ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXV.

An Act for making and maintaining a Navigable Canal from the River *Dun* Navigation Cut, in the Townſhip of *Swinton*, to, or near, the Town of *Barnſley*, in the Pariſh of *Silkſtone*, in the Weſt Riding of the County of *York*; and certain Collateral Cuts branching out of the ſaid Canal. [3d *June* 1793.]

WHEREAS the making and maintaining a Canal for the Navigation of Boats, Barges, and other Veſſels, from the River Dun Navigation Cut, in the Townſhip of Swinton, in the Pariſh of Wath, to or near to the Town of Barnſley, in the Pariſh of Silkſtone, and a Collateral Cut branching out of the ſaid Canal, in the Townſhip of Worſbrough, to the Weſt End of a Cloſe called The Holme, near Worſbrough Corn Mill, in the ſaid Townſhip, and alſo another Collateral Cut branch- Preamble.

ing out of the ſaid Canal, in Wombwell, to a Cloſe called Cobcar Ing, in Hoyland, all in the Weſt Riding of the County of York, with proper Towing Paths, Rail Ways, and Roads to communicate therewith, will open an eaſy Communication between ſeveral valuable Coal Mines and the Towns of Rotherham and Sheffield and the Port of Hull, and ſeveral Parts of the Eaſt and Weſt Ridings of the County of York, and the County of Lincoln, and the Country with which the ſaid intended Canal and Collateral Cuts will communicate, by Means of the River Don, and will facilitate the Conveyance of Timber, Stone, Lime Stone, Lead, Iron, Corn, and other Articles, to and from the Towns and Parts adjacent, and the Country with which the ſaid Canal and Collateral Cuts will communicate as aforeſaid, and will tend to the Improvement of the adjacent Lands, and will be of publick Utility; but the ſame cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That his Grace the Duke of Leeds, the Right Honourable Earl Fitzwilliam, Sir Lionel Copley Baronet, Sir George Wombwell Baronet, Sir Francis Wood Baronet, Dame Mary Wake, the Maſter, Wardens, Searchers, Aſſiſtants, and Commonalty of the Company of Cutlers in Hallamſhire in the County of York, the Mayor, Aldermen, and Burgeſſes of the Borough of Doncaſter in the ſame County, Katherine Aldam, Thomas Aſkham, Thomas Biſchoff Eſquire, Theodore Henry Broadhead Eſquire, Sarah Birks Widow, John Hawkſworth Baxter, Martha Buſk, George Brooke, Thomas Richard Beaumont Eſquire, Charles Bowns Eſquire, Richard Brooke, Joſeph Becket Eſquire, William Batty, John Beatſon, Captain John Bingley, Elizabeth Broadbent, Henry Bingley Eſquire, Elizabeth Brooke, George Beale, John Crawſhaw Eſquire, John Campſall, Thomas Carr, John Cockſhutt Eſquire, John Coulthard Clerk, Thomas Cockſhaw, Henry Clarke, Joſeph Clarke of the Haugh, Thomas Cotton Eſquire, John Cooke, William Cooke, James Carr, Joſeph Clarke of Barnſley, George Clarke, Jonas Clarke Eſquire, Robert Carr, John Coward, Joſeph Clay Eſquire, Elizabeth Clayton Widow, Robert Cutforthay Eſquire, Thomas Cripps Clerk, George Cooke Eſquire, John Cooke Eſquire, Francis Caley, William Denton, Richard Dodſley Clerk, Nathan Dearman,

Company of Proprietors.

man, Jeremiah Dixon Clerk, Richard Dearman, John Dickenſon, Hugh Danſer, John Denton, William Doſſie Eſquire, Edward Dickenſon Eſquire, Francis Edmunds Eſquire, Tabitha Epworth, William Elmhirſt Eſquire, Thomas Elmhirſt, Martha Elmhirſt, Elizabeth Elmhirſt, John Ellis, James Eyre, Aſkham Eyre, William Ellis, Hollis Edwards Eſquire, Richard Elliſon Eſquire, John Elliſon Eſquire, Henry Elliſon Eſquire, Frances Fenton, Mary Fenton, Ann Fenton, John Fox, James Farrer Eſquire, Elizabeth Fell Widow, Thomas Fenton Eſquire, Richard Greaves, Richard Gawtreſs, Jonathan Gawtreſs, Thomas Gill, Joſeph Green, James Greenwood, William Garlick, John Gell Eſquire, John Hoyland Eſquire, Joſeph Hemingway, Charles Hobſon, Thomas Hounſfield, Joſeph Hicks, Jonas Hicks, Joſeph Hunt, Joſeph Hunt the younger, John Halmſhaw, Rowland Hodgſon Clerk, Roger Hodgſon, Margaret Heron, William Hedges Clerk, William Horsfall, James Hargrave the younger, Thomas Heelis, Jonas Hawood, Thomas Holden, Catherine Hare, Thomas Hardcaſtle Clerk, William Jackſon of Sheffield, Sarah Jackſon Widow, Joſeph Johnſon, William Johnſon, Thomas Jenkinſon, William Jackſon of Barnſley, Joſeph Ibberſon, Jonathan Ikin, William Kay, Thomas Liddall, Obadiah Lodge Clerk, Richard Micklethwaite Eſquire, Joſeph Marſhall, Sarah Mower Widow, Sarah Mower Spinſter, Gamaliel Milner of Burton Grange Eſquire, Richard Slater Milnes Eſquire, the Reverend John Marſden Doctor in Divinity, Gamaliel Milner of Attercliffe Eſquire, Samuel Marſhall, Richard Noble, John Naylor, Ambroſe Oxley, Henry Overton Eſquire, Charles Pierrepont Eſquire, Thomas Pearſon, John Pearſon, William Porter Clerk, John Pickles Clerk, Samuel Phipps Clerk, John Perkins, Richard Perkins, Richard Pickering, John Patteſon Eſquire, George Pearſon Doctor of Phyſick, John Rowley Clerk, Joſeph Rawlin, John Roberts of Wath, Abigail Rhodes, Henry Rock, Joſeph Rhodes, Nathaniel Rhodes, Richard Richardſon, Henry Richardſon, John Roper, John Roberts of Wincobank, Joſeph Roberts, John Sheppard Eſquire, John Saunderſon, Phebe Simpſon Widow, Walter Spencer Stanhope Eſquire, Mark Skelton Eſquire, John Smith, Joſhua Snowden, John Stocks, William Shaw, Charles Stuart, John Shaw, James Sykes, Richard Stanley, Richard Swallow Eſquire, Samuel Shore Eſquire, John Shore Eſquire, William Shore Eſquire, James Stovin Clerk, Francis Sitwell Eſquire, Richard Ryder Popplewell Steer Eſquire, Theodoſia Stovin Widow, Thomas Taylor Eſquire, Jonathan Twitty, Thomas Tuke, John Tuke, Samuel Tooker Eſquire,

quire, William Tweedale, Jane Taylor, Benjamin Taylor, Richard Taylor, Samuel Thorp Esquire, Jane Thorp, William Tancred Esquire, William Wade, Thomas Wright, John Wright, Adams Wood, Samuel Wagstaffe, Henry Watkins Clerk, Matthew Wilson, Foljambe Wood, Thomas Wood, John Wilson, John Wilson the younger, Joseph Walker, the Reverend James Wilkinson Clerk, Joseph Ward, Jonathan Walker Esquire, Ann Wordsworth Widow, Benjamin Wainwright Doctor of Physick, George Woodhead Esquire, Joshua Walker Esquire, and John Trevers Younge Esquire, and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares, as herein-after mentioned, of or in the said Navigation, shall be and are hereby united into a Company, for the better carrying on, making, completing, and maintaining the said intended Canal and Collateral Cuts, 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 Dearne and Dove Canal Company, and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase Lands, Tenements, and Hereditaments, to them and their Successors and Assigns, for making the said Canal and Collateral Cuts, and the several Works hereby authorized 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, and Hereditaments purchased for the Purposes aforesaid; and the said Dearne and Dove Canal Company shall be, and are hereby authorized and impowered, by themselves, their Deputies, Agents, Officers, and Workmen, to make and complete a Canal (with proper Towing Paths) navigable and passable for Boats, Barges, and other Vessels, from the River Dun Navigation Cut, in the Township of Swinton, in the Parish of Wath aforesaid, to or near to the Town of Barnsley, in the Parish of Silkstone, and a Collateral Cut branching out of the said Canal in the Lands of Thomas Bischoff Esquire, in the Township of Worsbrough, to the West End of the said Close called The Holme, near to Worsbrough Corn Mill, belonging to Francis Edmunds Esquire, in the said Township, and also a Collateral Cut branching out of the said Canal, in the Lands of Joseph Marshall, in the Township

Incorporated.

Their Powers.

Township of Wombwell, to a Close called Cobcar Ing, belonging to the Right Honourable Earl Fitzwilliam, in the Township of Hoyland, all in the West Riding of the County of York, and to supply the said intended Canal and Collateral Cuts, whilst the same shall be making, and when made, with Water from all Rivers, Brooks, Springs, Streams, Rivulets, and Watercourses which shall be found in digging or making the said intended Canal and Collateral Cuts, or any of them, or within the Distance of Two thousand Yards from any Part of the said intended Canal and Collateral Cuts, or any of them, or from any Reservoir or Reservoirs to be made as herein mentioned for supplying the said intended Canal and Collateral Cuts with Water; and the said Dearne and Dove Canal Company are hereby also authorized and impowered, by themselves, and their Deputies, Agents, Officers, and Workmen, to make, within the Distance last mentioned, such Reservoir or Reservoirs, and to erect such Fire Engine or Engines, or other Machines, for the Purpose of raising and supplying the said intended Canal and Collateral Cuts, or any Part or Parts thereof, with Water from the River Dun, or elsewhere, within the Distance aforesaid, and also so many Feeders, Feeder Drains, Aqueducts, and Channels as they shall think fit, for supplying the said intended Canal, and Collateral Cuts and Reservoirs, with Water, and also, within the like Distance of Two thousand Yards from any Part of the said intended Canal and Collateral Cuts, to cleanse, scour, dig, open, deepen, enlarge, or straighten the Streams, Brooks, or Watercourses, which come or may be brought into or made to communicate therewith respectively; and to dig, cut, or raise the Banks of any of the said Streams, Brooks, or Watercourses, for bringing Water into the said intended Canal and Collateral Cuts, or any of them; and to make such proper Trenches, Aqueducts, or Passages for Water from the said River Dun, and in, upon, or through the Lands adjoining or near to the said intended Canal and Collateral Cuts, or any of them, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as shall seem necessary or proper; and for the Purposes aforesaid the said Dearne and Dove Canal Company, their Deputies, Agents, Officers, and Workmen, are hereby authorized and impowered to enter into and upon the Lands or Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain

certain such Parts thereof as they shall think necessary and proper for making the said intended Canal and Collateral Cuts, and any such Reservoir or Reservoirs, Feeders and Aqueducts, and all such other Works, Watters, and Conveniences as they shall think proper and necessary for making, supplying with Water, preserving, improving, completing, maintaining, and using the said intended Canal, Collateral Cuts, and other Works; and also to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Watters or Things which may be dug or got in making the said intended Canal and Collateral Cuts, or other Works, or in making any Reservoir or Reservoirs, Feeders 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 convenient for making, carrying on, continuing, maintaining, or repairing the said intended Canal, Collateral Cuts, or other 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 and Collateral Cuts, or any of them, according to the Intent and Purpose of this Act; and also to make, build, erect, and set up, in or upon the said intended Canal and Collateral Cuts, or upon the Lands adjoining or near the same, or in or near to the said River Dun respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Floodgates, Weirs, Pens for Water, Water Stanks, Reservoirs, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire-Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniences, as and where the said Dearne and Dove Canal Company shall think requisite and convenient for the Purposes of the said Navigation, 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, Locks, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, and other Works or Conveniences, as well for the carrying and conveying of Goods and other Things to and from the said intended Canal and Collateral Cuts respectively, 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 intended Canal and Collateral Cuts, and the 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 Lands or 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, or to turn any Roads, Fences, or Passages over, under, through, or along the Sides of the said intended Canal and Collateral Cuts, 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, or drawing of Boats, Barges, and other Vessels passing upon the said intended Canal and Collateral Cuts, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon the said intended Canal or Collateral Cuts to turn, lie, or pass each other, as they the said Dearne and Dove Canal Company 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 of the said intended Canal and Collateral Cuts, and the Towing Paths on the Sides thereof; and also to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, preserving, improving, completing, and using the said intended Canal, Collateral Cuts, and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Dearne and Dove Canal Company, and their several Deputies, Agents, Officers, and Workmen doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned, to the Owners or Proprietors of, and other Persons interested in any Lands, Tenements, Mills, or other Hereditaments, Water, 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 any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Dearne and

Dove Canal Company, and their Deputies, Agents, Officers, and Workmen, and all other Persons, for what they or any of them shall do by virtue of the Powers hereby granted.

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

II. And whereas a Survey has been taken to ascertain the Practicability of making the said intended Canal and Collateral Cuts, 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 Collateral Cuts, 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 the Sum of One Shilling for every Inspection, and 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 otherwise; 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 a Hundred Yards from the Line laid down in the Plan.

III. And be it further enacted, That the said Dearne and Dove Canal Company, in making the said intended Canal and Collateral Cuts, 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 and Collateral Cuts into, through, across, under, or over any Part or Parts of the several Estates, Lands,

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, other than within the like Distance of One hundred Yards from such Part or Parts as are mentioned in the said Book of Reference 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; neither shall any Deviation be made so as to carry the Line or Course of the said intended Canal out of the Two Closes belonging to his Grace the Duke of Leeds, situate in the Township of Barnsley, called Lower Galliroyd Close and Lower Measebrough Close, or out of either of them.

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

IV. Provided always, and be it further enacted and declared, That the said Company of Proprietors shall and may make the said intended Canal and Collateral Cuts 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 Commissioners appointed by this Act, and be by them certified under their Hands, to have been by Mistake omitted in the said Books of Reference, 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.

Houses, Gardens, &c. not to be injured.

V. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or impower the said Dearne and Dove Canal Company, or any Person or Persons employed by them, to take, use, injure, or damage any House or other Building, or any Ground which upon the First Day of January One thousand seven hundred and ninety-three was the Scite of any House or other Building, or a Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or Lawn inclosed or adjoining to a Mansion House, or ancient Fish Pond belonging to or near any Mansion House, without the Consent of the respective Owners or Occupiers thereof, (other than and except the several small Yards or Gardens situate in Worsbrough aforesaid, belonging to Samuel Wagstaffe,

Wagstaffe, now in the Occupation of John Wagstaffe, Michael Leech, George Gelder, John Cooper, Francis Gelder, and George Crofts; and the small Yard or Garden situate in Ardsley, belonging to Thomas Taylor, Esquire, in the Occupation of Elizabeth Jackson).

No Water to be taken from *Blacker* Brook.

VI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Dearne and Dove Canal Company, or any Person acting under their Authority, to divert, or take, for the Use or Supply of the said intended Canal and Collateral Cuts, or any of them, any Water from or out of the Brook called Blacker Brook, or a certain Spring called Hollin Well, within the said Township of Worsbrough, or to make any Reservoir or Reservoirs, or erect any Engine or Engines, or other Machine whatsoever, in Four certain Closes or Parcels of Ground called Two Bridge Closes, The Old Moor Close, and the Close in Stephen Whitehead's Possession, situate on the East Side of and near to Worsbrough Bridge, without the Consent of the said Francis Edmunds, his Heirs or Assigns.

Restriction on using the Waters of the River *Dove*, and *Dodworth* Brook.

VII. And be it further enacted, That nothing in this Act contained shall extend to authorize the said Dearne and Dove Canal Company to divert or take, for the Use of the said intended Canal and Collateral Cuts, any of the Waters from the River Dove, and the Stainbrough and Dodworth Brook, except for the Purpose of filling a Reservoir or Reservoirs with the Flood Waters of the said River and Brook, or either or any of them; the natural Streams of which said River and Brook respectively, shall be conveyed by the Side of such Reservoir or Reservoirs, and be guarded by permanent Gauge Weirs, so that no Water shall flow or be taken from the said River and Brook, or either of them, into the said Reservoir or Reservoirs, until the Water flowing down the Channel of the said River and Brook respectively shall be equal in Quantity to what shall be deemed the Average Produce of the said River and Brook respectively, in common dry Seasons; such Average Quantity to be ascertained in Manner herein-after mentioned.

