ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXVII.

An Act for making and maintaining a Navigable Canal from the River *Dun* Navigation Cut, at or near *Stainforth*, in the West Riding of the County of *York*, to join and communicate with the River *Trent*, at or near *Keadby*, in the County of *Lincoln*; and also a Collateral Cut from the said Canal to join the said River *Dun*, in the Parish of *Thorne* in the said Riding. [7th *June* 1793.]

WHEREAS the making and maintaining a Navigable Canal from the River Dunn Navigation Cut, at or near to Stainforth, in the West Riding of the County of York, to join and communicate with the River Trent, at or near Keadby, in the County of Lincoln; and also a Collateral Cut from the said Canal, on Thorne Common, in the Parish of Thorne, in the said West Riding, to join Preamble.

and communicate with the River Dunn, at a Place called Hangman Hill, in the same Parish, will open an easy Communication between the valuable Coal Mines in the County of York and the Country with which the said Canal will communicate, by Means of the said Rivers Dunn and Trent, and will facilitate the Conveyance of Coal, Lime, Lime Stone, Corn, Timber, Iron, Lead, and other Kinds of Goods and Merchandize, for the Accommodation of the Counties of York, Lincoln, and Nottingham, and the Countries with which the said Canal will communicate, and will assist and promote the Trade and Commerce of several Towns, and greatly improve the Lands and Estates within the said Counties, 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,

Proprietors. That Joseph Atkinson, Theodore Henry Broadhead, George Broadrick, Thomas Berriman, John Benson, John Benson junior, Elizabeth Brooke, George Beale, Henry Bingley, Francis Bell, Robert Berrier, Sir Lionel Copley Baronet, Robert Cowlam, Thomas Coulman, Robert Coulman, Thomas Cripps Clerk, Robert Cutforthay, Francis Caley, George Cooke, John Cooke, Joseph Clay, the Mayor, Aldermen, and Burgesses of Doncaster for the Time being, Joshua Dawson, Thomas Dickenson, Samuel Dunn, Sir Henry Etherington Baronet, Richard Ellison, Henry Ellison, John Ellison, Thomas Fenton, William Fenton, William Foreman, Elizabeth Fell, William Gossip, Robert Gilderdale, John Gell, Sarah Howson, John Hudson, Thomas Johnson, Thomas Johnson junior, John Johnson, William Johnson, Richard Jennings, Jonathan Ikin, Lady Viscountess Irwin, Richard Kitchin, Richard Kitchin junior, George Kitson, George Lister, George Lister junior, William Loxley, John Mitchell, William Morris, Sarah Morris, Gamaliel Milner, Samuel Marshall, William Marsden, Thomas Marsden, Edward Newsome, William Oates, Henry Overton, Thomas Oxley, Susannah Ogg, Cornelius Peacock, Thomas Peacock, Sir Richard Perryn Knight, Joseph Roberts, John Roberts, Cornelius Stovin, Susannah Stovin, Elizabeth Seaton, Richard Ryther Popplewell Steer, Samuel Shore, Francis Sitwell, John Simpson junior of Stainforth, Thomas Spooner, John Stork, Robert Taylor, Thomas Venney, Joseph Webster, James Wilkinson Clerk, George Woodhead, Joseph Ward, Samuel Walker, Jonathan

than Walker, Ann Wordsworth, John Travers Younge, and Edward Youle, and their respective Successors, Executors, Administrators, and Assigns, together with such other Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares, as herein-after mentioned, of the said Canal and Collateral Cut, are and shall be united into a Company for the better carrying on, making, completing, and maintaining the said Navigable Canal and Collateral Cut, and all Works relating and necessary thereto, according to the Rules, Orders, and Directions herein-after expressed and laid down, and shall for that Purpose be One Body Politick and Corporate by the Name of The Company of Proprietors of the Stainforth and Keadby Canal Navigation, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase Lands, Tenements, and Hereditaments for the Use of the said Navigation and Works, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and the said Company of Proprietors are hereby authorized and impowered by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, to make and complete a Canal navigable and passable at all Times for Boats, Barges, and other Vessels, from the River Dunn Navigable Cut, at a Piece of Land adjoining thereto, at or near Stainforth aforesaid, within the Distance of Two hundred Yards from the Lock there erected, to or near Keadby aforesaid, there to join and communicate with the River Trent, in such Course and Direction as delineated and described in the Map or Plan herein-after mentioned, and so as that the said Company do make such Drains, Sluices, Arches, and Banks for preserving the Drainage of the adjacent Lands and Grounds, and in such Manner as herein-after mentioned, and also to make and complete a Collateral Cut, navigable and passable for Boats, Barges, and other Vessels, from the said Canal on Thorne Common to a Place called Hangman Hill, there to join and communicate with the said River Dunn, in such Course and Direction as is also delineated and described in the said Map or Plan, and to supply the said Canal and Collateral Cut, whilst the same shall be making, and when made, with Water from the said River Dunn, and from all such Springs as shall be found in making the said Canal and Collateral Cut, and also from all such Rivers, Brooks, Streams, Watercourses, and Springs as are or shall be found within

Incorporated.

