act or Default of such Servant as aforesaid, and in case no sufficient Distress can be had, such Justice of the Peace shall and is hereby required to commit such Servant to the Common Gaol in and for the said County of York, or to the House of Correction in and for the said West Riding of the said County of York, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Penalty on Persons overloading and obstructing the Navigation, &c.

CXII. And be it further enacted, That if any Person shall float any Timber on the said intended Canal, or shall suffer the Loading of any Boat, Barge, or other Vessel, to lie over the Sides of any such Boat, Barge, or other Vessel, or shall overload any Boat, Barge, or other Vessel, navigating in or upon the said intended Canal, so as to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not immediately, upon Notice given to him for that Purpose, remove such Obstruction; or if any Person shall throw any Ballast, Gravel, Stone, or Rubbish, into any Part of the said intended Canal, or any Trenches or Watercourses to be made by virtue of this Act; or if any Person or Persons shall wantonly, carelessly, or negligently, open, or cause to be opened, any Lock Gate, Flood Gate, or any Paddle, Valve, or Clough, belonging to any Lock to be erected on the said intended Canal, or suffer any Boat, Barge, or other Vessel, to strike or run upon any of the Bridges or Locks thereof, or shall wilfully flush or draw off the Water from any Part of the said intended Canal, or shall leave any of the said Valves or Cloughs open and running, after any Boat, Barge, or other Vessel, shall have passed any such Lock, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall

and on opening Locks, &c.

Penalty on destroying the Works.

wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on or completing the said intended Navigation, every Person offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm, or in Mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more of His Majesty's Justices of the Peace for the County, Riding, or Place where such Offence shall be committed, shall forfeit any Sum not less than double the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice or Justices, such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the County, Riding, or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted; provided that nothing herein contained shall extend to any Owner of Land, or his or her known Agent or Agents, till Satisfaction shall have been tendered as hereby provided.

Canal not to be under the Power of Commissioners of Sewers.

CXIII. And be it further enacted, That the said intended Canal, or any Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, any Law or Statute to the contrary notwithstanding.

The Right of Fishery in the Canal and Cut granted to Lords of Manors and Land Owners.

CXIV. And be it further enacted and declared, That the Lord and Lords, Lady and Ladies, and Owner and Owners, of all and every Manor or Manors through which the said intended Navigation shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said intended Canal, Reservoirs, Trenches, and Sluices, as shall be made over and through the Common or Waste Lands within his, her, or their Manor or Manors, and also in, over, and through any

any other Lands or Grounds lying within any such Manor or Manors wherein such Lord or Lords, Lady or Ladies, or Owner or Owners, now have or hath, or is or are entitled to the Right of Fishery in the Ponds and Waters now being in such last mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said intended Navigation shall be made, shall also have and be entitled to the Right of Fishery of and in so much of the said intended Canal, Reservoirs, Trenches, and Sluices, as shall be made in, over, or through his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery, the said Navigation, Reservoirs, Trenches, or Sluices, and the Towing Paths, Banks, or other Works and Conveniences hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Navigation, Reservoirs, Trenches, or Sluices, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by Reason of the taking or destroying of any Fish in the said Canal, Reservoirs, Trenches, or Sluices, which shall be taken, killed, or destroyed through or by Means of the letting off the Water out of the said intended Canal, Reservoirs, Trenches, or Sluices, for or upon Account of Repairs of Works to be done in or about the same; and that it shall be lawful for the Lord or Lords, Lady or Ladies, of such Manor and Manors, and the Owner or Owners of such Ground, being qualified by Law so to do, to take and kill Game upon so much of the said intended Canal, Trenches, Sluices, Towing Paths, and other Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through his, her, or their Lands or Grounds as aforesaid.