For ascertaining the Average Quantity of Water passing down the *Dove*, *Stainbrough* and *Dodworth* Brooks.

VIII. And be it further enacted, That for the Purpose of ascertaining the Average Quantity of Water flowing in such common dry Seasons down the said River Dove, and the said Stainbrough and Dodworth Brook, the Quantity of Water which shall pass or flow down the said River Dove, and the said Stainbrough and Dodworth Brook, shall, at the Costs and Charges of the said Dearne and Dove Canal Company, be measured, or otherwise ascertained by

the Engineer of the said Dearne and Dove Canal Company, and such other Engineer as shall be appointed by the Person or Persons interested therein, or by a Third Person to be chosen by such Two Engineers so to be appointed, in case they disagree, in the Months of April, May, June, July, August, and September; and that the Average Quantity of Water so to be ascertained, shall be deemed the Average Produce or Quantity of Water of the said River Dove, and the said Stainbrough and Dodworth Brook, in common dry Seasons, and that the said Average shall be ascertained by permanent Gauge Weirs, and that a Certificate of such Average Quantity of Water, signed by such Engineer of the said Dearne and Dove Canal Company, and by the other Engineer to be appointed as aforesaid, or his or their Agent, or in case they shall disagree, by the Engineer they shall have appointed, shall be recorded at the next General Quarter Sessions of the Peace to be holden in and for the West Riding of the County of York after such Average Quantity of Water shall be ascertained as aforesaid, and that a Copy of such Record, signed by the Clerk of the Peace for the said Riding, or his Deputy, shall be at all Times hereafter Evidence of such Average: Provided always, that if at the Times before mentioned for measuring or ascertaining the Average Quantity of Water flowing down the said River Dove, and Stainbrough and Dodworth Brook, there shall happen to fall any Quantity of Rain sufficient to affect the Waters of the said River Dove, and Stainbrough and Dodworth Brook, or either of them, so as to increase the same above the Average Produce or Quantity thereof in common dry Seasons, that then, and in every such Case, the Persons so appointed or to be appointed as aforesaid shall not be obliged to measure or ascertain the said Average Quantity of Water in any of the Months so fixed for that Purpose as aforesaid, but may defer the Admeasurement thereof to any Day that they may think proper in the same Months, in either of the Two next or succeeding Years, in order that an Admeasurement of the said Water may be awarded at or during the Time of the Fall, or during the Effect of any such Quantity of Rain, so that such Average be ascertained on or before the Tenth Day of October One thousand seven hundred and ninety-six; and in case the said Average be not ascertained on or before the said Tenth Day of October One thousand seven hundred and ninety-six, it shall not be lawful for the said Dearne and Dove Canal Company to take or use any

of the Waters of the said River Dove, and Stainbrough and Dodworth Brook, or either of them, until such Time as such Average Quantity shall have been ascertained, and Notice thereof given to the Quarter Sessions for the said West Riding of the County of York, to be recorded as aforesaid, and until the said several permanent Gauge Weirs are erected and finished.

Notice to be given by the Company's Engineer to the other, of the Times for measuring the Quantity of Water.

IX. Provided always, and be it further enacted, That the Engineer of the said Dearne and Dove Canal Company, shall give Six Days Notice in Writing at the least to the Engineer to be appointed by the Person or Persons interested as aforesaid, of the Days or Times he shall appoint in the said Months of April, May, June, July, August, and September, for measuring the Quantity of Water which shall pass or flow down the said River Dove, and the said Stainbrough and Dodworth Brook, and that in case the Person or Persons interested as aforesaid shall not appoint an Engineer within Six Days after Request made to them for that Purpose, or if such Engineer shall refuse or neglect to act in the measuring or ascertaining the said Water, or to sign such Certificate as aforesaid, for the Space of Six Days after being thereunto required by the Engineer to be appointed by or on Behalf of the said Dearne and Dove Canal Company, then the Average Quantity of such Water shall be measured and ascertained by the Engineer appointed by or on the Behalf of the said Dearne and Dove Canal Company, and shall be certified by him in Manner aforesaid, and the same shall be as valid and effectual as if an Engineer had been appointed by the Person or Persons interested as aforesaid, and had acted therein.

Not to diminish the Waters of the Rivers *Dearne* and *Dove* below the Average.

X. And be it further enacted, That nothing in this Act contained shall extend to authorize or impower the said Dearne and Dove Canal Company, their Agents, Servants, or Workmen, in making or supplying the said intended Canal and Collateral Cuts, or any of them, with Water, or for any other Purpose whatsoever, so to diminish the Quantity of Water flowing or passing down the said River Dove, and Stainbrough and Dodworth Brook, as at any Time to reduce the Quantity of Water passing down the same below the Average Quantity of the said River Dove, and Stainbrough and Dodworth Brook, during the Months of April, May, June, July, August, and September.

Ponds or Basons to be made upon the Beds of the *Dearne* and *Dove* Rivers.

XI. And be it further enacted, That for the Purpose of ascertaining the Average Quantity of such Water flowing down the said River Dove, and Stainbrough and Dodworth Brook, during the whole Course of the Year,

according to the Average Quantity during the aforesaid Months, the said Company of Proprietors of the said Dearne and Dove Canal shall, and they are hereby required, at their own Expence, to make and maintain a Pond or Bason suitable to the Face of the Ground, not less than Three hundred and fourteen Feet in superficial Extent, in and upon the Beds of the said River Dove, and Stainbrough and Dodworth Brook, above and next adjoining to the Reservoir or Reservoirs last mentioned; and also shall reduce the Bed of the said River Dove, and Stainbrough and Dodworth Brook, for One hundred Feet in Length, into a regular Breadth and Depth, with a flat Bottom constructed with Brick or Stone Work, and that the same shall be made perfectly level, and next adjoining to and above the said Pond or Bason respectively, into which said Pond or Bason the whole Waters of the said River Dove, and Stainbrough and Dodworth Brook, shall be made to flow and pass through the same; and for the Purpose of preserving entire and uninterrupted the Whole of the Waters of the said River Dove, and Stainbrough and Dodworth Brook, for the Use of the Mills interested therein, there shall be a Weir or Tumbling Bay made and maintained at the Expence of the said Dearne and Dove Canal Company, on the Side of the said Pond or Bason respectively, constructed with Brick, Stone, or other sound Materials, and an Iron Bar, level, fixed on the upper Surface thereof, in such Manner, and of such Width and Height, so as that the whole Water, being the Average Quantity ascertained as above mentioned, of the said River Dove, and Stainbrough and Dodworth Brook (except extraordinary Floods) shall flow and pass over and through the same, and down a new Watercourse or Channel, which shall be also made and maintained by the Side of the said respective Reservoirs, at the Expence of the said Dearne and Dove Canal Company, for such Purpose, and the said Water so flowing shall be kept clear and separate from the said Reservoir or Reservoirs, or the Water thereof; and that for the Purpose of appropriating and allowing for the Supply of and filling the Reservoir or Reservoirs hereinbefore last mentioned, all Flood Waters of extraordinary Quantity, more than shall pass or flow down the said River Dove, and Stainbrough and Dodworth Brook, over the Weirs or Tumbling Bays respectively as aforesaid, there shall be One other Weir or Tumbling Bay made and maintained at the Expence of the said Dearne and Dove Canal Company, between the said Ponds or Basons respectively, and the said Reservoir or Reservoirs, formed

formed with Stone or other Materials, with an Iron Bar, level, fixed on the upper Part thereof respectively, and such Bar shall be so fixed that the upper Surface thereof shall be placed on a Level with a Gauge or Mark corresponding with the Surface of the Average Quantity of Water so ascertained in Manner herein-before mentioned.

For repairing Damage done to the Channel by the Side of Reservoirs.

XII. And be it further enacted, That if the said Channels or Watercourses to be made for conveying the Average Waters of the said River Dove, and Stainbrough and Dodworth Brook as aforesaid, or any of the Works thereof, shall be at any Time or Times hereafter, by any Ways or Means whatsoever, damaged or put out of Repair, so as to occasion such Average Waters of the said River Dove, and Stainbrough and Dodworth Brook, to be diminished in Quantity, then it shall be lawful for any Person to give or leave Notice in Writing, or to leave such Notice at the usual Place of Abode of the Clerk of the said Company of Proprietors of the Dearne and Dove Canal, or any Agent or Collector of Tolls for the said Company; and immediately after such Notice, the said Company of Proprietors are hereby required to cause the said Channels or Watercourses respectively, or any of the Works thereof so damaged or out of Repair by any Ways or Means whatsoever, to be well and sufficiently repaired, under the Penalty of Twenty Pounds for each and every Day after such Notice, until such Channels or Watercourses respectively, and the Work thereof, shall be well and sufficiently repaired and completed; which said Penalty shall be levied and recovered against the said Company of Proprietors as other Penalties and Forfeitures are hereby directed to be levied and recovered, and shall be paid to the Clerk of the Peace for the said West Riding, and be applied to some Charity, at the Discretion of the Justices of the Peace for the said Riding in General Quarter Sessions assembled.

For discharging the Surplus Water from the Reservoir.

XIII. And be it further enacted, That for the Purpose of discharging from the said Reservoir or Reservoirs all the Surplus Water which may be taken into the same from the said River Dove, and Stainbrough and Dodworth Brook, after such Reservoirs shall be completely filled by the Flood Waters, or by Means thereof, there shall be made and maintained One other large and wide Weir or Tumbling Bay out of some Part or Parts of the said Reservoir or Reservoirs respectively, to be made for the Supply of the said Canal and Collateral Cuts as aforesaid, the upper Surface whereof shall be One Inch below the

the Level of the other Weir or Tumbling Bay, by which the Flood and Overplus Waters of the said River Dove, and Stainbrough and Dodworth Brook, are to be conducted into the said Reservoir or Reservoirs from the small Pond or Bason above described, and that the said Surplus or Flood Waters may be conducted from and out of the said last mentioned Weir or Tumbling Bay to the River Dove, and Stainbrough and Dodworth Brook; and the said Company of Proprietors shall also at their own Expence make and maintain a Channel or Watercourse formed for the Purpose of returning all the Waters so taken into the said respective Reservoir or Reservoirs last mentioned, after such Reservoir or Reservoirs shall be full, into the said River Dove, and Stainbrough and Dodworth Brook.

Feeder to be made for supplying the Canal from Reservoir.

XIV. And be it further enacted, That the Water to be taken from the said Reservoir or Reservoirs to and for the Use of the said Canal and Collateral Cuts, shall be conveyed thereto by a Feeder Drain, and such Feeder Drain shall be so constructed as not to divert or intercept any of the Brooks, Streams, or Rivulets which now run into the said River Dove, and Stainbrough and Dodworth Brook, but that such Brooks, Streams, or Rivulets shall be conveyed, without any Obstruction or Impediment whatsoever to the Course of the Waters thereof, either under or over the said Feeder Drain.

Coal Mines open or working not to be injured by Reservoirs.

XV. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or impower the said Dearne and Dove Canal Company, or any Person or Persons employed by them, to make any Reservoir or Reservoirs, or to exercise any other Power or Authority hereby given, so as to destroy, damage, prejudice, or in any wise injure any Colliery or Collieries, Mine or Mines of Coal, Iron Stone, or other Minerals, or any Engine, Level, Drift, Sough, or Drain belonging to or necessary for the Purpose of mining or working such Colliery or Collieries, Mine or Mines of Coal, Iron Stone, or other Minerals, that shall be open or working at the Time of executing any of the Powers hereby given, or any other Drift, Sough, or Drain now open, by virtue of which any Mines or Minerals now are or heretofore have been, or in future may be won or gotten.

Mill Owners on the *Dearne* not to be injured.

XVI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to authorize or impower the said Dearne and Dove Canal Company, or any Person acting under their Authority, to divert or take, for the Use or Supply of the said intended Canal

and Collateral Cuts, or any of them, any Water from or out of the River Dearne, so as to prejudice the Mill Owners upon the said River.

Restriction as to taking the Water out of the *Dearne*.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Dearne and Dove Canal Company, or any Person acting under their Authority, to divert or take, for the Use or Supply of the said intended Canal and Collateral Cuts, or any of them, any Water from or out of the River Dearne, within the Township of Barnsley aforesaid, without the Consent and Approbation of the Owner or Proprietor of the Lands in, through, or over which such Water is or may be proposed to be diverted or taken, or to make any Reservoir, or erect any Fire Engine or Water Engine, in the same Township, without the Consent and Approbation of the Owner or Proprietor of the Lands or Grounds wherein such Reservoir or Engine shall be made or erected.

Certain Wells in *Barnsley* not to be injured.

XVIII. And whereas the Inhabitants of Barnsley aforesaid are principally supplied with Water from Two Wells or Springs in the Township of Barnsley aforesaid, called The Oak Well and Beaver Hole Well respectively, and it is of great Importance to them that such Supply of Water should be continued, and should not be prejudiced, lessened, or affected by the Execution of any of the Powers contained in this Act: Be it therefore enacted, That nothing in this Act contained shall extend, or be construed to extend, to give any Power or Authority whatsoever to the said Company of Proprietors, their or any of their Agents, Workmen, or Servants, or any other Person or Persons whomsoever, at any Time or Times to injure or disturb the said Springs or Wells called Oak Well and Beaver Hole Well, or either of them, but that the said Springs or Wells respectively may at all Times hereafter be used and enjoyed by the Inhabitants of Barnsley aforesaid, as fully and beneficially as heretofore, without Injury or Diminution by Means of the cutting or making the said Canal, or any Works by this Act authorized to be made; and that it shall not be lawful for the said Company of Proprietors, or any Person or Persons by virtue or under the Authority of this Act, to stop, interrupt, or in any Way obstruct the full and free Use and Enjoyment of any of the Roads, Ways, or Means of Access to the said Springs or Wells, or either of them, now used and enjoyed by the Inhabitants of Barnsley aforesaid, any Thing herein contained to the contrary thereof in anywise notwithstanding.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or impower the said Dearne and Dove Canal Company, or any Person or Persons to be by them employed, to raise any Water from or out of the said Collateral Cut intended to be made from the said Canal in Wombwell to the said Close called Cobcar Ing, or any Part of the said Canal upon a Level therewith, by virtue of any Fire Engine, Water Engine, or other Machine, for the Purpose of supplying Water for any other Part of the said Canal that may be upon a higher Level than the Junction of the said Canal and Collateral Cut, in the Lands of the said Joseph Marshall in Wombwell aforesaid, without the Consent and Approbation of the said Earl Fitzwilliam, his Heirs or Assigns, unless the said Company shall first have raised or turned into such Part of the said Canal, or into the said Collateral Cut, a Quantity of Water equal to what they shall be desirous of raising into such higher Level, from or out of the said River Dun, or from or out of some River, Rivulet, Brook, Stream, Spring of Water, or Reservoir, which shall not be made, arise, or run through, in, upon, or over any Manors, Lands, or Estates now of the said Earl Fitzwilliam, situate on the South and South-west Sides of the said intended Canal, between the said River Dun Navigation Cut, and the Junction of the said Collateral Branch to Cobcar Ing in Wombwell aforesaid, nor run into the River Knolbeck, otherwise Knubbeck Brook, in the said Parish of Wath.

No Water to be raised upon a higher Level than the Junction of the Canal and Cut in *Wombwell* without the Consent of Earl *Fitzwilliam*.

XX. Provided also, and be it further enacted, That the Lands or Grounds to be taken or used for the said intended Canal, Collateral Cuts, and Towing Paths, and the Ditches, Drains, and Fences, to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-seven Yards in Breadth, except in such Places where any Dock, Bason, or Reservoir shall be made, or where the said intended Canal or Collateral Cuts shall be raised higher or cut more than Five Feet deeper than the present Surface of the Lands, and in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other, or where any Crane may be erected, or Coals or other Goods or Things be delivered.

Breadth of Canal, Cuts, and Towing Paths.

XXI. Provided always, 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

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

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 completed 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 herein-before 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 pro-

vided

vided and prescribed for the Recovery of Satisfaction for Land to be purchased, used, or damaged in the Execution of this Act.