Company impowered to make the Navigation.

the Distance of Two hundred Yards from any Part of the said Canal and Collateral Cut; and it shall be lawful for the said Company of Proprietors to enter upon any Lands and Grounds, and to bore, dig, cut, trench, sough, remove, and lay Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things which may be dug or got in the making the said Canal and Collateral Cut and Works, or which may hinder or obstruct the making, using, completing, and maintaining such Trenches, Passages, Gutters, and Watercourses as shall be necessary and proper to convey Water to the said Canal and Collateral Cut, according to the true Intent and Meaning of this Act, and also to make, build, and set up, in or upon the said Canal and Collateral Cut, or upon the respective Lands adjoining or near the same, such and so many Bridges, Wharfs, Quays, Houses, Warehouses, Watch Houses, Landing Places, Weigh Beams, Cranes, Dry Docks, and other Works, Ways, Roads, and Conveniences, as and where the said Company of Proprietors shall think requisite and convenient for the Purposes of the said Navigation, and also from Time to Time to turn, alter, repair, and amend the same, and to make, widen, and enlarge any Bridges, Ways, Roads, Passages, Locks, Sluices, and other Works of Convenience, as well for the carrying and conveying of all Manner of Materials necessary for the making and erecting, finishing, altering, repairing, amending, widening, or enlarging the said Works of and belonging to the said Navigation, and also to place, lay, work, and manufacture any Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall and are intended to be made, erected, repaired, or done, and to build and construct the several Locks, Bridges, Works, and Erections belonging thereto, and also to make, maintain, repair, and alter, or to turn any Roads, Fences or Passages over or along the Sides of the said Canal and Collateral Cut, and also to make, set up, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing of Boats, Barges, and other Vessels, passing in, through, or upon the said Canal and Collateral Cut, with Men, Horses, or otherwise, as they the said Company of Proprietors shall think convenient, and also to dig, take and carry away any Soil, Clay, Gravel, or Stone proper, requisite, or convenient for carrying on and continuing the said Works, in or from any Lands or Grounds of any Person or Persons adjoining or lying contiguous thereto,

and to construct, erect, and keep in Repair any Piers, Arches, and other Works, in, upon, and across the said Canal or Collateral Cut, for the making, using, maintaining, and repairing such Canal and Collateral Cut, and Towing Paths on the Sides thereof, and also to construct, erect, make, and do all other Matters and Things which they shall think necessary and convenient for the making, erecting, preserving, improving, completing, and using of the said Navigation, according to the true Meaning of this Act, they the said Company of Proprietors doing as little Damage as may be in the Premises, and making and preserving such Drains, Sluices, Arches, and Banks, for preserving the Drainage of the adjacent Lands and Grounds as herein-after mentioned, and making Satisfaction in Manner herein-after mentioned to the Owners and Proprietors of such Lands, Tenements or Hereditaments respectively, as shall be taken, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act, and this Act shall be sufficient to indemnify the said Company of Proprietors, their Agents, Officers, Workmen, and Servants, and all other Persons whomsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Their Powers restricted.

II. Provided always, That nothing in this Act contained shall authorize the said Company of Proprietors, or any Person or Persons employed by them, to exercise any of the Powers hereby given, upon, through, or over any Land or Ground which, on the First Day of January One thousand seven hundred and ninety-three, was a Garden, Yard, Park, Croft, Paddock, planted Walk, or Avenue to a House or Lawn inclosed and adjoining to a Mansion House, or through or over any Garden or Yard, without the Consent of the Owners of the same respectively.

Power to take Levels and survey.

III. And be it further enacted, That it shall be lawful for the Agents, Workmen, Officers, and Servants of the said Company of Proprietors from Time to Time to enter upon the Lands and Grounds of the several Persons, Bodies Politick, Corporate, or Collegiate, through which the said Canal, Collateral Cut, Side Drains, and other Works are intended to be made, in order to survey and take Levels of the same, and to set out and ascertain such Parts thereof as they shall think necessary or proper for the making of such Canal, Collateral Cut, Side Drains, and other Works, such Agents, Officers, Workmen, or Servants making Satisfaction for the Damage they shall do thereby to the

Occupiers

Occupiers of such Lands or Grounds for the Time being.

Restriction on taking Ground for the Canal, &c.

IV. Provided nevertheless, That the Lands or Grounds to be taken or used for the said Canal, Collateral Cut, Towing Paths, and Side Drains, and the Ditches, Drains, and Fences to separate such Towing Paths and Side Drains from the adjoining Lands and Grounds, shall not exceed One hundred Yards in Breadth, except in such Places where it shall be adjudged necessary for Boats, Barges, or Vessels to lie or pass each other, or where any Wharf, Warehouse, or Crane may be erected, built, or made, nor more than One hundred and ten Yards in Breadth in any Place.

Reservoir may be made on *Thorne* Common.

V. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make use of any Part of the Common called Thorne Common, lying on the North Side of the said intended Canal, not exceeding in the Whole Five Acres, for the Purpose of making a Reservoir for supplying the said Canal and Collateral Cut with Water, and for building and erecting of Warehouses, Cranes, and other Works and Conveniences thereupon, any Thing in this Act contained to the contrary in anywise notwithstanding.

Plan and Book of Reference to remain with Clerks of the Peace.

VI. And whereas a Map or Plan, describing the Line of the said intended Canal and Collateral Cut, and the Lands through which the same are intended to be carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the West Riding of the County of York, and a like Map or Plan and Book of Reference have been deposited with the Clerk of the Peace for the Division of Lindsey in the County of Lincoln; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the said Offices, and all Persons shall at any seasonable Times have Liberty to inspect and peruse the same, and make Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said intended Canal and Collateral Cut, shall not deviate more than One hundred Yards from the Line or Course thereof described in the said Maps or Plans; and in making the said intended Canal, from Stainforth aforesaid to a Place called The Beggars Tree

Not to deviate more than 100 Yards from the Line described in the Plan.

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in the Parish of Crowle aforesaid, shall not deviate on the South Side of the said intended Canal, more than Twenty Yards, without the Consent in Writing of the Participants of the Level of Hatfield Chace, or their Surveyor or Engineer for the Time being, nor shall any such Deviation be made into or carried through the Lands of any Person or Persons not named in the said Book of Reference, without the Consent in Writing of the Person or Persons through or into whose Lands such Deviation shall be made or carried: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said intended Canal and Collateral Cut, on Account of any Error or Omission in the said Book of Reference, in case it shall appear to any Five or more of the Commissioners appointed by this Act, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Enabling Owners to sell.

And be it further enacted, That it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also on the Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are, is, or shall be seised, possessed of, or interested in their own Right, and to and for every other Person and Persons who are or shall be seised, possessed of, or interested in any Lands or other Hereditaments which shall be necessary to be purchased and made use of for the Purposes of this Act, to contract for, sell and convey unto the said Company of Proprietors, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation and Side Drains, or any of them, all or any Part of such Lands and other Hereditaments, for such Sums of Money to be paid in Gross, or for Annual Rents or Payments to be charged and secured as herein after mentioned, and also to treat and contract for Satisfaction for the Injuries and Damages to be done by virtue of the Powers in this Act contained, and to receive such Sum and Sums of Money for the same as shall be settled and adjusted by the Commissioners herein after appointed, or be assessed by a Jury or Juries in Manner herein after directed, and where by making the said Canal and Collateral Cut, and Side Drains, or any of them,

them, the Property of any Land Owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate, and Collegiate, and other such Land Owners, and all other Persons under any such Disability as aforesaid, by and with the Consent of the said Commissioners, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of and attested by Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands and other Hereditaments, through which the said Canal, Collateral Cut, and Side Drains, or any of them, shall be made, to any Person or Persons whomsoever, for such Price or Prices in Money or other Equivalent as to the said Commissioners shall seem reasonable; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever so conveying or exchanging as aforesaid, are hereby indemnified for what they shall respectively do by virtue, or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between such respective Land Owners) so to be made as aforesaid shall, at the Expence of the said Company of Proprietors, be inrolled by the Clerk of the Peace for the West Riding of the County of York, or the Division of Lindsey in the County of Lincoln, as the Case may be, and true Copies thereof shall be allowed good Evidence in all Courts whatsoever, for which Inrolments shall be paid to the Clerks of the Peace the Sum of Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words, and no more.

Contracts and Deeds to be inrolled.

Copyholds to be surrendered.

VIII. Provided always, and be it further enacted, That all Copyhold Lands and Tenements purchased by the said Company of Proprietors, or conveyed or surrendered for the Purposes of, or under or by virtue of this Act, shall continue to be held as Copyhold by the Rents, Fines, and Services due and accustomed, unless the Lord or Lady of the Manor within which such Copyhold Lands and Tenements shall be situate shall consent to enfranchise the same; and all Copyhold Lands and Tenements so purchased, conveyed, or surrendered, shall

from Time to Time be granted to One Person only, to be nominated by the said Company of Proprietors, unless the Lord or Lady of the Manor within which any such Copyholds shall lie shall consent, or the Custom of the Manor shall authorize them to be granted otherwise, any Thing herein contained to the contrary thereof in anywise notwithstanding; and all Fines, Rents, and Services from Time to Time to grow due in respect of any such Copyholds shall be paid by the said Company of Proprietors, and be recovered as the other Monies mentioned in this Act to be paid by them.

Commissioners appointed.