Unqualified Persons on Board having Nets, to forfeit 5 *l.*

CXV. And be it further enacted, That if any Person or Persons navigating or working, or being on Board any Boat, Barge, or other Vessel upon the said intended Navigation, not being qualified by Law to kill Game, shall carry on Board such Boat, Barge, or other Vessel, any Fishing Net, or other Engine for taking or destroying Fish or Game, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and in case any Master or other Person having the Command of any Boat, Barge, or other Vessel, shall wilfully suffer or permit any Person or Persons, not being qualified as aforesaid, to have or carry on Board any Fishing Net, or other Engine for taking or destroying Fish or Game,

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he shall, for every such Offence, forfeit the Sum of Five Pounds.

Power for Land Owners to use Pleasure Boats.

CXVI. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said intended Navigation, to use any Pleasure Boat or Boats upon the said intended Navigation (not passing through any Locks, unless they shall first pay Tonnage equal to a Boat or Vessel carrying Twenty Tons, or obtaining the Consent of the said Company of Proprietors), without any Interruption from the said Company of Proprietors, and without paying any Rate for the same, so as the same be not made use of for carrying any Goods, Wares, or Merchandize to Market, or for Sale, or any Persons for Hire, and so as the same shall not obstruct or prejudice the Navigation of the said intended Canal, or the Towing Paths on the Sides thereof.

The Rivers *Dunn* and *Dearne*, and the Waters thereof, to be preserved for the Use of the *Dunn* Navigation and Mills.

CXVII. And whereas the Proprietors of the River Dunn Navigation, and also the Owners and Proprietors of Mills, both on the River Dearne and on the River Dunn, are materially interested in the Water of the said River Dearne, and in the Rivers, Streams, and Waters which flow into the said River Dearne, and by Means of that River into the said River Dunn, and it is very important to them that the same Rivers, Streams, and Waters, and likewise all Reservoirs, Dams, Goyts, and Watercourses belonging to such Mills respectively, should not be interrupted or diverted by Reason of making the said intended Canal, or supplying the same with Water; be it therefore further enacted, That the said Company of Proprietors of the said Barnsley Canal Navigation shall by no Means whatever convert to the Use or Supply of the said intended Canal, or divert from its usual Course or Channel, any Water from or out of the said River Dearne, or from or out of any Rivulet, Brook, Watercourse, Sough, or Drain which discharges itself or runs into the said River Dearne, or from or out of any Reservoir, Dam, Pond, Goyt, or Watercourse belonging to any Mill supplied with Water from or by Means of such River, Brooks, Streams, Soughs, or Drains; and that the said Company of Proprietors of the said Barnsley Canal Navigation shall make proper Drains on the Sides of their intended Canal, with necessary Tunnels and Culverts to convey the Downfall Waters on the Hills and Lands adjoining, and also all Rivers, Streams, Watercourses, Soughs, and Drains that may be intersected or crossed by the said intended Canal into the River Dearne; and also that the said Side Drains, Tunnels, and Culverts shall be made and laid down at the Expence of the

said Company, in such Places as Two Engineers, the One to be appointed by the said Company of Proprietors for the Barnsley Canal, and the other by the said Proprietors of the River Dunn Navigation, or the said Owner or Owners of Mills, as the Parties may happen to be interested therein shall direct; and in case the said Two Engineers cannot agree, then by such other Person or Persons as shall be respectively appointed by the said Company of Proprietors of the said respective Navigations, and Owner or Owners of Mills affected thereby, so that the said Rivers, Waters, and Streams, Mill Dams, Reservoirs, and Goyts, be effectually protected, and the said Works from Time to Time kept in Repair to the Satisfaction of the Engineer of the River Dunn Company, or of such Owner or Owners of Mills respectively, at the Expence of the said Proprietors of the Barnsley Canal Navigation; and in case the said Proprietors of the said Barnsley Canal Navigation shall at any Time or Times hereafter neglect to make such Drains, Tunnels, and Culverts, or any of them, or to repair, amend, maintain, cleanse, scour, support, and keep the same, or any of them, in good Repair, Order, and Condition, it shall and may be lawful for the said Company of Proprietors of the Navigation of the River Dunn, or of the Owner or Owners of any such Mill or Mills respectively, and they are hereby authorized and impowered to make such Drains, Tunnels, and Culverts, or any of them, and when and so often as necessary to repair, amend, maintain, cleanse, scour, support, and keep the same, and every of them, in good Repair, Order, and Condition, as aforesaid, and all the Costs, Charges, and Expences thereof shall from Time to Time be paid by the said Proprietors of the said Barnsley Canal Navigation to the said Company of Proprietors of the Navigation of the River Dunn, and Owner or Owners of Mills respectively; and in Default of Payment thereof within Three Calendar Months next after an Account shall have been made and delivered to the Clerk or principal Agent of the said Barnsley Canal Navigation, the same shall bear Interest at the Rate of Four Pounds per Centum per Annum from the Expiration of the said Three Calendar Months, and shall with such Interest be recoverable by the said Company of Proprietors of the Navigation of the said River Dunn, and Owner or Owners of Mills respectively, by Action at Law in any of his Majesty's Courts of Record at Westminster, together with full Costs of Suit; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Springs for Bleaching Grounds preserved.