No Water or Land belonging to Lord *Strafford* to be taken without his Consent.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Dearne and Dove Canal Company, or any Person or Persons acting under their Authority, to take for the Use of the said intended Canal and Collateral Cuts, or any of them, or any of the Works belonging thereto, any of the Land or Ground, or to divert any Water from any Mill, Mill Pond, Brook, Stream, Pond or Piece of Water, or to make any Railway or Railways, Road or Roads, for any Use or Purpose whatsoever, into or over any of the Lands or Grounds of the Right Honourable Frederick Thomas Earl of Strafford, in the Parishes or Liberties of Stainbrough, and Worsbrough, in the said County of York, without the Licence and Consent of the said Earl of Strafford, his Heirs and Assigns, in Writing, under his or their Hand and Seal, or Hands and Seals, first had and obtained (except such Parts of the Commons and Waste Grounds within the said Liberty of Worsbrough through which the said Collateral Cut to the said Close called The Holme is intended to be made, and which Parts of the said Commons and Waste Grounds are situate and lie on the East of the Turnpike Road leading from Sheffield to Barnsley) any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

No Building to be erected on the Towing Paths, except for the Navigation, &c.

XXIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Dearne and Dove Canal Company to erect or build any House, Mill, or other Building (other than such Warehouses, Toll Houses, Watch Houses, and Cottages for Workmen, to be built as herein authorized, for the Use of the said intended Canal and Collateral Cuts) 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 and Collateral Cuts, Trenches, or Sluices hereby authorized to be made, for the Use of any Mill hereafter to be erected near the same, or to cut down any Timber Wood, Brush Wood, or Underwood, upon any of the Lands through or into which the said intended Canal, Collateral Cuts, Trenches, Sluices, Roads, Passages, Works, or Conveniences, or any Part thereof respectively, shall be made, except such Timber Wood, Brush Wood, 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 intended Canal, Collateral Cuts, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniences respectively as aforesaid; and the Proprietors of the respective Lands on which such Timber Wood, Brush Wood, or Underwood hereby authorized to be cut down, shall stand or be growing at the Time of the passing of this Act, their Heirs or Assigns, shall have it in their Election to take such Timber Wood, Brush Wood, or Underwood respectively, when felled or cut down, at such Price or Value as the same respectively shall have been estimated or purchased at by the said Dearne and Dove Canal Company; but in case the same shall not have been estimated or purchased by the said Dearne and Dove Canal Company, upon a Valuation separate or distinct from the Lands upon which the same shall respectively grow, and the Proprietors of such Lands and the said Dearne and Dove Canal Company, or their Agents, shall not agree touching the Value thereof, then at such Price or Value as the Commissioners herein mentioned shall direct or appoint; which said Timber Wood, Brush Wood, or Underwood, so to be cut down, shall and may be carried and conveyed upon any Part of the said intended Canal and Collateral Cuts, or any of them, free from all Rates to be raised and levied by virtue of this Act; and if any House, Mill, or other Building (except as aforesaid) shall be erected, it shall be lawful for the Person or Persons who was or were Owner or Owners of such Lands at the Time of setting out the same, his, her, or their Heirs or Assigns, to pull down and remove every such House, Mill, and other Building, without being deemed guilty of Trespass, or being liable to any Action or Prosecution for so doing.

Bodies Politick, &c. impowered to sell and convey Lands.

XXIV. And be it further enacted, That after any Land, Ground, or other Hereditament shall be set out and ascertained for making the said intended Canal and Collateral Cuts, and other the Purposes and Conveniences hereby authorized or directed, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial Estate or Interest in Possession, 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, 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

and for all Femes Covert who are or shall be seised and possessed in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Grounds, or other Hereditaments which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey to the said Dearne and Dove Canal Company, their Successors and Assigns, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands, Grounds, or other Hereditaments, which shall from Time to Time be so set out and ascertained as aforesaid; and where, by making the said intended Canal and Collateral Cuts, or any of them, or the Conveyance of Water thereto, the Property of any Land Owner or Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for any Bodies Politick, Corporate, and Collegiate, and other Person or Persons as aforesaid, 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 Price or Consideration in Money, or other Equivalent, as to such Land Owner or Land Owners 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, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and other Persons so selling, 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 so to be made as aforesaid (other than those which concern any Purchase or Exchange between any such respective Land Owners) shall be made at the Expence of the said Dearne and Dove Canal Company, and shall be expressed in the following or some similar Form of Words, as the Circumstances of the Case may require; videlicet,

Form of Conveyance.

I *A. B.* of in Consideration of the Sum of to me paid [*or* in Consideration of the Annual Rent of to me to be hereafter yielded and paid], by the *Dearne* and *Dove* Canal Company, do hereby grant and release to the said Company

pany all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same, and every Part thereof, to hold to the said Company for ever, by virtue and according to the true Intent and Meaning of the Act of Parliament passed for making and maintaining the said *Dearne* and *Dove* Canal, and certain Collateral Cuts branching out of the same. In Witness whereof I have hereunto set my Hand and Seal, this
Day of

Which said Conveyance shall be kept by the Clerk of the said Dearne and Dove Canal Company for the Time being, who shall from Time to Time, when requested, deliver Copies thereof to any Person or Persons requesting the same, attested by him, and shall have and receive Sixpence for every One hundred Words of each such attested Copy, and so in Proportion for any less Number of Words.

Copyhold Rights preserved.

XXV. Provided always, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands, Grounds, or Hereditaments which are of the Nature of Copyhold, shall be executed and compleated by Surrender thereof in the respective Courts of the Manors whereof the same are held, according to the Custom of the said Manors respectively, and shall remain subject to such and the same Fines, Rents, and Services as the same would have been subject to if this Act had not been made.

Commissioners for settling Differences.

XXVI. And be it further 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 or of 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.

XXVII. Pro-

XXVII. 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 arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor of the said Navigation, or concerned or interested in any Contract or Bargain made, or to be made, for the Purposes of this Act, or in any Case where he shall be anyways interested or concerned in the Matter in Question, nor shall any Person act as a Commissioner in the Execution of this Act, (otherwise than in administering an Oath to the Effect following to the other Commissioners), until he shall have taken and subscribed such Oath before any One of the said Commissioners, who is hereby authorized and impowered to administer the same; (that is to say), No Person holding a Place of Profit arising from the Rates, or a Proprietor, to act as a Commissioner.

I *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by virtue of an Act of Parliament made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*set forth the Title of the Act.*]

So help me GOD.

And the Clerk to the 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 Oath being taken by the said Commissioners shall be made 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 made 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; 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.

XXVIII. Provided always, That such of the said Commissioners who are or shall be in the Commission of the Commissioners may act as Justices.

the Peace for the West Riding of the County of York for the Time being, shall and may and are hereby impowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

Notice to be given of the Meetings of the Commissioners.

XXIX. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time be had for putting in Execution any of the Powers or Authorities vested in them by this Act, unless previous Notice of the Time, Place, and Purpose of such Meeting shall be given in the Sheffield weekly Newspaper, or in such other Manner as the said Commissioners 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 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 the 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 every such Meeting, the whole Number present at such Meetings respectively not being less than Five, and at every such Meeting One of the Commissioners present shall be appointed President or Chairman, who, in case of an equal Division of Voices, shall have a Second or Casting Vote.

On Application Commissioners may hold Meetings.

XXX. And be it further enacted, That upon any Application to be made by the said Dearne and Dove Canal Company, or any Five or more of them, or their Clerk or Agent, or by the Owner or Occupier of any Lands or other Hereditaments to be affected by the making of the said intended Canal and Collateral Cuts, or any of them, or any of the Works necessary or relating thereto, or by any other Body Politick or Corporate, or Person or Persons interested in any Matter to be determined by the said Commissioners, unto the said Commissioners appointed by and for the Purposes of this Act, or any Three or more of them, requesting or desiring them to appoint a General Meeting of the said Commissioners, the Commissioners so applied to, or any Three or more of them, (although not assembled at a Meeting in pursuance of this Act), shall, and they are hereby authorized and required, within Fourteen Days after such Request or Application made, to give Notice in such Manner as they shall think proper of a General

Meeting

Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-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 (notwithstanding any Adjournment of their Meeting) 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 may then adjourn themselves, and afterwards meet at such Time and Place as the Majority of 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, in pursuance of this Act, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then, and in every such Case, the Clerk of the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the Commissioners was appointed to be held.

Commissioners to determine what Sums the Company shall pay for the Land and Damages.

XXXI. And be it further enacted, That the said Commissioners 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 Dearne and Dove Canal Company, 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, or any Person or Persons respectively who shall be entitled or interested as aforesaid, for the absolute Purchase of the Lands, Grounds, or other Hereditaments, which shall be set out and ascertained for making the said intended Canal, Collateral Cuts, and Towing Paths, or any Part thereof, or other the Purposes herein mentioned; and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Dearne and Dove Canal Company as a Recompence for any Damages which may or shall be at any Time or Times sustained by any such Bodies Politick, Corporate or Collegiate, or by any Person or Persons respectively, being Owners of, and interested in, any Lands, Grounds, Mills, Waters, or other Hereditaments, for or by Reason of the severing or dividing the

the same, or the making, maintaining, or repairing the said intended Canal and Collateral Cuts, Reservoirs, Aqueducts, Feeders, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by altering, diverting, taking away, or using any Springs, Streams of Water, or Watercourses flowing to or supplying with Water any Mill, or any Engine 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 and Collateral Cuts, 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 Collateral Cuts, 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 Dearne and Dove Canal Company, or by their Agents, Workmen, Officers, or Assistants, in case such Price or Value, Damages, and Recompence respectively cannot be settled, adjusted, and agreed for by and between the said Dearne and Dove Canal Company, or their Agent or Agents, and such Proprietors of, or Persons interested in, the said Lands, Grounds, Mills, or Hereditaments as aforesaid; and if the said Dearne and Dove Canal Company, or any such Body Politick, Corporate or Collegiate, or other Person or Persons so interested or entitled as aforesaid, shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, and of such Dissatisfaction shall give immediate Notice to the Commissioners making such Determination, or if any such Body Politick, Corporate or Collegiate, Trustee or Trustees, or any other Person or Persons as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money, or the First Payment of such annual Rent, or such Recompence as shall be so determined to be paid; or shall, upon Notice in Writing given to the principal Officer of any such Body 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, Grounds, Mills, Waters, or other Hereditaments,

for the Space of Fourteen Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Dearne and Dove Canal Company, or by reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be necessary for the Purposes aforesaid, or shall not within the before-mentioned Space of Fourteen Days produce and evince a clear Title to the Premises which they are or shall be in the Possession of, or to the Interest which they may claim therein, then, and in every such Case, the said Commissioners, or any Three or more of them, shall, and are hereby impowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the County of York; and in case any such Sheriff, or his Under Sheriff, shall happen to be One of the said Dearne and Dove Canal Company, or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in Question, then to One of the Coroners of the said County not interested as aforesaid, commanding such Sheriff or Coroner respectively to impannel, summon, and return a Jury, and the said Sheriff or Coroner is and are hereby required accordingly to impannel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the 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 shall be appointed, not being less than Nine, nor more than Twenty-one Days after such Warrant shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of 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 Matters 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 Question; which Jury upon their Oaths (which Oaths, as

Jury to be summoned in certain Cases.

well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby impowered to administer) shall inquire of, assess, and ascertain the Sum or Sums of Money or annual Rent to be paid for the Purchase of such Lands, Grounds, Mills, Waters, or other Hereditaments, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners so assembled, or the major Part of them, shall give Judgement for such Purchase Monies, Rent, or Recompence so to be assessed by such Jury, 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 all Bodies Politick, Corporate or Collegiate, and all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at Westminster, or any other Court, any Law or Statute to the contrary hereof notwithstanding.

Fine upon Sheriffs, &c. making Default.

XXXII And be it further enacted, That if the Sheriff of the said County, or any such Coroner as aforesaid, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse (to be allowed by the said Commissioners), shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, nor less than Forty Shillings, to be levied, by virtue of any Warrant under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Commissioners to be injured by the Default of such Person.

XXXIII. And

XXXIII. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses is or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, as herein-before directed, the said Commissioners, or a Majority of them then present, shall, and they are hereby required, according to their Discretion, to give and award to each of the said Jurors and Witnesses, in every such Case, such several and respective Sums of Money as shall be a reasonable and moderate Recompence for the Expences and Trouble of their Journey and Attendance; and in all Cases where a Verdict shall be given for more Money as a Recompence or Satisfaction for any Lands, Grounds, Mills, Waters, or other Hereditaments or Property of any Person or Persons, or for any Damage to be done to any Lands, Grounds, Mills, Waters, or other Hereditaments or Property of any Person or Persons, than had been previously offered by or on Behalf of the said Dearne and Dove Canal Company, or than had been determined and assessed by the said Commissioners, then all the Expences of calling a Meeting of such Commissioners, (in case the Matter shall have been referred to and determined by them), and of summoning such Jury and taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Dearne and Dove Canal Company; but if a Verdict shall be given for the same or a less Sum than had been previously offered by or on Behalf of the said Dearne and Dove Canal Company, 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 said Costs and Expences shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Dearne and Dove Canal Company shall have such Controversy or Dispute, and shall and may be deducted out of the Money so to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use; and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender of the Whole thereof.

Expences of Commissioners and Jury by whom to be borne.

XXXIV. Provided always, and be it further enacted, That all and every Person or Persons making Com-

Persons requesting a Jury to enter into a Bond

to prosecute before Warrant issued for a Jury.

plaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant for summoning such Jury, first enter into a Bond, with sufficient Sureties, to the Treasurer of the said Dearne and Dove Canal Company, in the Penalty of Fifty Pounds, to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case the same shall be payable by the Person or Persons entering into such Bond.

Notice of Injury to be given before Complaint made.

XXXV. Provided also, 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 to be made by any Person or Persons for any Damage or Injury by him, her or them sustained or supposed to be sustained, by virtue or in consequence of this Act, unless Application shall have been made in relation thereto, by or on Behalf of such Person or Persons, to the said Dearne and Dove Canal Company, or to their Clerk or Treasurer, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damages shall have been sustained, or the doing or committing thereof shall have ceased.

Verdicts to be recorded, &c.

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 the Judgements of the said Commissioners thereon as aforesaid, shall be transmitted to and kept by the Clerk of the Peace for the West Riding of the County of York, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, 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 or assessed as aforesaid, for the Purchase of any such Lands, Grounds, Mills, or other Hereditaments as aforesaid, to the Proprietors thereof, or other Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietors or Persons, or to the principal Officer of any such Body Politick, Corporate, or Collegiate, or if any such

Proprietors

Proprietors or Persons cannot be found or ascertained, or shall refuse to accept such Money, or the Security for such Rent, 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 Proprietors or Persons respectively as aforesaid, such Lands, Grounds, and other 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 Dearne and Dove Canal Company, and they shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine 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 the Dower of the Wife of every such Person, and all Estates Tail, and other Estates and Interests in Possession, Reversion, Remainder, or otherwise therein, as fully and effectually as a Fine or Recovery, or either of them, would do, if levied or suffered by all the Parties in due form of Law: Provided always, that before such Payment, Security, or Tender as aforesaid, it shall not be lawful for the said Dearne and Dove Canal Company to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Canal or Collateral Cuts, or any Part thereof.

Disposal of Purchase Monies belonging to Corporations, &c.

XXXVII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, or Persons acting as Guardians, Committees, or Trustees, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in strict Settlement, for the Purchase or Exchange of, or Damage to be done to any Lands, Grounds, or other Hereditaments, by virtue of the Powers herein-before or herein-after contained, where

the same shall exceed the Sum of Twenty Pounds, 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, or Hereditaments, in Fee Simple, to be conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or to 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, or other Hereditaments for or in respect whereof such Money shall be paid as aforesaid were limited, settled, and assured, at the Time such Money was so agreed for, ascertained, or assessed 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 to be made at the Expence of the said Dearne and Dove Canal Company; and in the mean Time, and until such Purchase shall be made, the said Money, as also such other Sum or Sums of Money to be paid as aforesaid as shall not exceed Twenty Pounds, shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the publick Funds, or on Government or Real Securities, in the Names of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved of 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 all such Lands, Grounds, or other 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; and that the said Commissioners may and are hereby impowered to settle what Shares and Proportions of such Purchase Money or Recompence for Damages as aforesaid shall be allowed to any Tenant, Tythe Owner, or other Person having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interest therein.

Company to make satisfaction for Tythes.

XXXVIII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Dearne and Dove Canal Company, for all the Tythes, both great

great and small, of the Lands which shall be taken or made use of by them for the Purposes of this Act, to the several Persons who now are entitled or at any Time hereafter might have become entitled to such Tythes, according to their respective Interests therein, such Tythes 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 other Lands or Hereditaments are herein directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to all Spiritual Persons by an Annual Rent.

Compensation for Commons how to be disposed of.