IX. And be it further enacted, That all Persons seised of Freehold or Copyhold Estates in the Counties of York or Lincoln, or either of them, of One hundred Pounds per Annum, and the eldest Son or Heir Apparent of every Person seised of a Freehold or Copyhold Estate in the said Counties, or either of them, of Five hundred Pounds per Annum, and all Persons residing within the said Counties, or either of them, and having Personal Estates of the Value of Two thousand Pounds, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company of Proprietors and the several Proprietors of and Persons interested in any Lands or other Hereditaments or Waters that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted (and for the settling or determining whereof no other Mode is by this Act provided), and for other the Purposes in this Act mentioned; and that all Acts, Matters, and Things authorized to be done and executed by the said Commissioners shall and may from Time to Time be done and executed by the Majority of the Commissioners present at their respective Meetings, the whole Number present at any such Meeting not being less than Five, and all such Acts, Matters, and Things shall be as valid and effectual as if done and executed by all the said Commissioners.

Commissioners impowered to ascertain Purchase Money, &c.

X. And be it further enacted, That the said Commissioners shall and are hereby impowered, by Writing under their Hands, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of Proprietors, either by an Annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of such Bodies Politick, Corporate, or Collegiate, Person or Persons respectively who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or Hereditaments which shall be

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set out and ascertained as aforesaid for making the said Canal and Collateral Cut, or Side Drains or any Part of either of them, and other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be at any Time or Times sustained by such Bodies Politick, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of or interested in any Lands or Hereditaments, or Occupiers of any Lands or Grounds, for the Crops thereon, for or by Reason of the making, repairing, or maintaining the said Canal and Collateral Cut, Fences, Passages, Gutters, Watercourses, Roads, Ways, Side Drains, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Canal and Collateral Cut, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses which shall be made pursuant to the Powers hereby given for conveying and communicating Water to or from the said Canal and Collateral Cut, or by any cleansing the said Watercourses, Trenches, or Passages, Side Drains, or Sluices, or by turning or diverting any Streams or Brooks into the same, or by Reason or Means of the Execution of any of the Powers herein contained by the said Company of Proprietors, their Agents, Workmen, or Servants, in case such Price or Value, Damage or Recompence respectively cannot be settled, adjusted, and agreed upon by and between the said Company of Proprietors, or their Agent or Agents for the Time being, and such Proprietors of and Persons interested in such Lands or Hereditaments as aforesaid; and if the said Company of Proprietors, for and on the Part and Behalf of themselves, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matters to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be made by the said Commissioners, or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall, upon Notice given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Hereditaments for the Space of Twenty Days next after such Notice,

If the Parties are dissatisfied, the Value or Damages to be ascertained by a Jury.

Notice, or neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence shall be prevented, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for making and completing the said Navigation and other Works as aforesaid, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, then, and in every such Case, the said Commissioners shall, and they are hereby impowered and required from Time to Time to issue a Warrant, under their Hands and Seals, to the Sheriff of the County wherein such Lands or Hereditaments shall be situate, or in case such Sheriff, or his Under Sheriff, shall be interested in the Matter in Question, then to the Coroner of such County, not interested as aforesaid, requiring such Sheriff or Coroner to impannel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined in his Majesty's Courts at Westminster, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, not being less than Nine Days nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties 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 any Person or 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 Matter in Controversy, which Jury, upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence as aforesaid, 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 or Hereditaments, or the Recompence to be made for the Damages that may or shall be so sustained as aforesaid; and the said Com-

missioners shall give Judgement for such Purchase Monies, Rent, or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politick, Corporate, or Collegiate, and all other Persons whomsoever: Provided always, that Notice of the Time and Place of making such Inquiry and Assessment by a Jury, as aforesaid shall be given or left at the usual Place of Abode of the Party or Parties interested in, or the Tenant or Occupier of the Premises, at least Fourteen Days before such Inquiry or Assessment.

Penalty on Sheriff, &c. making Default.

XI. And be it further enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds; and if any Person, so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

By whom Expences of Jury to be paid.

XII. And be it further enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands or Hereditaments, or for any Damage done to any Lands, Hereditaments, or Property of any Person or Persons, than had been previously offered by or on the Behalf of the said Company of Proprietors, or than had been determined or assessed by the said Commissioners, then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict or Assessment shall be given or made for no more, or a less Sum than had been previously offered by or on the Behalf of the said Company of Proprietors, or had been determined or assessed by the said Commissioners as aforesaid, then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute, and such Expences so settled and ascertained shall be deducted

and

and taken out of the Monies so assessed and adjudged, and such Deduction shall be deemed and taken as Payment of so much thereof.

No Complaint to be taken Notice of till Application made to the Company.

XIII. And be it further enacted, That the said Commissioners shall not be obliged to receive or take Notice of any Complaint to be made by any Person or Persons for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue of this Act, unless Application shall be made in relation thereto, by or on the Behalf of such Person or Persons, to the said Company of Proprietors, or to their known Agent or Agents, or to some Collector or Collectors of the Rates arising from the said Navigation, within the Space of Two Calendar Months next after the Time that such Injury or Damages, or supposed Injury or Damages, shall have been sustained, or the doing or committing thereof shall have ceased.

Upon Payment or Tender of the Money the Company may take Possession.