CXVIII. Provided always, and be it further enacted, That nothing herein contained shall enable the said Company of Proprietors to divert the Course of any Springs which supply the Bleaching Grounds of any Person, so as to deprive them of the Benefit thereof.

To compel Payment of Subscriptions.

CXIX. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe to advance any Money for and towards making and maintaining the said intended Canal, and the other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, or the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors, or the said Committee, in Manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same, at the Time and in Manner required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity; and in Cases where any Person or Persons shall have subscribed for and on Behalf of any other Person or Persons, every such Person and Persons so subscribed for shall be liable to the Payment of such Subscription and Subscriptions respectively, as fully and effectually, and in like Manner, to all Intents and Purposes, as if such Subscription and Subscriptions had been made by the Person or Persons so subscribed for personally; and every Person after Payment by him or her of such Subscription or Subscriptions so for him or her subscribed for, shall from and after such Payment be and become entitled to all the Benefit and Advantage to be had, taken, and made by virtue of this Act for and in respect of such Subscription and Subscriptions respectively.

Power for *Calder* and *Hebble* to form a Junction at *Bargh Mill*.

CXX. And be it further enacted, That if at any Time or Times hereafter the Company of Proprietors of the Calder and Hebble Navigation, and Thomas Richard Beaumont Esquire, shall apply for any Act or Acts of Parliament to enable them to make a Navigable Cut or Canal from and out of the said Calder and Hebble Navigation, at or near a Place called Horbury Pasture, so as to communicate or join with the Canal hereby authorized to be made at or near Bargh Mill aforesaid, the said Company of Proprietors of the said last mentioned

Canal

Canal shall, without further Proof, be deemed and taken to be consenting thereto; and that it shall and may be lawful for the said Proprietors of the said Calder and Hebble Navigation, and the said Thomas Richard Beaumont, at any Time or Times after such Act or Acts of Parliament shall be obtained, to form such aforesaid Junction or Communication with the said Canal hereby authorized to be made, and for all and every Person and Persons to navigate on such last mentioned Canal, without being subject to any further Restrictions or Regulations, and without paying or rendering, or being liable to pay or render, any greater Rate or Rates, Tonnage or Tonnages, or other Impositions, for or in respect thereof, than any other Person or Persons navigating the like Distance on the said Canal hereby authorized to be made, are or may be subject or liable to under or by virtue of this Act; so as the same be done without taking any of the Water out of the said Canal hereby authorized to be made.

Canal to *Bargh Mill* to be completed in 4 Years, &c.

CXXI. And be it further enacted, That the said Proprietors of the said Canal hereby authorized to be made shall, and they are hereby ordered, directed, and required, within the Space of Four Years next after the obtaining an Act for making the said Cut or Canal from or near Horbury Pasture aforesaid, to join or communicate with the Canal hereby authorized to be made, or so soon as such first mentioned Canal shall be made and completed, to complete and make all that Part of the Canal hereby authorized to be made between Bargh Mill aforesaid, and an intended Junction with the Dearne and Dove Canal near the Old Mill in Barnsley aforesaid, navigable and passable for Boats, Barges, and other Vessels.