XXXIX. And be it further enacted, That so much of the Purchase Money of the several Commons and Waste Lands through which the said intended Canal and Collateral Cut will pass as shall be deemed to be the Value of the Interest of the Persons entitled to the Right of Common upon such Commons and Waste Lands, shall be paid to the Surveyors of the Highways of the respective Parishes, Townships, or Hamlets, and be applied by such Surveyors to the Repairs of the Highways within the said respective Parishes, Townships, or Hamlets, in such Manner as shall be directed by any Order or Orders of Vestry which may be made for that Purpose; and the Receipts of such Surveyors shall and are hereby declared to be full and effectual Discharges to the said Dearne and Dove Canal Company for the several Sums of Money so paid by them, or on their Behalf, for the Purposes aforesaid.

In Default of Payment of yearly Rents, &c. Rates to be a Security.

XL. And be it further enacted, That in Default of Payment of such yearly Rents, or such other Sum or Sums of Money, and at such Time and in such Manner as shall be agreed upon, determined, or assessed and awarded for Damages of any Kind by virtue of this Act, it shall be lawful for the said Commissioners to appoint One or more Person or Persons (from whom the said Commissioners shall take such Security as they shall think sufficient) to collect and receive the Rates by this Act imposed, and thereout, in the First Place, to pay all such yearly Rents, or such Recompence for Damages as aforesaid, with the Costs (if any) occasioned by such Default of Payment, together with legal Interest, to be computed from the Time when such yearly Rents shall have become due, or such Recompence for Damages shall be awarded, and also the Costs and Expences of collecting

ing and receiving the said Rates, and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the like Powers and Authorities for collecting the same as if he had been appointed a Collector of the said Rates by the said Dearne and Dove Canal Company, until such Annual Rents or Sums of Money, with the Costs and Charges of collecting and receiving thereof, shall be paid; and the Money so to be collected or received by such Person or Persons shall and is hereby declared to be as so much Money received to the Use of the Person or Persons who shall be entitled to receive such yearly Rents or Recompence for Damages as aforesaid, in Order and Course respectively as they shall be entitled to receive the same; and after such yearly Rents, Recompence for Damages, Interests, Costs and Charges shall be paid and satisfied, the Power and Authority of every such Collector of the said Rates, to be appointed by the said Commissioners as aforesaid, shall cease and determine; or otherwise, such Party or Parties entitled to such yearly Rents or Sums of Money, may sue for and recover the same from the said Dearne and Dove Canal Company, with full Costs of Suit, by Action at Law, in any of His Majesty's Courts of Record at Westminster; or otherwise, it shall be lawful for such Person or Persons, and he and they is and are hereby impowered to seize and distrain any Boats, Vessels, or other Goods or Effects of the said Dearne and Dove Canal Company, which shall be found on the said Canal and Collateral Cuts, or any of them, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until 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 Dearne and Dove Canal Company, then such Boats, 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.

Company to purchase severed Pieces of Land, or make Communications by Bridges.

XLI. And be it further enacted, That in all Cases where by the effecting of the said Undertaking, any Part or Parts of the Lands and Grounds of any Person or Persons shall be severed and divided from the other Part or Parts of the Lands or Grounds of such Person or Persons, so as to deprive such Person or Persons, or the Occupier or Occupiers of such Lands or Grounds, of a convenient or proper Means of Access to the same, then,

and in every such Case, the said Dearne and Dove Canal Company shall, and are hereby required, either to purchase the Lands or Grounds so separated and deprived of a Road as aforesaid (the Purchase Money in such Cases to be settled, adjusted, and levied by such Ways and Means as are herein-before appointed with regard to other Purchase Monies, and to be apportioned, paid, and disposed of in the Manner herein-before directed), or to build and construct, and afterwards to maintain and keep in good and sufficient Repair, a proper Bridge or Bridges, or sufficient Roads or Ways, at the Costs and Charges of the said Dearne and Dove Canal Company, for the Convenience of the Owner or Owners, and Occupier or Occupiers of such Lands or Grounds, as the said Commissioners shall think fit, in case such Owner or Owners shall require either such Land to be purchased, or a Bridge to be erected for the Use thereof, or such Roads or Ways to be made as aforesaid; and that if the said Dearne and Dove Canal Company shall neglect or refuse, by the Space of Three Months next after Notice shall be given to them, or the Clerk or Clerks by them appointed, to purchase such Parts of the Lands or Grounds which shall be so deprived of a Road thereto as aforesaid, or to build and construct, and keep in good and sufficient Repair such Bridge or Bridges, Roads or Ways, pursuant to a Determination of the said Commissioners, then, and in every such Case, it shall be lawful for the Person or Persons whose Lands are so separated, and who shall have given Notice as aforesaid, to build himself, herself, or themselves, such Bridge or Bridges, or to make such Roads and Ways as shall be necessary for the Purpose of making a proper Communication between the different Parts of the Lands so separated, and to recover the Expence of building such Bridge or Bridges, and of obtaining and making such Roads and Ways, from the said Dearne and Dove Canal Company, by the same Way and Remedy as is herein-before provided for the recovering of other Damages done by effecting the Purposes of this Act.

Coals and other Minerals found in making the Canal reserved to the Land Owners.

XLII. And be it further enacted, That all Coals, Lime Stone, Iron Stone, and other Minerals, which shall be found and dug up in making the said Canal or Cuts, or any other Works hereby authorized to be made, shall be laid upon the Surface of the Land, in some convenient Place near the same, at the Expence of the said Company of Proprietors, and it shall be lawful for the Persons in whose Land such Coals, Lime Stone, Iron Stone, and other Minerals shall be found and dug up,

to take, carry away, and dispose of the same to and for their own Use and Benefit; and that it shall be lawful for the Proprietors of any such Mines, Lime Stone, Iron Stone, and other Minerals, which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Drain, to water or drain the remaining Part of such Mines or Minerals, and to discharge the Water arising or flowing from the same into such Aqueduct, provided that such settling Places be made, at convenient Distances, in every such Sough or Drain, as shall be approved and directed by the said Company of Proprietors, or their Engineer, and that the same shall be cleansed as often as shall be necessary at the Expence of the Person or Persons to whom the same shall belong, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct, and provided that such Part of the Sough or Drain as shall be under or within the Distance of Ten Yards from such Tunnel or Aqueduct, on either Side thereof, shall not exceed Four Feet in Breadth, and that the same shall be made under the Direction and Inspection of some Engineer belonging to the said Company of Proprietors, and that no Owners or Proprietors of any Mines or Minerals, or their Workmen or Servants, or other Persons, shall open or carry on any Works for digging, getting, or discovering such Mines or Minerals, under any Tunnel or Aqueduct to be made by virtue of this Act, or within Twenty Yards of the same, without the Consent of the said Company of Proprietors; and that no Water shall be taken or drawn off lower than the Level of the Water in the said Canals, by any Works to be made for getting such Coals, Lime Stone, Iron Stone, or other Minerals, within Twenty Yards of any such Tunnel or Aqueduct, unless such Water shall be returned into the said Canal through such Tunnel or Aqueduct; and that no Owner or Proprietor of any Mines or Minerals, or his Workmen or Servants, or other Person whomsoever, shall on any Account open, dig, sink, or carry on any Work for the getting of Coal, Lime Stone, Iron Stone, or other Minerals, under or within the Distance of Ten Yards from the said Canal and Collateral Cuts respectively, or any Reservoir or Towing Path to be made as aforesaid (except as hereinafter mentioned), without the Consent of the said Dearne and Dove Canal Company in Writing under their Common Seal for that Purpose first had and obtained.

Regulations respecting the working of Mines, &c. belonging to private Persons under or near the Canal.

The Owners of such Mines may make

XLIII. Provided always nevertheless, That when any Mine of Coal, Iron Stone, or other Mineral, or any Vein

Mein thereof, shall extend beyond the Limits herein-before allowed for working the same, it shall be lawful for the Owners of any such Mine, without any such Consent as aforesaid, from Time to Time to make sufficient and necessary Gateways, Headways, or Tunnels, and also sufficient and necessary Air and Water Gutters on each Side of such Gateways, Headways, or Tunnels, under the said Canal, Collateral Cuts, and Towing Paths, and under any Ground where such Owners are restrained from opening, digging, sinking, or carrying on any Work for the getting such Coal, Iron Stone, or other Minerals, beyond such Limits as aforesaid, so as such Gateways do not exceed Seven Feet in Height or Breadth, and so as such Headways or Tunnels do not exceed Four Feet and a Half in Height or Breadth, and so as such Air and Water Gutters on both Sides of such Gateways, Headways, or Tunnels do not exceed Eighteen Inches in Height or Breadth, and so as all such Gateways and Headways be not made nearer together than Four Yards, any Thing herein-before contained to the contrary hereof notwithstanding.

Gate Ways, &c. at certain Distances and of certain Dimensions.

XLIV. And, for the better discovering of Persons who shall open or carry on any Work for getting of Coals, Iron, or other Minerals, contrary to the Directions of this Act, be it further enacted, That it shall be lawful for the said Dearne and Dove Canal Company, by themselves, their Agents, or Servants, from Time to Time and at all Times hereafter to enter upon any Lands or Grounds through or near which the said Navigable Canal, Collateral Cuts, Towing Paths, Reservoirs, or other Works hereby authorized to be made shall be or pass, and wherein any Coal, Iron, or other Mineral or Mine shall or may be dug or opened, and likewise to enter into such Coal Pits or other Mines, and for that Purpose to make Use of any of the Gins, Turns, Ropes, or other Tackle belonging to such Mines, for being let down into or drawn up out of such Mines or Pits respectively, and there to view, search, measure, latch and use any other Means for the discovering and ascertaining the Distance of the said Canal, Collateral Cuts, Towing Paths, Reservoirs, or other Works from the working Parts of such Mines; and in case it shall appear that any such Mine hath been worked, or any such Coal, Iron, or other Mineral got contrary to the Directions of this Act, it shall be lawful for the said Dearne and Dove Canal Company, or their Agents, Servants, or Workmen, at the Costs and Charges of the Owners of such Mine, to enter into and upon such Mine, and from Time to Time

Restrictions on working Mines near the Canal.

to

to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal, Collateral Cuts, Towing Paths, Reservoirs, and other Works, such Costs and Charges to be recovered by the said Dearne and Dove Canal Company, in case of Nonpayment thereof upon Demand, by Action of Debt, or on the Case, in any of his Majesty's Courts of Record at Westminster, in which no Essoin, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Company, on refusing Owners of Mines near the Canal to work the same, shall make them Satisfaction.

XLV. Provided always, and be it further enacted, That when and as often as the Owner of any Mine of Coal, Iron, Lime Stone, or other Minerals, lying under or within the Distance herein-before limited from the said Canal and Collateral Cuts, or any of them, or any Towing Path, Reservoir, or other Work to be made in pursuance of this Act, shall be desirous of working the same, then, and in every such Case, such Owner shall give Notice in Writing under his Hand of such Intention to the Clerk to the said Company of Proprietors for the Time being, at least Three Calendar Months before he shall begin to work such Mine, and upon the Receipt of such Notice it shall be lawful for the said Dearne and Dove Canal Company to inspect or cause such Mine to be inspected, in order to determine what Coal, Iron, or other Minerals may be come at and be actually gotten, without Prejudice or Damage to the said Canal and Collateral Cuts or any of them, or any such Towing Path, Reservoir, or other Works as aforesaid; and if the said Dearne and Dove Canal Company shall refuse or neglect to inspect such Mine, or to cause the same to be inspected within the Space of Thirty-one Days after Receipt of such Notice, then it shall be lawful for the Owner of such Mine, and he is hereby authorized to work such Part of the said Mine as may be under the said Canal and Collateral Cuts, or any of them, or under any such Towing Path, Reservoir, or other Works as aforesaid, or within the Distance aforesaid; and if upon such Inspection as aforesaid the said Company of Proprietors shall refuse to permit the Owner of such Mine to work any such Part thereof as may be under the said Canal and Collateral Cuts, or under any such Towing Path, Reservoir, or other Works as aforesaid, or within the Distance aforesaid, or in any other Manner obstruct or prevent such Owner from getting the same, then, and in such Case, the said Dearne and Dove Canal Company shall, within Three Calendar Months after such Refusal or Obstruction as aforesaid, pay or cause

cause to be paid to such Owner such Price for the same, after the like Rate as the next adjoining Wines of equal Quality shall have been really and bonâ fide sold for, or be estimated or valued at; and if any Question or Dispute shall arise between the said Company of Proprietors and the Owner of any such Wine, his or her Heirs, Executors, or Administrators, touching the same, the Matter of such Question or Dispute shall be settled and determined by the said Commissioners assembled at a Meeting to be held as aforesaid, or the major Part of them, or shall be subject to the Verdict of a Jury, if required, in such and the same Manner as the Value of the Lands to be purchased for the making of the said Canal and other Works is herein-before directed to be settled and ascertained; and in Default of Payment of such Money, the said Commissioners so assembled, or the major Part of them, are hereby impowered and 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 Dearne and Dove Canal Company, which shall be found upon the same Canal and Collateral Cuts, or in or upon any Wharfs, Quays, or Warehouses adjoining or near the same, belonging to the said Company, to and for the Use of the Owner of such Wine, his or her Executors or Administrators, as the Case may be, or otherwise such Owner, his or her Executors or Administrators, may sue for and recover the same, with full Costs of Suit, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

Company to make Drains, &c.

XLVI. 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 Dearne and Dove Canal Company shall and 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 intended Canal and Collateral Cuts, and the Trenches, Streams, and Watercourses communicating therewith, and the 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 intended Canal and Collateral Cuts, or any of them, 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 intended Canal or Collateral Cuts, 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 Dearne and Dove Canal Company; and if at any Time or Times after One Calendar Month's Notice shall have been given in Writing, by or on Behalf of the Owner or Occupier, Owners or Occupiers of any Lands contiguous or adjoining to the said Canal or Collateral Cuts, or any of them, who shall find him, her, or themselves aggrieved by the Obstruction of the said Watercourses, to any One of the Committee to be appointed by virtue of this Act, or to some known Agent to the said Dearne and Dove Canal Company, or some Collector of the said Rates, the said Arches, Tunnels, Drains, or other Passages shall not be made, cleansed, repaired, and maintained according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, Tunnels, Drains, or other Passages, and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Dearne and Dove Canal Company; and in case of Refusal or Neglect to pay the same for the Space of Three Calendar Months after Demand thereof made from such Agent or Collector as aforesaid, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners or Occupiers of Lands, are by this Act directed and appointed to be recovered and levied.

For fencing off Towing Paths, &c.

XLVII. And be it further enacted, That the said Dearne and Dove Canal Company shall, and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the said intended Canal and Collateral Cuts, 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 Collateral Cuts, and the Trenches, Feeders, or Passages hereby authorized to be made, or such Parts of such Trenches, Feeders, or Passages as shall be found necessary by the said Commissioners, in case there shall be any Dispute about the same, 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, to be set or made on the

the Lands or Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid, and shall, at their own Costs and Charges, from Time to Time, maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences, so made as aforesaid; and the said Dearne and Dove Canal Company shall also, at their own Charges, make, erect, and set up, and from Time to Time maintain and support, 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 as aforesaid, and also such Bridges, Arches, Culverts, Drains, and Passages, over, under, by the Side of, or into the said intended Canal and Collateral Cuts, 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, in case there shall be any Dispute about the same; and also make proper and convenient Watering Places for Cattle, where, by means of the said intended Canal and Collateral Cuts, or any of them, or any other the Works hereby authorized to be made, Cattle shall have been deprived thereof, and at all Times supply the same with Water for the Use of the Owners and Occupiers of the Lands, Grounds, Mills, or Hereditaments adjoining to such intended Canal and Collateral Cuts, Feeders, Trenches, Aqueducts, and Towing Paths, or any of them respectively; and that the said Dearne and Dove Canal Company, shall not make the said intended Canal or Collateral Cuts or any of them, or any Feeder, Trench, or Watercourse, in or across any Common Highway, publick or Bridle Way, or Foot Path, until they shall, at their own proper Charges, have made and perfected such Bridges, Passages, or Arches across such Highway, Bridle Way, or Path, 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 by the said Dearne and Dove Canal Company for the Purposes aforesaid, shall from Time to Time be by them supported, maintained, and kept in sufficient Repair; and in case the said Dearne and Dove Canal Company shall refuse or neglect to make, erect, and set up such Fences on the Sides of the said Towing Paths or Banks, and also such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts,

making Watering Places.