XIV. And be it further enacted, That upon Payment of such Sum or Sums of Money, or Annual Rent, as shall be contracted or agreed for between the Parties, or adjusted or determined by the said Commissioners, or assessed by such Jury in Manner respectively as aforesaid, for the Purchase of any such Lands or 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 Proprietor or Proprietors, or other Person or Persons, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed, or if he, she, or they cannot be found, or shall refuse to accept such Money or Rent, then upon Payment 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 upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, it shall be lawful for the said Company of Proprietors, their Agents, Officers, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stones, Rubbish, Trees, Roots of Trees, and all other Obstructions for the making, maintaining, and repairing of the said Canal, Collateral Cut, Banks, Towing Paths on the Sides thereof, and Side Drains as aforesaid, or in or upon such Lands or Hereditaments for which such Satisfaction shall be agreed, determined, or assessed as aforesaid, and thereupon to make, erect, or do any Works, Matters, or Things for the effecting or carrying on the said Navigation and Side Drains,

Drains, and for the supporting and maintaining of the same respectively, as the said Company of Proprietors shall think requisite, and to have, use, and enjoy the Premises to and for their own Use and Benefit, for the Purposes of the said Navigation, discharged of all Rights and Claims whatsoever thereon; and this Act shall be sufficient to indemnify as well the said Commissioners as the said Company of Proprietors, their Agents, Officers, Workmen, and Servants, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Satisfaction for Damages how to be made.

XV. Provided always, That in no Case of Damage done or to be done in carrying this Act into Execution the Person or Persons damnified shall be compelled or compellable, by any Determination of the said Commissioners, or by any Assessment or Verdict of any Jury, to accept any Annual Payment or Rent in lieu of, or Preference to a Gross Sum, but that the said Commissioners or Jury shall in all Cases determine or assess a Gross Sum, and not an Annual Payment or Rent, unless the Person or Persons, or Bodies injured, and to be compensated by such Determination or Assessment, or who by virtue of the Powers in this Act contained may be entitled to receive such Sum, shall previously signify their Consent in Writing, under their Hands and Seals, that such Person or Persons, or Bodies, is or are willing to take and receive their Satisfaction by Way of Annual Rent or Payment, any Thing herein contained to the contrary notwithstanding.

Determinations of Commissioners to be recorded.

XVI. And be it further enacted, That all Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, being first signed by the Commissioners who shall be present at the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to, and kept by the Clerk of the Peace for the said West Riding of the County of York, or for the Division of Lindsey in the County of Lincoln, as the Case may be, amongst the Records of the Quarter Sessions of the Peace for the said West Riding, and the Division of Lindsey, in the County of Lincoln respectively, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes, and the same or true Copies thereof, or of any Part or Parts thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances as are herein-before mentioned, paying for each Inspection the

Sum

Sum of One Shilling, and to have Copies thereof, or of any Part or Parts thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words; and immediately on Payment or Tender of such Purchase Money or Annual Rent as aforesaid, and Entry of such Determinations, Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, of the said Juries, all the Estates, Right, Title, Interest, Use, Trust, Inheritance, Property, Claim, and Demand in Law and Equity of the said Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of the said Lands and Hereditaments, shall vest in the said Company of Proprietors, and they shall respectively be deemed in Law to be in the actual Seisin and 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 enrolled, Feoffment with Livery of Seisin, Fine, Recovery, or any other legal Conveyance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use such Payment was made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Remainder, or otherwise, against the Issue or Issues of such Person or Persons whomsoever, having or claiming any Right, Title, Estate, or Interest therein, either in Law or Equity, as fully and effectually as a Fine or Recovery, or either of them, would do if levied or suffered by all the proper Parties in due Form of Law.

On Payment or Tender, Lands vested in the Company.

XVII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tithes, both great and small, 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 Tithes, according to their respective Interests therein, such Tithes to be estimated at the Average Value of the Four Years commencing at Michaelmas Day One thousand seven hundred and eighty-eight, and ending at Michaelmas Day One thousand seven hundred and ninety-two, such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any other Lands or Hereditaments are herein-before directed to be ascertained:

Company to make Satisfaction for Tythes.

ascertained: Provided always, that such Recompence and Satisfaction shall be made to all Spiritual Persons by an Annual Rent.

Purchase Money for settled Estates above 20 Pounds to be laid out for the same Uses.

XVIII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on the Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Grounds are limited in strict Settlement, for the Purchase of any Lands or Hereditaments as aforesaid, shall, in case the same exceed the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons seised of Lands, Tenements, Hereditaments, or Premises so limited in strict Settlement, be laid out, as soon as conveniently may be, in the Purchase of Lands, Tenements, or Hereditaments in Fee Simple, and conveyed to or for the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees or other Trustees, or to such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies as the Lands or Hereditaments for or in respect whereof such Purchase Monies shall be so paid as aforesaid were limited, settled, and assured at the Times such Purchase Monies were so agreed for, ascertained, or assessed respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect, such Conveyances and Settlements to be made at the Expence of the said Company of Proprietors, and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies, and also such other Sums of Money to be paid as aforesaid as shall not exceed the Sum of Twenty Pounds, shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the publick Funds, or on Government or real Securities, in the Names of Two Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, with full Power to alter

ter and change the same as often as shall be thought fit, and the Interest arising or to be produced from such Funds or Securities 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, and Hereditaments so to be purchased, in case the same were purchased and settled pursuant to the true Intent and Meaning of this Act.