Rail Ways North-west of *Bargh Mill* to cease, after making the Junction at *Bargh Mill*.

CXXII. Provided always, and be it further enacted, That all and every such Railway, Waggon Way, or other Roads to be made by virtue of or under this Act, in, upon, under, through, or over any Lands or Grounds situate and lying Northward of Bargh Mill aforesaid, shall from and immediately after the making and completing a Canal or Navigation proposed and intended to be made from the Calder and Hebble Navigation, at or near to Horbury Mill Pasture, to join the Navigation hereby proposed to be made at or near to Bargh Mill aforesaid, shall be discontinued and no longer used, and from thenceforth all and every the Powers and Authorities in this Act contained for making Railways, Waggon Ways, and other Roads, shall, as to all Lands or Grounds situate Northward of Bargh Mill aforesaid (except on the Lands

Lands and Grounds of Godfrey Wentworth Esquire, or Walter Spencer Stanhope Esquire), cease, determine, and be void.

CXXIII. Provided always, and be it further enacted, That the said Company of Proprietors, or any other Person or Persons acting under the Authority or by virtue of this Act, shall not divert, turn, take, or use any Waters, Springs, Streams, Rivulets, Brooks, Becks, or Watercourses, Soughs, or Drains, that now run into the River Dearne, or any Water that may hereafter be found Northward or North-westward from Bargh Mill aforesaid, that would run into the said River Dearne, if such Waters were not diverted.

Recovery of Fines and Forfeitures.

CXXIV. And be it further enacted, That all Penalties and Forfeitures for Offences against this Act, or any Rule, Bye Law, or Order to be made by the said Company of Proprietors as aforesaid, shall, upon Proof of the Offences respectively, before any Justice of the Peace for the said West Riding of the County of York, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby impowered and required to grant, and the Overplus, after such Penalties or Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels, and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol for the County of York, or to the House of Correction for the said West Riding of the County of York, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

Persons aggrieved by Irregularity in Distress, to recover Special Damage.

CXXV. And be it further enacted, That where any Distress shall be made for any 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

deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding 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.

Damages not provided for to be ſettled by Commiſſioners.

CXXVI. And be it further enacted, That if at any Time or Times hereafter any Perſon or Perſons ſhall ſuſtain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by Reaſon of the Execution of any of the Powers hereby given, and through or by Means not herein-before provided for, then, and in every ſuch Caſe, ſuch Damages ſhall from Time to Time be ſettled by the ſaid Commiſſioners, and be recovered, levied, and applied in ſuch Manner as other Damages herein-before mentioned are provided for.

CXXVII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every Juſtice or 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; (that is to ſay),

Form of Conviction.

BE it remembered, that on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the ſaid Riding [*ſpecifying the Offence, and Time and Place when and where the ſame was committed*].

Given under my Hand and Seal, the Day and Year aforeſaid.

Proceedings not to be quaſhed for want of Form.

CXXVIII. Provided always, and be it further enacted, That no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter or elſewhere, any Law or Statute to the contrary notwithſtanding.

Appeal.

CXXIX. Provided always, and be it further enacted, 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 of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order, Judgement, or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held in and for the said West Riding of the said County of York, first giving Ten Days Notice at the least in Writing of such Intention to appeal, to the Party interested in such Complaint; and the said Justices shall, in a summary Way, hear and determine the said Complaint at such Session, or if they think proper may adjourn the Hearing thereof, and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgement shall think just and reasonable.

Limitation of Actions.

CXXX. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in Execution of any of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless One Calendar Month's previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Company of Proprietors, or to their Clerk or Clerks, or Treasurer for the Time being, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then within Three Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid or brought in the County of York, and not elsewhere; and the Defendant or Defendants, in such Action, Suit or Information, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any such Action, Suit or Information, shall have been so brought or commenced, before or after the respective Times so limited for bringing or commencing the same, or shall be brought in any other

General Issue.

County

County or Place than as aforesaid, then, and in every such Case, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law awarded. Treble Costs

CXXXI. And be it further enacted, That this Act shall be deemed and taken to be 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

FINIS.