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

Culverts, Drains, or other Passages, over, under, or by the Side of, or into the said intended Canal or Collateral Cuts, 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 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 may be aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, or set up such Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniences 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 and Collateral Cuts, or any of them, or the Banks thereof, or the Feeders or 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 (to be settled and allowed by the said Commissioners) shall be paid to such respective Owners or Occupiers as aforesaid, by the said Dearne and Dove Canal Company, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of 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 Dearne and Dove Canal Company, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Dearne and Dove Canal Company, or to some of their Agents, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, or otherwise such Owners or Occupiers respectively shall and may sue for and recover the same from the said Dearne and Dove Canal Company, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at Westminster.

If Bridges, &c. made by the Company

XLVIII. And be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments through

which the said intended Canal or Collateral Cuts, or any of them, shall be made, do or shall at any Time or Times find that any of the Gates, Stiles, Bridges, Passages, Arches, Culverts, Tunnels, Drains, or other Passages, over, under, or by the Side of the said intended Canal or Collateral Cuts, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or any such Watering Places and other Conveniences to be made by the said Dearne and Dove Canal Company as aforesaid, are insufficient, either in the Number or Situation, 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 to make, fix, and erect, at their own Costs and Charges, such Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, or other Conveniences, of the same or the like Construction with those made and erected by the said Dearne and Dove Canal Company, in such Places as shall be most necessary and convenient for the better Use or Occupation of such Lands, Grounds, Mills, or Hereditaments, 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 and Collateral Cuts, or any of them, be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the doing of such Works will necessarily require. are insufficient, Land Owners may make others.

XLIX. And be it further enacted, That the said Dearne and Dove Canal Company 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 or Collateral Cuts 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 an Half in every Yard in Length, and so in the like Proportion of Ascent, any Thing in this Act contained to the contrary notwithstanding. The Company liable to be indicted at Common Law for not making Bridges;

L. And be it also 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 Collateral Cuts, 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 and also for not repairing Bridges, and to pay Costs.

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 Collateral Cuts, and on Conviction of the Defendants.

Company may cleanse the adjoining Watercourses at the Land Owner's Expence.

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

Power to make Railways.

LII. And be it further enacted, That in case any Proprietor or Proprietors of any Manor or Estate containing any Mines of Coal, Iron Stone, or other Minerals, or the Renters, Lessees, or Occupiers of the same, shall find it expedient or necessary to make any Rail Way or Rail Ways, Road or Roads, to convey his, her, or their Coals, Iron Stone, Lime Stone, or other Stone or Minerals to the said intended Canal and Collateral Cuts, or any of them, over the Lands or Grounds of any other Person or Persons, then, and in every such Case, it shall be lawful for such Proprietor or Proprietors, Renters, Lessees, or Occupiers, by and with the Consent and Approbation of such Land Owner or Land Owners, and in Default of obtaining such Consent and Approbation, then by and with the Consent and Approbation of any Five of the said Commissioners not interested in the said Mines or Minerals, to make any such Rail Way or Rail Ways, Road or Roads, over any Lands or Grounds (not being the Scite of a Dwelling House, or a Garden, Yard, Park, Paddock, or Avenue to an House, or Lawn

nclosed or adjoining to a Mansion House, or bona fide used as Bleaching Grounds at the Time of making such Rail Way or Rail Ways, Road or Roads) within the Distance of One thousand Yards from any Part of the said intended Canal and Collateral Cuts, (except within the said Parish of Wath, where it shall be lawful to extend such Railways or Roads for the Distance of Two thousand Yards, to or towards any Coal Mines or Collieries already opened, or which may hereafter be opened within the said Parish of Wath), in such Manner as to the Proprietor, Renter, or Lessee of such Mines respectively, or as to the said Commissioners, as the Case may happen, shall seem expedient, such Proprietor, Renter, or Lessee of such Mines respectively first paying or tendering Satisfaction for the Damages to be thereby occasioned to such Lands or Grounds in Manner herein directed with respect to Land to be taken for the Purposes of this Act; and it shall be lawful for the Owner or Owners of and Person or Persons interested in such Lands or Grounds to treat and agree with any such Proprietor, Renter, Lessee, or Occupier, for the Damage to be done to such Lands or Grounds by making any such Rail Way or Rail Ways, Road or Roads, and in case they cannot agree concerning the Amount or Value of such Damage, or in case the Owner or Owners of or Person or Persons interested in such Lands or Grounds shall refuse or neglect to treat, or by reason of Absence or otherwise shall be prevented from treating, then the same shall be settled and ascertained by the said Commissioners, and be subject to the Verdict of a Jury if required, in such and the like Manner as the Value of the Lands to be taken for making the said intended Canal and Collateral Cuts are by this Act directed to be settled and ascertained; and in case any such Rail Way or Road as shall be set out and made by the Direction and Appointment of the said Commissioners, or any Five of them, can be made to accommodate more than One such Proprietor, Renter, or Lessee, all such Proprietor or Proprietors, Renters or Lessees which shall be so accommodated, shall contribute and pay such Sum or Sums of Money in Gross, or by Way of Annual Rent or Tonnage, to the Proprietor or Proprietors, Renters or Lessees making such Rail Way or Road, for and towards the making and supporting of the same, and for the Damage to be thereby occasioned, at such Time and Times, and in such Manner and Proportions, as the said Commissioners, or any Five of them, shall order or direct.

LIII. And

Owners of Mines on the Rise taking Advantage of Engines on the Dip, to contribute to the Expence.

LIII. 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 and Collateral Cuts, may of Necessity, in order to enable them to work the said Mines, be obliged to work 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, Drifts, Soughs, or other Works, may also dry, wholly or in Part, the Coal, Iron Stone, or other 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 make and lay Rail-ways 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, and such Owners or Occupiers of Coal, Iron Stone, or other Minerals, to the Rise of such Engine or Engines, Drift, Sough, Drain, or other Works, shall actually work, mine, and get his, her, or their Coal, Iron Stone, or other Minerals, in consequence and by virtue of such Engine, Drift, Sough, Drain, or other Works so to be erected, made, and driven on the Dip thereof, according to the Judgement of Five of the said Commissioners, then, and in every such Case, the Owners or Occupiers of such Coal, Iron Stone, or other Mines lying on the Rise, shall contribute to the Expence of the Engine or Engines, Sough, Drift, Drain, or other Works so erected and made on 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, as 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, Iron Stone, or other Minerals, to the Rise, shall neglect or refuse to make such Recompence and Contribution as aforesaid, 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 or use any Rail Way or Road over the Lands or Grounds of any other Person or Persons, without

without the Consent of such Person or Persons respectively.

The Company may make Branches to Coal Mines, &c. with Consent of Land Owners;

LIV. And be it further enacted, That it shall and may be lawful for the said Dearne and Dove Canal Company, their Successors and Assigns, to make any Navigable Branch or Branches from the said Canal and Collateral Cuts, or any of them, in, through, or over any Common or Waste Lands, with the Consent of the Lord or Lady of the Manor, and also in, over, or through any other Lands or Grounds, with the Consent of the Owners thereof, and of the Owner or Owners of any Mines, Beds, Pits, or Quarries, to communicate with any Coal Mine, or any other Mine, Quarry, Bed, or Pit of Stone, Lime Stone, or other Minerals, being within the Distance of Three Miles from any Part of the said Navigation, which said Branch or Branches (if so made) shall be made by, with, and under all such Powers and Provisions, and shall lie under and be subject to all such Rules, Regulations, and Restrictions as are herein-before provided with respect to the other Parts of this Canal and Navigation; and such Branch or Branches, when so made and completed, shall be deemed and taken as a Part or Parts of this Navigation, for and in respect of the Payment of Rates thereon, and for every other Use and Purpose of this Act; but if such Lord or Lady of the Manor, or such Owner or Owners, or any of them, shall be desirous to make such Communication at his, her, or their own Expence, they and each or any of them is and are hereby authorized and impowered so to do, having such Consent as aforesaid; and such Lord or Lady, Owner or Owners shall, in making such Communications, have the Benefit of and be invested with all the Power and Privileges given or granted to the said Company of Proprietors in and by this Act, as far as the same can be made applicable thereto, provided that Notice in Writing of such Intention be given to the said Company of Proprietors, or to their Committee, or their Clerk for the Time being, before they the said Company shall have begun to make the same, and that such Communications shall be proceeded in with all due and reasonable Speed after such Notice given, and that the same shall lie under and be subject to all the Rules, Orders, and Restrictions of this Act, as far as the same can be made applicable thereto; and also provided that all such Communications shall be so made and effected without taking away, diverting, or lessening (unless with the Consent of the said Dearne and Dove Canal Company, or the major Part of them, at some

or the Land Owners may make them.

general or specially convened Assembly given for that Purpose) any Streams, Brooks, or other Waters which are necessary for the Supply of the said Navigation, and without any other Damage or Injury thereto whatsoever.

For repairing Damages occasioned by Floods, and preventing further Damage.

LV. And whereas it may happen from Floods or from some unexpected Accidents, that the said Canal and Collateral Cuts, Reservoirs, Locks, Weirs, Flood Gates, Dams, Banks, Trenches, Aqueducts, or other Works belonging to the said Dearne and Dove Canal Company, may be damaged or destroyed, and the adjacent Lands thereby likewise endangered or damaged, and that it may be necessary the same should be immediately repaired or rebuilt to prevent further Damage; be it therefore enacted, That when and so often as any such Accident shall happen, it shall be lawful for the said Dearne and Dove Canal Company, or their or any of their Servants, Agents, or Workmen, from Time to Time, without any previous Application to the said Commissioners, and without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Canal or Collateral Cuts, Reservoirs, Trenches, Aqueducts, or other Works, or any of them (not being the Ground whereon any House stands, or an Orchard, Park, Paddock, Garden, or Ground planted as a Nursery for Trees, or an Avenue to a House), and to dig for, get, work, take, carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing thereby as little Damage as the Nature of the Works will admit of, and making Recompence to the Person or Persons sustaining the same, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages which may be done by Means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof (in case of any Dispute about the same), shall be adjusted, assessed, ascertained, settled, and determined by the Ways and Means herein-before prescribed with respect to any other Damages done in the making and completing of the said Navigation.

LVI. Provided

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

LVI. Provided always, and be it further enacted, That the Lord or Lords, Lady or Ladies, of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said intended Canal or Collateral Cuts shall be made, may erect and 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, or Collateral Cuts, with necessary Roads and Ways to the same, and may land Coal, Lime, Goods, or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said intended Canal or Collateral Cuts, and also may make and use proper and convenient Places for Boats, Barges, and other Vessels to lie in, turn, and pass by each other, without the Molestation or Hindrance of the said Dearne and Dove Canal Company, so that the making or using thereof do not obstruct or prejudice the Navigation of the said intended Canal or Collateral Cuts, or any of them, or any Towing Path on the Sides thereof; 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 deemed the Property of the Lord or Lords, Lady or Ladies of such Manor or Manors, or the Owner or Owners of such Lands or Grounds respectively.

if not done within a limited Time, the Company may build thereon.

LVII. 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 Dearne and Dove Canal Company, that any Part of such Lands, Grounds, or Wastes is necessary or proper to be used for the Purpose of erecting Wharfs, 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 or Collateral Cuts, or any of them, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Warehouses, Buildings, and Roads, for the Use of the said Navigation, as the said Commissioners shall think necessary, on the respective Parts of the Lands or Grounds comprized or described in such Notice, then the said Dearne and Dove Canal Company 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 Wharfs, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said intended Canal and Collateral Cuts, or any of them, 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 or used for the Purposes of this Act.

Regulations as to private Wharfs.

LVIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or impower the said Dearne and Dove Canal Company, 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 or Collateral Cuts, for his, her, or their private 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; and that no more shall be demanded or taken by any such Lord or Lords, Lady or Ladies, Land Owner or Land Owners, who shall or may erect or build any Wharf, Quay, Landing Place, or Warehouse as aforesaid, for Wharfage, Warehouse Room, Cranage, and Porterage, than what are herein-after directed in respect thereof to be taken by the said Dearne and Dove Canal Company: Provided always, That it shall be lawful for the said Dearne and Dove Canal Company 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 such Coals or other Goods or Things, 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 Dearne and Dove Canal Company, or when so erected neglect or refuse to keep the same in Repair.

Rights of Lords of Manors and Land Owners to Fishery reserved.

LIX. Provided also, and be it further enacted, That the Lord and Lords, Lady and Ladies of all and every Manor or Manors, through which the said intended Canal and Collateral Cuts shall be made, shall have and be entitled to the exclusive Right of Fishery of and in so much of the said Canal and Collateral Cuts, Reservoirs, Trenches, and Sluices, as shall be made over and through the Common or Waste Lands within his, her, or their Manor or Manors respectively, and also in

in, over or through any other Lands or Grounds lying within any such Manor or Manors, wherein such Lord or Lords, Lady or Ladies, now hath or have, or is or are entitled to the Right of Fishery in the Ponds and Waters now being in such last mentioned Lands and Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said intended Canal and Collateral Cuts shall be made shall also have and be entitled to the Right of Fishery of and in so much of the said intended Canal and Collateral Cuts, 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 or Exercise of the said Right of Fishery the said intended Canal, Collateral Cuts, Reservoirs, Trenches, or Sluices, and the Towing Paths, Banks, or other Works and Conveniencies hereby authorized to be made shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said intended Canal or Collateral Cuts, Reservoirs, Trenches, or Sluices, and so as the said Dearne and Dove Canal Company, 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 destroying of any Fish in the said intended Canal, Collateral Cuts, 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, Collateral Cuts, Reservoirs, Trenches, or Sluices, for or upon Account of Repairs of Work to be done in or about the same.

To keep Water in Reservoirs for preserving Fish.

LX. Provided always, That the said Dearne and Dove Canal Company shall, and they are hereby directed and required to keep and retain in all and every the Reservoirs to be made in pursuance of this Act, such Quantity of Water as shall at all Times be Five Feet deep at the Head, for the Purpose of preserving the Fish in such Reservoirs, except at such Times as it may be necessary to draw or let out all the Water from the same for the Purpose of cleaning and necessary Repairs, of which Ten Days previous Notice shall be given to the Person entitled to such Right of Fishery, or left at his or her Dwelling House or Place of Abode nearest to such Reservoirs.

Power for Land Owners to use Pleasure and other Boats.

LXI. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said intended Canal and Collateral Cuts to use any Pleasure Boat or Boats upon any Pond, Reservoir or Reservoirs, to be made in pursuance of this Act, and also upon the said intended Canal and Collateral

teral Cuts (not passing through any Lock unless they shall first pay Tonnage equal to a Boat or Vessel carrying Twenty Tons of Coal, or obtain the Consent of the said Dearne and Dove Canal Company) without any Interruption from the said Dearne and Dove Canal Company, or any of their Officers or Agents, and without paying any Rate for the same, so as the same be not made use of for carrying any Goods or other Things, and so as the same shall not obstruct or prejudice the Navigation of the said intended Canal and Collateral Cuts, or any of them, or the Towing Paths on the Sides thereof.

Proprietors to raise Money amongst themselves.

LXII. And be it further enacted, That it shall and may be lawful to and for the said Dearne and Dove Canal Company to raise and contribute among themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said intended Canal and Collateral Cuts, and the Reservoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniences, not exceeding in the Whole the Sum of Sixty thousand Pounds (except as herein-after mentioned), and that the same shall be divided into such Number of Shares as herein directed, and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share (unless the same shall come to him or her by Purchase, Will, Devise, or Act of Law), upon Pain of forfeiting to the said Dearne and Dove Canal Company every such Proportion or Part of a 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 necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said intended Canal and Collateral Cuts, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

The Money to be divided into Shares.

LXIII. And be it further enacted, That the said Sum of Sixty thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, or by any other Person or Persons, Bodies Politick or Corporate, who shall or may become a Subscriber or Subscribers to the said Navigation, shall be divided into Six hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share, and that such Shares shall be numbered in regular Progression,

Shares to be numbered,

and

and every such Share shall always be distinguished by the Number to be appointed for the same; and that the said Six hundred Shares shall be and are hereby vested in the several Persons so subscribing the same, and their several and respective Executors, Administrators, Successors, 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 deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Bodies Politick and Corporate, and all Persons, their several and respective Successors, 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, shall be entitled to and receive, after the said Navigation shall be completed, the entire and neat Distribution of One Six hundredth Part of the Profits and Advantages that shall or may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received, by the said Dearne and Dove Canal Company by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politick or Corporate, Person or Persons, having such Property of One Six hundredth 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.