Compensation for Commons how to be disposed of.

XIX. And be it further enacted, That so much of the Purchase Money for the several Commons and Waste Lands which shall be taken or made use of for the Purposes of this Act, as shall be deemed to be the Value of the Interest of the Lord or Lady of the Manor, and of the Persons entitled to the Right of Common in such Commons and Waste Lands respectively, shall be paid to the Surveyor or Surveyors of the Highways of the respective Parishes, Townships, or Hamlets, and to be applied by such Surveyor or 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, or Majority of rated Inhabitants, at a Town's Meeting, where there is no Vestry, which may be made for that Purpose; and the Receipt or Receipts of such Surveyor or Surveyors shall, and is and are hereby declared to be a full and effectual Discharge to the said Company of Proprietors for the several Sums so paid by them, or on their Behalf, for the Purposes aforesaid.

Commissioners to determine the Share of the Purchase Money of all Persons interested.

XX. And be it further enacted, That the said Commissioners may and are hereby impowered to settle what Shares and Proportions of the Purchase Monies or Recompence for Damages which shall be so agreed for between the said Company of Proprietors, or determined and adjusted by the said Commissioners, or assessed by the said Juries in Manner respectively as aforesaid, shall be allowed to any Tenants or other Persons having a particular Estate, Term, or Interest in the Premises for their respective Interests therein.

Recovery of Purchase Money.

XXI. And be it further enacted, That in Default of Payment of such Sum or Sums of Money, at such Times, and in such Manner as shall be 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 a proper Security to receive the Rates by this Act imposed, and thereout in the First Place to pay all such Damages so to be determined or assessed

assessed as aforesaid, with Costs (if any) occasioned by such Refusal or Default of Payment, together with legal Interest, to be computed from the Time such Damages shall be awarded, and also the Costs and Expences of receiving and collecting the said Rates; and the Monies to be received by such Person or Persons shall and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determinations shall be in Priority of Time; and after such Damages, Interest, Costs, and Expences shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine, or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed and awarded, which shall not be paid according to the Judgement of the said Commissioners as aforesaid, by Action at Law in any of his Majesty's Courts of Record at Westminster against the said Company of Proprietors, to recover the same with full Costs of Suit.

Damages may be levied by Warrant of the Commissioners.

XXII. Provided always, That in case the Damages of any Kind, Interest, and Costs provided to be satisfied out of the Rates arising by the said Navigation, shall not be paid and satisfied within the Space of Five Calendar Months next after the same shall have been so determined or assessed as aforesaid, then, and in such Case, the said Commissioners appointed by this Act shall and are hereby required, upon Complaint made to them by or on the Behalf of the Person or Persons sustaining such Damages, to issue their Warrant under their Hands and Seals to the Sheriff of the County of York or Lincoln, (as the Case may be), authorizing and impowering such Sheriff to levy and raise the Damages so to be determined and assessed, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, together with such reasonable Charges as the said Commissioners shall in such Warrant direct or appoint.

Lands not to be taken till Satisfaction made.

XXIII. And be it further enacted and declared, That nothing in this Act shall authorize or impower the said Company of Proprietors, or their Deputies, Agents, Officers, Workmen, or Assistants, to cut, dig, take, or use any Land or Ground for any of the Purposes of this Act, or to enter into the same, except for the Purpose of ascertaining the Damages as herein mentioned, or to divert or alter the Course of any River, Brook, Stream, Watercourse, Drain, or Spring, or to take any Water

therefrom, or to cut through or intercept any of the Springs or Sources thereof to the Prejudice of any Person or Persons, until such Sum or Sums of Money as shall not only be a full Recompence and Satisfaction for the Land and Ground intended to be cut, dug, taken, or used, but also for the probable Injury or Damage which may be occasioned by the diverting or altering the Course of any such River, Brook, Stream, Watercourse, Drain, or Spring, or taking any Water therefrom, or cutting through or intercepting any of the Springs or Sources thereof, or by Reason or Means of any of the Powers in this Act contained, shall have been actually advanced and paid, or duly tendered by the said Company of Proprietors to the Person or Persons who may sustain such Injury or Damage as aforesaid, or who by virtue of the Powers in this Act contained may be entitled to receive the same, in case he, she, or they can be found, and in case he, she, or they cannot be found, until such Sum or Sums of Money shall have been paid or duly tendered to such Person or Persons, as the said Commissioners shall by Writing under their Hands appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Proprietors or Person or Persons respectively as aforesaid.

Annual Rent charged upon the Rates.