LXIV. And be it further enacted, That every Body Politick or Corporate, or other Person, who shall, by virtue of this Act, have subscribed or undertaken for One Share of the said Navigation, and their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor for every such Share, and shall have a Vote for every such Share not exceeding Fifteen Shares in the Whole, in the General and Special Assemblies, to be held as herein appointed, for carrying on the said Undertaking, which Vote may be given by them, him, or her, or by their, his, or her Proxy, constituted under the Seal of such Body Politick or Corporate, or the Hand and Seal of such other Person, or in case of Infancy under the Hand and Seal or Hands and Seals of his, her, or their Guardian or Guardians, (every such Proxy being a Proprietor in the said Undertaking), and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, and Thing which shall be proposed, Subscribers to have a Vote for every Share.

posed, discussed, or considered in any General or Special Assembly of the said Dearne and Dove Canal Company shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share; and that at every such Assembly One of the Proprietors present shall be appointed President or Chairman, who shall not only have such Vote or Votes as a Proprietor as aforesaid, but shall also, in case of an equal Division, have a further decisive or casting Vote: Provided nevertheless, that no Person, either Principal or Proxy, shall have Power to vote for more than Fifteen Shares; the Appointment of which Proxies shall or may be made according to the Form following:

Form of appointing a Proxy.

I of One of the Proprietors [*or* we *A. B.* and *C. D.* Guardian or Guardians of *E. F.* One of the Proprietors] of the *Dearne* and *Dove* Canal Navigation, do hereby nominate, constitute, and appoint of to be my [*or* his *or* her] Proxy, in my [*or* his *or* her] Name, and in my [*or* his *or* her] Absence to vote or give my [*or* his *or* her] Assent or Dissent to any Business, Matter, or Thing relating to the said Navigation and Undertaking, that shall be mentioned or proposed at any General Meeting of the Proprietors of the said Navigation, 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, during my [*or* our] Pleasure, and until I [*or* we] shall revoke the Authority hereby given. In Witness whereof I [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals], the Day of in the Year of our Lord

Proprietors may raise an additional Sum if necessary.

LXV. And be it further enacted, That in case the said Sum of Sixty thousand Pounds herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining of the said intended Canal and Collateral Cuts, and other the 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 Dearne and Dove Canal Company to raise and contribute amongst themselves in Manner and Form aforesaid, and 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 Undertaking, not exceeding the Sum of Thirty thousand Pounds, and every

Body Politick or Corporate, or other Person, being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and have a like Vote for themselves, himself, or herself, or their, his, or her Proxy, in respect of every such Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Navigation, in Proportion to the Sum they, he, or she 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 Sixty thousand Pounds.

Power to raise Money by Mortgage.

LXVI. Provided always, That in case the said Dearne and Dove Canal Company, or the Committee for the Time being to be appointed by virtue of this Act, shall be desirous of raising the said Sum of Thirty 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 Dearne and Dove Canal Company, or the said Committee, to borrow and take up at Interest all or any Part of the said Sum of Thirty thousand Pounds on the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and to assign the Property of the said Navigation, and the Rates arising or to arise to the said Company 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 Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustees, who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company, in the Form or to the Effect following; that is to say;

and to assign the Navigation.

Form of Assignment.

BY virtue of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*set forth the Title of the Act*], we, the Proprietors of the said Navigation incorporated by and under the said Act, in Consideration of the Sum of to us in Hand paid by *A. B.* of do hereby bargain, sell, and assign unto the said *A. B.* his Executors, Administrators, and Assigns, the said Navigation, and all and singular the Rates arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said *A. B.* his 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 Persons to whom such Assignments shall be made, shall be equally entitled, one with the other, to their 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 the Monies so borrowed shall be applied for and towards the making, maintaining, and completing the said Navigation and other Works hereby authorized to be made, and in carrying the several Powers, Provisions, and Authorities herein contained into effectual Execution; 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 the Rate of Interest, shall be entered in a Book to be kept by the Clerk to the said Dearne and Dove Canal Company; which said Book shall and may be perused at all seasonable Times, by any of the Proprietors or Creditors of the said Navigation, or other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment 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, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following:

Assignments may be transferred.

Form of Transfer.

I *A. B.* of in Consideration of the Sum of paid by *C. D.* of do hereby transfer a certain Mortgage made by the *Dearne* and *Dove* Canal Company to bearing Date the Day of for securing the Sum of and Interest, and all my Right and Property therein, to the said *C. D.* his Executors, Administrators, and Assigns. Dated this Day of

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk of the said Dearne and Dove Canal Company, who shall cause a Memorial to be made thereof in like Manner as of the original Assignments, for which the

said Clerk shall be paid the Sum of Two Shillings and Sixpence, and after such Entry made, every such Transfer shall entitle such Assignee, his or her Executors, Administrators, and Assigns, to the full Benefit thereof, without making any Registry thereof in the Register Office for the West Riding of the County of York, 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 the Money thereon due, or thereby secured, or any Part thereof.

Interest upon Mortgages to be paid prior to Dividends.

LXVII. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be paid half-yearly to the several Persons entitled thereto, in Preference to any Dividends payable by virtue of this Act to the said Dearne and Dove Canal Company, or any of them, and shall from Time to Time be fully paid, discharged, or provided for, before the yearly or other Dividends due to the said Company, or any of them, shall be paid, made, or divided.

Assignees not to vote on account of having lent Money.

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

General Assemblies for choosing Committees.

LXIX. And be it further enacted, That the First General Assembly of the said Dearne and Dove Canal Company for putting this Act into Execution shall be held at the Red Lion Inn, in Rotherham, in the County of York, on Thursday the Fourth Day of July One thousand seven hundred and ninety-three, and all future General Assemblies of the said Company shall be held upon the First Thursday in the Month of July in every Year, at the Hour of Eleven in the Forenoon of the said Days, at such Place or Places, within the Town of Rotherham and Barnsley, or either of them, as the said Proprietors at each next preceding Assembly shall appoint; at which said General Assemblies the Proprietors assembled, together with such Proxies as shall be then present, shall chuse Nine Persons, who for the Time being shall be respectively Proprietors of Two or more Shares in the said Navigation, who shall be a Committee to manage the Affairs of the said Dearne and Dove Canal Company in such Manner as is herein directed; and if at any Time it shall appear to any Five or more Proprietors possessed of Two Shares each, that for the more effectual putting this

Act into 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 Newspaper published or circulated in the Towns of Sheffield, Doncaster, and Barnsley, or One of them, or in such other Manner as the said Dearne and Dove Canal Company shall at any General Assembly direct or appoint, declaring in such Notice the Place where and the Time when such Special Assembly is to be held, the same not being less than Ten 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 Dearne and Dove Canal Company with respect to the Matters so specified only; and all such Acts of the said Proprietors, or the major Part of them, 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; and that all the Powers and Authorities hereby vested in, or directed to be exercised by the said Committee, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five.

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

LXX. Provided always, That no One Member of the said Committee, though he may be a Proprietor of several 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 a further or casting Vote, although he may have given One Vote before.

Committee to be attended by a Clerk, who shall enter Proceedings.

LXXI. Provided also, That the said Committee, when they sit or meet, shall always be attended by a Clerk, who shall enter into a Book, to be called the Committee Book, all Bargains made, and all Directions given, and all other Acts done at every Meeting of such Committee, and shall also at every such Meeting enter the Names of all the Committee Men there present, and the Place of their Meeting, and the said Committee 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 Dearne and Dove Canal Company at any General or Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

LXXII. Pro-

LXXII. Provided also, That no Person holding any Place, Office, or Employment under the said Dearne and Dove Canal Company shall be capable of being chosen to serve upon any Committee during the Time of his Continuance in such Place, Office, or Employment. Persons disqualified from serving on Committees.

LXXIII. And be it further enacted, That proper Books of Accounts and other Matters relating to the said Undertaking and Navigation shall be kept, and that all such Books and other Matters shall be deposited and kept, under the Direction of the Committee for the Time being, at such Place or Places as the said Dearne and Dove Canal Company shall, from Time to Time, direct; and every Proprietor, at all seasonable Times, shall have free Access to the same for his or her Inspection. Books of Accounts to be kept.

LXXIV. And be it further enacted, That if at any such General or Special Meeting there shall not be Persons present who shall have Fifty such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time, but in such Case there shall be a new Assembly of the Proprietors of the said Navigation at the same Place, upon that Day Fortnight, and so from Time to Time until the Proprietors of Fifty such Shares at the least shall be present, and such Choice shall then be made of Persons to be of the Committee as ought to have been made on the Day for holding such General or Special Assembly, had there been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee shall have the same Powers 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; and in case of Failure of the meeting of Persons having Fifty such Shares as Principals or Proxies at any such General or Special Assembly, all such Principals who shall not be present at any Adjournment thereof (which the Clerk of the said Company is hereby authorized to make), by themselves, or by his, her, or their Proxies, shall forfeit to the said Dearne and Dove Canal Company, for every such Share which they shall respectively then have in the said Navigation, the Sum of Ten Shillings, to be deducted out of the next Payment of Dividends or Profits of the said Navigation. General and Special Assemblies to consist of a certain Number of Shares.

LXXV. And be it further enacted, That every such General Assembly, or such Committee as aforesaid, 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, Other Powers of General Assemblies and of Committees.

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; and every General 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 for every Sum of One hundred Pounds, and so as no Calls be made but at the Distance of One Calendar Month at the least from each other, which Monies so called for shall be paid to such Person or Persons, and in such Manner as the said General Assembly or Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next General Assembly to be holden in Manner 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 Expences 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 Stock and Rates of the said Proprietors for their Expences in attending such Meetings; and the said Committees shall have Power and Authority to direct and manage all and every the Affairs of the said Dearne and Dove Canal Company, 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 making all Contracts and Bargains touching the said Undertaking; and every Owner of One or more Share or Shares in the said Undertaking shall pay his or her Share and Proportion 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 the least shall be given (except the First Call, which may be made on Fourteen Days Notice) by publishing the same in the Sheffield, Doncaster, or Barnsley Newspaper, or in such other Manner as the said Dearne and Dove Canal Company shall at any General Assembly direct and appoint; and if any Person shall neglect or refuse to pay his or her 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 Dearne and Dove Canal Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case; and if any Person shall neglect or refuse to pay his or her 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 or she so neglecting or refusing shall forfeit the Sum of Five Pounds for every Share which he or she shall then be possessed of in the said Navigation and Undertaking; and in case any such Person shall neglect or refuse to pay his or her rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof, at the Place so appointed for Payment thereof as aforesaid, then he or she so neglecting or refusing shall forfeit his or her Share or Shares, Part and Interest in the said Navigation and Undertaking, and all the Profits and Benefits thereof, and all Money advanced by him or her, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold, at a publick Sale, by the said Dearne and Dove Canal Company, for the most Money that can be reasonably had or gotten for the same, and the Produce thereof shall be equally divided amongst the Rest of the Proprietors, in Proportion to their respective Shares and Interests in the said Navigation and Undertaking.

Proprietors to have Notice before their Shares are forfeited.

LXXVI. Provided always, That no Advantage shall be taken of the Forfeiture of any Share in the said Navigation and Undertaking, until personal Notice in Writing be given by the Clerk or Treasurer to the said Dearne and Dove Canal Company to the Owner thereof, or left at his or her actual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Dearne and Dove Canal Company, which shall be held after such Forfeiture shall happen; and every such Forfeiture shall be an Indemnification and Discharge to and for every Person so forfeiting, against all Actions, Suits, or Prosecutions for any Breach of Contract or other Agreement between such Proprietor so forfeiting and the rest of the said Proprietors, with regard to carrying on the said intended Navigation and Undertaking.

General Assemblies may remove Members of the

LXXVII. And be it further enacted, That the said Dearne and Dove Canal Company shall have Power and Authority,

Committee, &c.

Authority, at any General Assembly, to remove and displace any Person or Persons chosen upon such Committee as aforesaid, or any Officer under them, and to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with regard to the Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling General or Special Assemblies, and their Time and Place of Meeting, and voting and appointing Committees, only excepted), and shall have Power to make such new Rules, Bye Laws, and Orders, for the good Government of the said Dearne and Dove Canal Company, their Agents and Workmen, and for making, maintaining, and using the said intended Canal and Collateral Cuts, and the Warehouses, Wharfs, Fire Engines, or other Machines, and the Passages, Locks, Tunnels, and all other Things that shall be made for the same, and also for and concerning all such Vessels, Goods, and Commodities as shall be navigated and conveyed thereon, and also for the well governing of the Bargemen, Watermen, Boatmen, and others, who shall be employed in the conveying any Goods, Wares, and Merchandizes upon any Part of the said intended Canal and Collateral Cuts, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and 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 Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Dearne and Dove Canal Company, 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: Provided always, That if any One or more of the said Committee shall happen to die, the others of the said Committee, or the major Part of them, shall choose or appoint One or more other Person or Persons (who shall each of them be Proprietor or Proprietors of Two or more Shares in the said Undertaking) to be of the Committee, instead of the other Person or Persons so dying, and such Person or Persons so chosen shall continue of the said Committee until the next General Assembly of the said Proprietors.

On Death of Committeemen others to be chosen.

Subscribers dying before their Shares completed, Executors,

LXXVIII. And be it further enacted, That if the Proprietors of any Share or Shares in the said Undertaking shall die before Payment shall have been made

of

of the full Sum to be advanced on each Share which he or she shall have been possessed of or entitled to, 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 entitled to the Estate and Effects of such Proprietor, shall be indemnified against any such Infant, and all other Persons, for paying any Money when called for as aforesaid to complete every such Subscription; and if such deceased Proprietor 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 Dearne and Dove Canal Company 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 to the Trustee or Trustees, Guardian or Guardians of any Infant or others entitled to his or her Effects, the full Money which shall have been paid by such deceased Proprietor in his or her Life Time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or so much Money as the same shall be sold for; and in Default of such Calls being answered and made good in Manner aforesaid, it shall be lawful for the said Dearne and Dove Canal Company to sell and dispose of the Share or Shares of such deceased Proprietors, and they are hereby authorized or required to pay and apply the Money arising by such Sale (after deducting the Charges occasioned thereby) to or for the Benefit of the Representatives of such deceased Proprietor, in such Manner as the said Committee shall direct.

&c. may complete the same.

LXXIX. And be it further enacted, That it shall and may be lawful to and for the Proprietor of any Share or Shares in the said Undertaking to sell and dispose of such Share or Shares in Manner and subject to the Rules and Conditions herein mentioned, and Duplicates of the Deed of Assignment or Conveyance of such Share or Shares shall be executed by such Proprietor, and also by the Purchaser or Purchasers, One Part whereof shall be delivered to the said Committee, or to their Clerk, to be filed and kept for the Use of the said Dearne and Dove Canal Company, and an Entry shall be made in a Book to be kept by the said Clerk for that Purpose, (for

Shares may be disposed of.

which not more than Two Shillings and Sixpence shall be paid), and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee or Clerk as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation and Undertaking, for his, her, or their Share so purchased as aforesaid, 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 is paid.

LXXX. Provided always, That after any Call of such Monies shall be made by the Authority of this Act, no Person shall sell or transfer any Share which he or she shall then have in the said Navigation and Undertaking, until the Monies called for upon his or her Share so to be sold shall be paid; and every Person making Default herein shall forfeit such his or her Share in 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 Vendee or Vendees shall, at the Time of such Transfer, pay the Money called for upon every Share so sold or transferred to the Treasurer to the said Dearne and Dove Canal Company, such Forfeiture having been first notified and declared at a General Assembly in Manner before directed.

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

Form of Transfer.

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 Executors, Administrators, and Assigns, Share, Number in the *Dearne* and *Dove* Canal Navigation, to hold to the said *C. D.* his 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 subject to the same Rules, Orders, and Conditions as before mentioned. Witness our Hands and Seals, the Day of in the Year of our Lord

Proofs to be given of Title to Shares acquired by Marriage, &c.

LXXXII. And be it further enacted, That before any Person or Persons who shall claim any Part or Share of

of the Profits of the said Navigation and Undertaking, by virtue of his or their 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 a Judge of One of His Majesty's Courts of Record at Westminster, or before a Master Ordinary or 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 him for the entering of Transfers of Shares in the said Navigation and Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Navigation and Undertaking by virtue of any Bequest or Will, or of any Letters of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, or such Letters of Administration, shall be produced and shewn to the said Clerk of the said Company, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the said Testator or Testators, or a Copy of the said Letters of Administration, in case the Proprietor shall have died intestate, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate (as the Case may happen to be), before a Judge of One of His Majesty's Courts of Record at Westminster, a Master Ordinary or Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the said Clerk of the said Company, who shall file and enter the same in Manner aforesaid.

Officers of the Company to be appointed.

LXXXIII. And be it further enacted, That it shall and may be lawful to and for the said Dearne and Dove Canal Company at any General Assembly, and they are hereby authorized and required from Time to Time to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think necessary, and to take such sufficient Security from every such Treasurer, Clerk, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their Offices, as the said Dearne and Dove Canal Company shall think proper, and from Time to Time to remove any such Treasurer, Clerk, and other Officer; and every such Clerk shall always

ways attend the General Meetings and Assemblies of the said Proprietors, and the Meetings of the said Committee, and shall, in a Book 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 of, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Dearne and Dove Canal Company, 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 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 shall refuse to permit any of the said Proprietors to inspect or peruse any such Book, or refuse to make any such Copy, 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 Clerk shall die, or be removed from, or quit the Service of the said Dearne and Dove Canal Company, it shall be lawful for the said Committee to appoint some other fit Person to be Treasurer or Clerk in the Place of him 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 Clerk shall be nominated or appointed in his Stead.

Deeds to be delivered for Shares in the Canal.

LXXXIV. And be it further enacted, That the said Dearne and Dove Canal Company shall and may, at the First General Assembly to be held after all or any Proprietor or Proprietors shall have paid, according to the Directions of this Act, the Sum of Ten Pounds per Centum of his, her, or their respective Subscriptions, or as soon after as conveniently may be, execute, under the Common Seal of the said Company, One separate and distinct Deed or Certificate for each of the said Shares, and deliver the same to such Proprietor or Proprietors having made such Payment of Ten Pounds per Centum as aforesaid, which said Deeds or Certificates respectively shall vest in such Proprietor or Proprietors, his, her, or their Executors, Administrators, and Assigns, One Six

hundredth Share of the Property of the said Company, and may be in the Words or to the Effect following:

Dearne and *Dove* Canal Company.

THESE are to certify, That *A. B.* is a Proprietor of the Share Number being One Six hundredth Share of the *Dearne* and *Dove* Canal, subject to the Rules, Regulations, and Orders of the said Company, and that the said *A. B.* his Executors, Administrators, [*or* Successors], and Assigns, is and are entitled to the Profits and Advantages of such Share. Given under the Common Seal of the said Company, the Day of in the Year of our Lord

Damages not provided for to be settled by Commissioners.

LXXXV. 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, for which Damage an equivalent Recompence or Satisfaction is not herein-before provided, 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 mentioned and provided for are herein directed to be recovered, levied, and applied.

Proceedings of the Commissioners to be entered.

LXXXVI. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book to be kept for that Purpose, such Book to be open at all seasonable Times to the Inspection of any Person interested in the said Proceedings, 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.

Power to collect Rates of Tonnage.

LXXXVII. And be it further enacted, That it shall and may be lawful to and for the said Dearne and Dove Canal Company, from Time to Time, and at all Times hereafter, to ask, demand, take, and receive, to and for their own proper Use and Behoof, for the Tonnage of all Goods, Wares, Merchandizes, Coal, Stone, Timber, and other Things, which shall be navigated or conveyed upon or through all or any Part of the said intended Canal and Collateral Cuts, or any of them, the several Rates herein-after mentioned; that is to say:

The Rates.

For every Quarter, containing Eight Winchester Bushels, of Wheat, Shelling Beans, Pease, Vetches, and Lintels, and 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, from Swinton to Barnsley, and in the same Proportion for any less Distance than the Whole, on the said Canal and Collateral Cuts, or any of them, Four-pence:

For every Quarter, containing Eight Winchester Bushels, of Barley, carried the whole Length of the said Canal from Swinton to Barnsley, and in the same Proportion for any less Distance than the Whole, on the said Canal and Collateral Cuts, or any of them, Three-pence:

For every Quarter, containing Eight Winchester Bushels, of Oats or Malt, carried the whole Length of the said Canal, from Swinton to Barnsley, and in the same Proportion for any less Distance than the Whole, on the said Canal and Collateral Cuts, or any of them, Two-pence Halfpenny:

For every Pack or Sheet of Wool, dried Pelts, or Spetches, weighing Three hundred and twelve Pounds Avoirdupoise, the Sheet included, carried or conveyed the whole Length of the said Canal, from Swinton to Barnsley, and in the same Proportion for any greater or less Weight, or any less Distance than the whole Length, on the said Canal and Collateral Cuts, or any of them, Four-pence:

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

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

For every Ton of Lime Stone, per Mile, Three Farthings:

But if it shall happen that Boats or other Vessels, which carry up either of the Two last-mentioned Articles (videlicet) Lime or Lime Stone, 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, Three Farthings:

Lime Stone, per Ton, per Mile, One Halfpenny:

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

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

For

For every Ton of Old or Pig Iron, per Mile, 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, Two-pence:

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

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

Regulations for settling the Rates.

LXXXVIII. Provided always, That if any Boat or other Vessel going up or down the said Canal, or either of the said Collateral Cuts, shall pass or go through any One or more of the Locks which shall be placed or erected in the said Canal and Collateral Cuts, or any of them, and shall not have passed loaded, or be intended to pass loaded, more than Six Miles upon the said Navigable Canal and Collateral Cuts, or some of them, shall nevertheless have the Loading contained in such Boat or other Vessel 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 Collateral Cuts, or One of them; 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 for Thirty Tons; and in case the Loading contained in any such Boat or other Vessel shall be composed of various Kinds of Articles chargeable at different Rates of Tonnage,

nage, then, and in such Case, the Weight short of, or what 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 shall be subject to the highest Rate of Tonnage; but if such Boat or other Vessel be going up, and return with a Loading of Coals, or other Matters, and shall pay the Rates for Thirty Tons or upwards for the Length of Six Miles and upwards in coming down, then the Loading in such Boat or other Vessel shall be charged Rates in going up according to the Quantum thereof, and the Distance carried.

How Fractions of Tonnage are to be estimated.

LXXXIX. Provided always, That in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said intended Canal and Collateral Cuts, or any of them, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a whole Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated on the said intended Canal and Collateral Cuts, or any of them, a Proportion of the said Rates shall be demanded and taken by the said Dearne and Dove Canal Company 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 as a whole Quarter of a Ton.

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

XC. And whereas it is apprehended that a Navigable Canal will be made from the River Calder, in the Township of Warmfield cum Heath, to or near the said Town of Barnsley, and from thence to Barnby Bridge, in the Township of Cawthorne, and that the same will be called The Barnsley Canal Navigation, and it is intended, in case such Navigable Canal be made, that the Canal and Collateral Cuts hereby authorized to be made, should join and communicate therewith, at or near the said Town of Barnsley, and by means of the said Junction, Boats and other Vessels will be enabled to pass to and from that Place, and the Neighbourhood thereof, either into the Navigation of the River Dun, or that of the River Calder; be it therefore enacted, That it shall be lawful for the said Dearne and Dove Canal Company, and they are hereby required, as soon as conveniently may be after the making of the said intended Navigable Canal from the River Calder, to or near the said Town

of Barnsley, to form a Navigable Junction and open a Communication between the Canal and Collateral Cuts hereby authorized to be made, and the said Canal from the River Calder, at or near to the said Town of Barnsley, on the Principle of a level Canal, and to permit Boats and other Vessels to navigate thereon; and that if any Boat or other Vessel shall navigate or pass light or unloaded up the said Canal and Collateral Cuts hereby authorized to be made, or any of them, from the River Dun, through the Lock intended to be made at or near the said Place of Junction, and not return loaded the same Way back, then it shall be lawful for the said Dearne and Dove Canal Company to charge the Owner, Master, or Person having the Care and Charge of such Boat or other Vessel, the full Rates of One Penny Halfpenny per Ton per Mile upon Thirty Tons, from where the said intended Canal will fall into the River Dun Navigation Cut at Swinton, to the Junction with the said intended Canal from the River Calder at or near Barnsley; but, in case any such Boat or other Vessel going up light or unloaded shall return the same Way back loaded, and pay the Rates 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 exonerated from the Payment of any Rates for such Boat or other Vessel passing up light or unloaded; and in case any Boat or other Vessel shall come down the said Canal and Collateral Cuts, or any of them, light or unloaded, and shall not have passed up the same with the Loading thereof, and paid the Rates accordingly, it shall and may be lawful for the said Dearne and Dove Canal Company to charge and receive of the Owner, Master, or Person having the Care and Charge of any such Boat or other Vessel, the full Rates of One Penny Halfpenny per Ton per Mile upon Thirty Tons, from the Junction of the said intended Canal hereby authorized to be made with the intended Canal from the River Calder, at or near to Barnsley, to the River Dun Navigation Cut at Swinton aforesaid; but if such Boat or other Vessel shall have passed up the said intended Canal, hereby authorized to be made, loaded, and the Owner, Master, or Person having the Care and Charge thereof shall have paid the Rates arising upon such Loading according to the Directions of this Act, then he shall be exempt and exonerated from the Payment of any Rates for navigating or bringing his said Boat or other Vessel down light or unloaded as aforesaid.

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

XCI. And whereas the said Dearne and Dove Canal Company, and also the intended Company of Proprietors of the said Barnsley Canal Navigation, are mutually desirous to secure each 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 said intended Company of Proprietors of the said Barnsley Canal Navigation and the said 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 on the River Dun, 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 intended Barnsley Canal, and be placed at such Distance from each other as to admit such Boat 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 Dearne and Dove 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 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 Dearne and Dove Canal into the said intended Barnsley Canal Navigation, or from the said Barnsley Canal Navigation into the said 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,

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 intended Company of Proprietors of the said intended Barnsley Canal Navigation shall neglect or refuse to contribute their Moiety towards the repairing 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 Dearne and Dove Canal Company, 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 Company of Proprietors of the Barnsley Canal, 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 Barnsley Canal Navigation is hereby authorized, required, and directed to pay as aforesaid.

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

XCII. 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 Dearne and Dove Canal Company and the said intended 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,

same, each of which Lock Keepers shall be paid his or their Salary or Wages by the said 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 and will 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 Keeper or Lock Keepers respectively.

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

XCIII. 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 intended Barnsley Canal Navigation 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 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 Stop Lock opening towards the South-east End of the said 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 Dearne and Dove Canal shall be less than Four Feet Six Inches in Depth in or upon the Sills or Thresholds of the said Stop Lock, it shall and may be lawful to and for the said intended Company of Proprietors of the said Barnsley Canal Navigation, 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 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.

XCIV. 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 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, or to 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 or Justices, 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.

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

Stop Gate to be made at the Junction with the *Barnsley* Canal.

XCV. And whereas it may happen that, by Reason of Accidents, or an unavoidable Consumption of Water, or otherwise, that Part of the said intended Barnsley Canal Navigation extending from the said intended Place of Junction downwards to the River Calder may be interrupted, and yet, that the other Part of the said intended 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 intended Barnsley Canal Navigation next adjoining to and below the said intended 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 intended 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.

Canals to be measured, and Stones erected every Half Mile.

XCVI. And be it further enacted, That as soon as conveniently may be after the said Canal and Collateral Cuts hereby authorized to be made as aforesaid shall be completed, the said Dearne and Dove Canal Company shall cause the same respectively to be measured, and Stones or Posts to be erected and for ever after maintained on the Side or Sides thereof, at the Distance of Half a Mile from each other, with proper and legible Marks denoting the Distance from such Places, as shall be thought proper.

Recovery of Rates.

XCVII. And be it further enacted, That the Rates herein-before authorized to be demanded and taken shall be paid to such Person or Persons, and at such Place or Places, at or near to the said intended Canal and Collateral Cuts, or any of them, and in such Manner, and under such Regulations, as the said Dearne and Dove Canal Company shall from Time to Time direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Dearne and Dove Canal Company may sue for the same by Action of Debt, or upon the Case, in any Court of Record at Westminster, or the Person or Persons to whom the said Rates ought to be paid may, and he and they is and are hereby impowered to seize and distrain the Goods

or other Things for or in respect whereof such Rates ought to be paid, or any Part thereof, and the Boat or other Vessel laden therewith, and detain the same until Payment thereof, and of all Arrears of the said Rates which may be due from the Owner of such Boat or Vessel to the said Dearne and Dove Canal Company, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same may be appraised and sold, as the Law directs in Cases of Distress for Rent.

Payment of Craneage and Porterage.

XCVIII. And whereas it will be necessary for the said Dearne and Dove Canal Company to make, build, and erect proper Wharfs, Staiths, Cranes, Warehouses, and Granaries, for loading, landing, stowing, and depositing Goods, Wares, Merchandizes, 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, Merchandizes, 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 and other Vessels, and into Waggons and other Carriages; be it further enacted, That for every Ton of Goods, Wares, Merchandizes, 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, Merchandizes, Commodities, and other Things, to the said Dearne and Dove Canal Company, or to their Agent, Servant, or Wharfinger, at each of the said Wharfs, Staiths, Warehouses, or Granaries respectively, in Recompence for such Craneage and Porterage, any such Sum as they shall from Time to Time appoint and direct, not exceeding Sixpence.

Payment of Wharfage.

XCIX. And whereas such Goods, Wares, Merchandizes, Commodities, and other Things, may frequently lay upon the said intended Wharfs or Staiths, or in the said intended Granaries and Warehouses for some considerable Time; be it therefore enacted, That the said Dearne and Dove Canal Company, or their Agents, Servants, or Wharfingers, at all and every or 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

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 these mentioned in the following Table; that is to say:

For

	More than 24 Hours, and 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, Merchandizes, Commodities, and other Things (except what are herein-after 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, Merchandizes, Commodities, or other Things, shall lay upon or within any such said intended Wharfs, Staiths, Warehouses, or Granaries.

Goods may lie on a Wharf 24 Hours without paying Wharfage.

C. Provided always nevertheless, That if any Goods, Wares, Merchandizes, Commodities, or 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.

Penalty on avoiding Payment of the Rates of Cranage.

CI. 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, Merchandizes, Commodities, or other Things, for which any Money for Craneage or Porterage, Wharfage or Warehouse Room, shall be due for any of the said intended Wharfs, Staiths, Warehouses, or Granaries, without the Consent of the said Dearne and Dove Canal Company, or of 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 Dearne and Dove Canal Company, or to their Agent, Servant, or Wharfinger having the Care of such Wharf, Staith, Warehouse, or Granary, from whence such Goods, Wares, Merchandizes, or other Things shall have been removed or taken away, any Sum not exceeding 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, Merchandizes, Commodities, and other Things so removed and taken away.

Power to alter the Rates.

CII. And be it further enacted, That it shall be lawful for the said Dearne and Dove Canal Company, 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 Newspaper published or circulated in the Towns of Sheffield, Doncaster, and Barnsley, or One of them, or in such Manner as the said Dearne and Dove Canal Company shall at any General Assembly direct or appoint) to lessen or reduce all or any of the said Rates hereby granted and made payable to them, as they shall think proper, and afterwards, from Time to Time, at

at any General Assembly (of which Notice shall be given as aforesaid) to advance and raise all or any of the Rates so lessened to any Sum or Sums of Money not exceeding the said Rates herein-before granted; but no Reduction of the said Rates shall be made without the Consent of the said Proprietors possessed of at least One Sixth of the Shares in the said Navigation and Undertaking.

Masters of Boats to give an Account of Particulars of Lading.

CIII. And, for the better ascertaining the said Rates, be it further enacted, That the Master or Person having the Care of any Boat, Barge, or other Vessel navigating upon the said intended Canal and Collateral Cuts, or any of them, shall give an exact and true Account in Writing, signed by him, to any Collector of the said Rates demanding the same, at the Place where he shall attend for that Purpose, what Quantities of Goods or other Things shall be in or upon such Boat, Barge, or other Vessel, and from whence brought, and where the same are intended to be landed, and also of the Quantities, Qualities, and Weight of such Goods or other Things as shall have been discharged out of such Boat, Barge, or other Vessel, and where the same shall have been discharged before it shall have arrived at the Place where such Account is to be given; and if the Goods or other Things contained in such Boat, Barge, or other Vessel, shall be liable to the Payment of different Rates, then such Master or Person shall specify the Quantities liable to the Payment of each Rate; and in case any such Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading at any other Place than what shall be mentioned in such Account, with Intent to avoid the Payment of the said Rates, or any Part of them, he shall forfeit and pay the Sum of Forty Shillings for every Ton of Goods and other Things (and so in Proportion for a less Quantity than a Ton) which shall be in such Boat, Barge, or other Vessel, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed to be paid for the same by virtue hereof.