XXIV. And be it further enacted, That all and every such yearly Rents or Sums as shall be agreed upon, or settled and ascertained as aforesaid, shall be charged and chargeable on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors as the same shall become due and payable, and in case of Nonpayment thereof within Thirty Days after the same shall become due, it shall be lawful for the said Commissioners appointed by this Act, by Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid, or otherwise the said yearly Rents or Sums may be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at Westminster, or, at the Election of the Parties entitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattels of the said Company of Proprietors in such Manner as the Law directs in Cases of Distress for Rent.

Punishing Persons wilfully destroying Works.

XXV. And be it further enacted, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Navigation, or Side Drains, 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.

Proprietors impowered to raise amongst themselves 24,200*l.*

XXVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Canal and Collateral Cut, Side Drains, and all Roads and other Ways, Works and Conveniencies to the same belonging, or requisite thereto respectively, provided that the said Sum do not exceed the Sum of Twenty-four thousand two hundred Pounds in the Whole, except as hereinafter mentioned, and that the same be divided into such Number of Shares as herein-after directed; and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One, or more than Fifteen Shares, in his own Name, or in the Name of any Person or Persons in Trust for him, except the same shall come to him by Will, Devise, or Act of Law, upon Pain of forfeiting to the said Company of Proprietors all such Shares exceeding Fifteen Shares, except as herein-after mentioned; 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 Fees and Disbursements for obtaining and passing this Act of Parliament, and all other necessary Expences relating thereunto, and all the Residue and Remainder of such Money for and towards the making, completing, and maintaining of the said Canal and Collateral Cut, Side Drains, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

No Proprietor to have less than One, nor more than 15 Shares.

Money to be divided into 242 Shares.

XXVII. And be it further enacted, That the said Sum of Twenty-four thousand two hundred Pounds, or such Part thereof as shall be raised as aforesaid, shall be

divided

divided and distinguished into Two hundred and forty-two equal Parts or Shares, and that the said Shares shall be and are hereby vested in the said several Subscribers, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto; and all and every the said Shares are hereby declared to be Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Bodies Politick and Corporate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation and Side Drains, shall be entitled to and receive, after the said Navigation and Side Drains shall be completed, the entire and net Distribution of One Two hundred and forty-second Part of the Profits and Advantages that shall or may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares, not exceeding Fifteen Shares (except as herein mentioned) to any One Person as aforesaid; and every Body Corporate or Politick, or Person or Persons having such Property of One Two hundred and forty-second Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking in Manner herein-after directed and appointed.

Shares to be numbered, and Tickets delivered to Proprietors.

XXVIII. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their Second General Assembly, to cause the Names and proper Additions of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of Shares to which they are respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the said Company of Proprietors, and after such Entry to cause their Common Seal to be affixed thereto, and shall also cause as many Tickets or Instruments to be prepared as there are Shares in the said Undertaking, bearing respectively the correspondent Numbers in the said Book, with the Common

Common Seal of the said Company affixed to each Ticket, and to cause to be delivered to every such Subscriber, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Shares therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof, or from receiving annually his Share of the Profits of the said Navigation in respect thereof.

If found insufficient, Power to raise 12,100*l.* more amongst themselves;

XXIX. And be it further enacted, That in case the said Sum of Twenty-four thousand two hundred Pounds herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Canal and Collateral Cut, Side Drains, and other Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereunto, then, and in such Case, it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, in Proportion to their respective Shares, any further Sum or Sums of Money for completing and maintaining the said Navigation and Side Drains, not exceeding the Sum of Twelve thousand one hundred Pounds: Provided always, that in case the said Company of Proprietors, or the Committee for the Time being, to be appointed by virtue of this Act, shall be desirous of raising the said Sum of Twelve thousand one hundred Pounds, herein-before authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, or the said Committee, to borrow and take up at Interest all or any Part of the said Sum of Twelve thousand one hundred 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 such 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 Assignments

or by Mortgage.

shall

shall be made under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following; that is to say:

Form of Assignment.

BY virtue of an Act of Parliament made in the Thirty-third Year of the Reign of King *George* the Third, [*Insert the Title of the Act*], we, the Company of Proprietors of the said Navigation, in Consideration of the Sum of to us in Hand paid by of do hereby bargain, sell, assign, and transfer unto the said Executors, Administrators, and Assigns, all and singular the Rates arising by virtue of the said Act, and also the said Canal, Collateral Cut, and Premises, to hold to the said Executors, Administrators, and Assigns, subject as in the said Act is mentioned, until the said Sum of together with Interest for the same, after the Rate of *per Centum per Annum*, shall be fully paid off. Given under our Common Seal, the Day of

And all and every Person and Persons to whom such Assignment or Assignments shall be made shall be equally entitled to his, her, or their Proportions of the said Rates, Canal, Collateral Cut, and Premises, according to the respective Sums in such Assignment or Assignments mentioned to be advanced, without any Preference by Reason of the Priority of the Date of any such Assignment, or on any other Account whatsoever, and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, compleating, and maintaining of the said Canal and Collateral Cut, and Works hereby authorized to be made, and for the other Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Mortgages to be entered in a Book;

XXX. And be it further enacted, That an Entry or Memorial of all and every such Assignment or Assignments, containing the Date, Names of the Parties, and Sums of Money borrowed, shall, within Twenty-eight Days next after the same shall be made and executed, be entered, without any Fee or Reward for so doing, in One or more Book or Books to be kept for that Purpose, by the Clerk to the said Company of Proprietors, which said Book and Books shall and may be perused at all seasonable Times by all and every of the Proprietors and Creditors of the said Canal, Collateral Cut, and other Works, and other Persons interested therein, without Fee or Reward; and all and every Person and

and may be transferred.