Quantity of Tonnage ascertained.

CIV. And, for the further ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of such Rates as aforesaid, be it further enacted, That Sixteen Cubic Feet of Stone, Ten Superficial Yards of Flag Paving Stone from One Inch to Two

Inches

Inches and Three Quarters in Thickneſs, and Ten Yards of Lineal Curb Stone from Eleven to Thirteen Inches wide, and from Five to Seven Inches thick, Forty Cubic Feet of Engliſh Oak Timber, and Fifty Cubic Feet of Elm, Aſh, and other Engliſh Timber, and Fifty Cubic Feet of Fir, and all other Kind of Foreign Timber, and Thirty Deals of Battins Twelve Feet long, Three Inches thick, and from Nine to Twelve Inches broad, and in that Proportion, according to the cuſtomary Way of meaſuring, ſhall, for the Purpoſe of this Act, be deemed, rated, or eſtimated as and for One Ton Weight, and that One hundred and twelve Pounds Weight Avoirdupois of all other Goods and Things ſhall, for the Purpoſes of this Act, be taken as One hundred Weight, and Twenty ſuch Hundred Weights ſhall be deemed, rated, or eſtimated as and for One Ton, any Uſage of rating or eſtimating the ſame to the contrary thereof notwithſtanding.

If any Difference concerning the Weight, Collectors may weigh.

CV. And be it further enacted, That if any Differences ſhall ariſe between any Collector of the ſaid Rates, and the Maſter or Perſon having the Charge of any Boat, Barge, or other Veſſel, or the Owner of any Goods or other Things, concerning the Weight or Quantity of any Goods, Wares, or other Things, it ſhall be lawful for any ſuch Collector, at all Hours, to ſtop and detain, until Eight Hours of Day Light ſhall elapſe, any ſuch Boat, Barge, or other Veſſel, and to weigh, meaſure, or gauge, to cauſe to be weighed, meaſured, or gauged, ſuch Boat, Barge, or other Veſſel, and all ſuch Goods and other Things as ſhall be therein contained, and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of greater Weight or Quantity than what is ſet forth and contained in the Account given thereof as aforeſaid, then the Maſter or Perſon giving in ſuch Account ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, all which ſaid Coſts and Charges, upon Refuſal of Payment thereof upon Demand, ſhall and may be recovered and levied by ſuch Ways and Means, and in ſuch Manner as the ſaid Rates are hereby appointed to be recovered and levied; but if ſuch Goods or other Things ſhall appear to be of the ſame, or leſs Weight or Quantity than the ſame ſhall by ſuch Account appear to be of, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall alſo pay to ſuch Maſter or Perſon, or to the Owner of ſuch Goods or other Things, ſuch Damages, after the Rate of Two

Shillings

Shillings and Sixpence for every Hour such Boat, Barge, or other Vessel shall have been detained, over and above the Eight Hours before mentioned, and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Dearne and Dove Canal Company, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

Exempting Manure from Tonnage Rates.

CVI. Provided always, and be it further enacted, That all Dung, Soil, Marl, Ashes of Coal and Turf, and all other Manure (except Lime) for the Improvement only of the Lands and Grounds of or belonging to any Person or Persons whose Lands or Grounds the said Canal or any Works thereunto belonging shall pass through, and all Materials for making, repairing, or paving any publick or private Roads (except Flag Stones, Curb Stones, and Paving 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, Marl, 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, Marl, 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, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

Navigation to be free upon Payment of Rates.

CVII. 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 be-

longing to the said Dearne and Dove Canal Company, (except the Towing Paths), and with Boats, Barges, and other Vessels to use the said intended Canal and Collateral Cuts, for the Purpose of conveying Coals, and all other Goods and Things whatsoever, and to use the Wharfs or Quays to be made by virtue of this Act for loading and unloading Coals and other Goods and Things, and the said Towing Paths for haling and drawing such Boats, Barges, and other Vessels, upon Payment of the Rates herein-before granted, and subject to the Rules, Bye Laws, and Regulations which shall be from Time to Time made by the said Dearne and Dove Canal Company, by virtue of the Powers hereby granted.

Water to be kept in Canal, and Size of Locks.

CVIII. 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 from Swinton to Barnsley, and upon the Sills or Gate Thresholds of the several Locks to be made therein 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 Dun to navigate upon and pass through the same.

To prevent Lock Keepers giving Preference.

CIX. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Officer belonging to the said Dearne and Dove Canal Company, shall give any undue Preference to any Boat, Barge, or other Vessel, in passing through any Lock upon the said intended Canal and Collateral Cuts, or any of them, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said Dearne and Dove Canal Company, he shall forfeit and pay the Sum of Twenty Shillings for every such Offence.

Restrictions on Vessels under 30 Tons.

CX. Provided always, and be it further enacted, That no Boat or other Vessel of less Burthen than Thirty Tons shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Dearne and Dove Canal Company, or their principal Agent, in Writing first had and obtained, unless the Owner or Person having the Care of such Boat or other Vessel shall pay

Tonnage for the same as for a Boat or Vessel of Thirty Tons Burthen laden with Coal, except as herein-before mentioned.

Masters to put their Names on the Outside of the Boats.

CXI. And be it further enacted, That every Owner or Master of any Boat, Barge, or other Vessel (not being a Pleasure Boat) passing upon the said intended Canal and Collateral Cuts, or any of them, shall cause his or her Name and Place of Abode, and the Number of such Boat, Barge, or other Vessel, to be entered with the Clerk of the said Dearne and Dove Canal Company, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures, on a Black Ground, Six Inches high at the least, 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 into the Water when full laden; and also shall and is hereby required to fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations, as the said Dearne and Dove Canal Company shall from Time to Time direct, so that the true Weight of the Lading on Board may at all Times be thereby ascertained and shewn; and shall permit and suffer every such Boat, Barge, or other Vessel, to be gauged or measured at the Expence of the said Dearne and Dove Canal Company, whenever it shall be required by them, or any Person or Persons appointed by them for that Purpose; 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 Collateral Cuts, or any of them, without having such Name, Figures, and Index thereon, as are herein-before directed, or shall alter, erase, deface, or destroy the same, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer the same to be gauged and measured, or shall wilfully suffer or permit any Boat, Barge, or other Vessel upon the said Canal and Collateral Cuts, or any of them, to be loaded or unloaded without a Stage being laid from the Side of such Boat, Barge, or other Vessel to the Bank of the said Canal or such Collateral Cuts, shall forfeit and pay the Sum of Forty Shillings for every such Offence.

Boat Master accountable for Damage done by the Crew.

CXII. And be it further enacted, That the Master or Owner of any Boat, Barge, or other Vessel navigating upon the said intended Canal and Collateral Cuts, or any of them, shall be and is hereby made answerable

for

for any Damage, Spoil, or Mischief that shall be done by his Boat, Barge, or other Vessel, or any of the Boatmen, Watermen, or others belonging to, or employed in or about the same, unto any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon, or belonging to the said intended Canal and Collateral Cuts, or any of them, or any of the Trenches, Aqueducts, Sluices, and Passages to be made as aforesaid, or by loading or unloading any Boat, Barge, or other Vessel, and for any Trespass or Damage that shall or may be done by such Boatmen, Watermen, or others, to the Owners or Occupiers of any Buildings, Erections, Lands, or Tenements adjoining or lying near to the same, or any of them, by leaving open Gates or otherwise, 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 shall, for every such Damage, upon Conviction of such Person or Persons before any Justice of the Peace for the West Riding of the said County, either by the Confession of the Party or Parties offending, or upon the Oath of any credible Witness (which Oath 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, 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, by Warrant 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 the Damages thereby sustained, with full Costs of Suit; and in case the Owner of any such Boat, Barge, or other Vessel as aforesaid shall be compelled to

pay any Penalty, or to make Satisfaction for any Damage or Treſpaſs, by reaſon of any wilful or negligent Act or Default done or committed by his Servant or Servants, every ſuch Servant ſhall be liable to repay ſuch Penalty, or the Money paid for any ſuch Damage or Treſpaſs to ſuch Owner; and in caſe of Nonpayment thereof upon Demand, the ſame ſhall be recovered by ſuch Owner in like Manner as any Penalty is hereinafter authoriſed or directed to be recovered.

Regulations for Veſſels paſſing the Locks.

CXIII. Provided always, and be it further enacted, That no Boatman or other Perſon navigating any Boat, Barge, or other Veſſel upon the ſaid intended Canal and Collateral Cuts, or any of them, and paſſing with the ſame through any Lock to be made by virtue of this Act, ſhall ſuffer the Water to remain in ſuch Lock longer than is neceſſary for ſuch Boat or other Veſſel to paſs through ſuch Lock; and alſo that every ſuch Boatman or other Perſon as aforeſaid, in going down the ſaid Canal and Collateral Cuts, or any of them, ſhall ſhut the lower Gates of ſuch Lock, and the Sluices thereto belonging, before he ſhall draw the Cloughs of the upper Gates thereof; and after he ſhall have brought ſuch Boat, Barge, or other Veſſel into the ſaid Lock, he ſhall ſhut the upper Gates and Sluices thereto belonging before he ſhall draw the Cloughs of the lower Gates thereof; and in going up the ſaid intended Canal and Collateral Cuts, or any of them, ſhall, ſo ſoon as he ſhall have paſſed with ſuch Boat, Barge, or other Veſſel out of the ſaid Lock, ſhut the upper Gates and Sluices of the ſaid Lock, and afterwards draw the Cloughs of the lower Gates, unleſs there ſhall be then a Boat, Barge, or other Veſſel, in Sight, coming down the ſaid intended Canal or Collateral Cuts, or any of them, in which Caſe the lower Gates and Sluices of the ſaid Lock ſhall be left ſhut, and the upper Gates ſhall be left open, and at all Times the Boat, Barge, or other Veſſel going up the ſame, if within Sight, and at a Diſtance not above Three hundred Yards below a Lock, ſhall paſs through ſuch Lock before the Boat, Barge, or other Veſſel coming down, and then the Veſſel next above ſhall come down; and if there ſhall be more Boats, Barges, or other Veſſels than One below and above any Lock at the ſame Time, within the Diſtance aforeſaid (at which Diſtance a Poſt or Mark ſhall be ſet up and made for aſcertaining the ſame) ſuch Boats, Barges, or other Veſſels ſhall go up and come down in ſuch Locks by Turns as aforeſaid, until all the ſaid Boats, Barges, or other Veſſels going

up and coming down shall have passed, by which Means One Lock full of Water may serve Two Boats, Barges, or other Vessels; and every Person acting contrary to these Directions in passing any such Lock shall forfeit a Sum not exceeding Twenty Shillings for every such Offence.

Committee to regulate the Navigation.

CXIV. And be it further enacted, That all Boats, Barges, and other Vessels passing upon the said intended Canal and Collateral Cuts, shall, upon meeting any other Boat, Barge, or other Vessel, stop at, or go back to, and lie in some Place to be provided for that Purpose as aforesaid, in such Manner as the said Dearne and Dove Canal Company, or the said Committee, shall from Time to Time direct and appoint; and if any Boat, Barge, or other Vessel, shall be placed or suffered to remain in any Part of the said intended Canal or Collateral Cuts, 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 the same, he shall for every such Offence forfeit any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer of the said Dearne and Dove Canal Company 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 Obstructions, and to seize and distrain 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 Canal or Collateral Cuts, or any of them, 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 Dearne and Dove Canal Company, 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 Expences necessarily occasioned relating thereto; and if any Person shall float any Timber upon the said intended Canal or Collateral Cuts, or any of them, or shall suffer the Loading of any Boat, Barge, or other Vessel navigating in or upon the said intended Canal and Collateral Cuts, or any of them, to lie over the Side thereof, 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, Stones, or Rubbish into any Part of the said intended Canal or Collateral Cuts, or any Trenches or Watercourses to be made by virtue of this Act, or shall otherwise injure or obstruct the same; or if any Person shall wantonly, carelessly, or negligently open or cause to be opened any Lock Gate, or any Paddle, Valves, or Clough belonging to any Lock to be erected on the said intended Canal and Collateral Cuts, or any of them, 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 Collateral Cuts, 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; and if any Person shall wilfully and 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, every Person so offending 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 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.

To prevent Trespasses upon the adjoining Lands.

CXV. And be it further enacted, That in case any Person or Persons employed in the towing or haling of any Boat, Barge, or other Vessel upon the said intended Canal and Collateral Cuts, or any of them, shall permit or suffer any Horse or Horses used in the towing or haling of any such Boat, Barge, or other Vessel, to trespass upon the Lands or Grounds adjoining or near to the said Towing or Haling Paths so to be set out as aforesaid, or if any Person or Persons using such Towing or Haling Paths shall leave any of the Gates or Drop Stiles upon such Towing or Haling Paths open, after having passed through the same, or shall, after having towed or haled such Boat, Barge, or other Vessel, return back with the Horse or Horses employed therein, along, across, or over the Lands or Grounds adjoining to any Towing or Haling Path, not being the publick Highway, or shall permit or suffer any Horse to be loose upon the said Towing or Haling Path, without some Person being with such Horse to take Care of it, and

prevent

prevent it from straying or trespassing upon the Lands adjoining, or shall commit any wilful Trespass or Damage in the Lands adjoining or near to the said Canal and Collateral Cuts, or any of them, or by anchoring upon the same, every such Person shall, for every such Act, Default, or Neglect, upon Conviction before any Justice of the Peace for the County, Riding, Liberty, or Place where any such Offence shall be committed, or the Offender shall be and reside, 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, and shall also, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding the Sum of Forty Shillings, nor less than the Sum of Ten Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalty, and Costs, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any) after such Damages, Penalty, and Costs, and the Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress shall not be found, and such Damages, Penalty, and Costs shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding One Month, unless such Damages, Penalty, and Costs, and all reasonable Charges, shall be sooner paid and satisfied.

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

CXVI. Provided always, and be it further enacted, That the said intended Canal and Collateral Cuts, or any Works 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.

Power to compel Payment of Subscriptions.

CXVII. And be it further enacted, That the several Persons, and Bodies Politick or Corporate, who have subscribed, or who shall hereafter subscribe to advance any Money for and towards the making and maintaining the said Canal and Collateral Cuts, and other Works hereby authorized to be made, shall, and they are hereby required

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 Dearne and Dove Canal Company, 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 Dearne and Dove Canal Company, or the said Committee, in Manner before mentioned; and in case any Person, or Body Politick or Corporate, shall neglect or refuse to pay the same, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Dearne and Dove Canal Company to sue for and recover the same in any Court of Law or Equity.

Recovery of Forfeitures.

CXVIII. And be it further enacted, That all Penalties and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance hereof (the Manner of levying and recovering of which is not herein particularly directed) 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, and every such Justice is hereby authorized and required to hear and examine Witnesses upon Oath, and determine the same, and grant such Warrant as aforesaid; 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 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 of the County of York, or to the House of Correction of 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 Fines, Penalties, or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such respective Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed) shall be paid into the Hands of the Treasurer to the said Dearne and Dove

Canal Company, and shall be applied and disposed of for the Use of the said Undertaking.

CXIX. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in any Form to the Effect following, videlicet;

Form of Conviction.

West Riding of the County of *York*. } TO wit: 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.

CXX. And be it further enacted, That no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process, into any of His Majesty's Courts of Record at Westminster, or elsewhere; and 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 a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser 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.

Appeal.

CXXI. 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 Dearne and Dove Canal Company, or by the Order or Determination of any Justice of the Peace in pursuance of this Act, may, within Six Calendar Months after such Order, Judgement, or Determination shall be made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held in and for the West Riding of the County of York, who shall,

shall, in a summary Way, either hear and determine such Appeal at such Session, or, if they think proper, may adjourn the Hearing thereof, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also award such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Limitation of Actions.

CXXII. And be it further enacted, That no Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice of the Cause of such Action, in Writing, be given to the Clerk or Clerks to the said Company of Proprietors, or to One or more of their Committee to be appointed as aforesaid, or after sufficient Satisfaction, or Tender of the same, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall cease, and not afterwards; and every such Action, Suit, or Information shall be brought and laid 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 that such Action, Suit, or Information was brought or laid before Twenty-one Days Notice in Writing given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then, and in any of the said Cases, the Jury shall find for the Defendant or Defendants; and thereupon, 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 have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

General Issue.

Treble Costs.

CXXIII. And

Publick Act.

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

FINIS.