Persons to whom such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer the same, and his, her, or their Right, Title, Interest, or Benefit, of, in, and to the principal Sum of Money, and Interest thereby secured, to any Person or Persons whomsoever, by the following Words of Assignment, or Words to the like Effect, to be indorsed on such Assignment:

Form of Transfer.

I do hereby transfer the within written Security, and all my Right and Title to the Money thereby secured, and to all Interest now due or hereafter to become due thereon, unto of Executors, Administrators, and Assigns. Witness my Hand, this Day of in the Year of our Lord

Transfers to be entered.

All and every which said Transfers or Assignments shall, within Twenty-eight Days after the Date thereof, be produced and notified to the Clerk to the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made of all and every such Assignments or Transfers, containing the Date, Names of Parties, and the Sums of Money thereby transferred, in the said Book or Books to be kept for the entering of the said original Grants or Assignments, for which last mentioned Entry the Clerk shall be paid the Sum of Two Shillings and Sixpence, and after such Entry made every such Assignment shall entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Grant and Assignment; and it shall not be in the Power of any Person or Persons who shall have made any such last mentioned Assignment or Assignments at any Time afterwards to annull, make void, release, or discharge the original Grant or Assignment, or any Monies thereby secured, or any Part thereof.

Interest of Money borrowed to be first paid.

XXXI. Provided always, and be it further enacted, That the Interest of the Money which shall be so borrowed by Mortgage as aforesaid shall be paid to the several Persons entitled thereto, in Preference of any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged, or provided for, before the yearly or other Interest

terest or Dividends due to the said Company of Proprietors shall be paid, made, or divided.

Subscribers having One Share each, deemed Proprietors;

XXXII. And be it further enacted, That every Body or Bodies Politick or Corporate, or Person or Persons who shall by virtue of this Act have subscribed or undertaken for One Two hundred and forty-second Share of the said Navigation, shall be deemed One of the said Company of Proprietors, and shall have a Vote in every publick Meeting or Assembly to be held as herein-after appointed for carrying on the said Undertaking, which may be given by him, her, or them, or his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors in the said Navigation), duly constituted in Manner herein-after mentioned, and such Vote or Votes by Proxy shall be good and sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person; and any Body or Bodies Corporate or Politick, Person or Persons, who shall have more than One such Share, and not exceeding Three Shares, except as herein-before excepted, shall have Liberty by him, her, or themselves, or his, her, or their Proxies (being Proprietors and regularly constituted as aforesaid) to give One Vote for each such Share of the said Two hundred and forty-two Shares for which he, she, or they shall be a Subscriber, or become One of the said Company of Proprietors as aforesaid; and whatever Question, Election of proper Officers, or other Matters or Things shall be proposed, discussed, or considered at any General Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share (provided that no Person shall give or deliver more Proxies than for Five absent Proprietors), and the Appointment of which said Proxies shall be in the Words, or to the Effect following; to wit:

and may vote personally or by Proxy;

and having Three Shares entitled to Three Votes.

I of One of the Company of Proprietors of the *Stainforth* and *Keadby* Canal Navigation, do hereby nominate, constitute, and appoint of to be my Proxy, in my Name and in my Absence to vote and give my Assent or Dissent to any Business, Matter, or Thing relating to the said Navigation and Undertaking, that shall be mentioned or proposed at any Meeting of the Proprietors of the said Canal Navigation, or any of them, in such Manner as he the said shall think proper, according to his Opinion and Judgement, for the Benefit of the said Navigation and Undertaking, or any

Form of appointing a Proxy.

any Thing appertaining thereto. Witneſs my Hand, the Day of in the Year of our Lord

First General Aſſembly of the Proprietors.

XXXIII. And be it further enacted, That the firſt General Aſſembly of the ſaid Company of Proprietors ſhall be held at the Red Lyon Inn, in the Town of Doncaſter, upon the Eleventh Day of July One thouſand ſeven hundred and ninety-three, between the Hours of Eleven of the Clock in the Forenoon and One in the Afternoon, at which General Aſſembly the Proprietors aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall chuſe Nine Perſons, who ſhall then be Proprietors of One Share at leaſt in the ſaid Navigation, to be a Committee to manage the Affairs of the ſaid Company, and to continue in their ſaid Office until another Committee ſhall be choſen, unleſs they, or any of them, ſhall be removed by the ſaid Company of Proprietors; and that a General Aſſembly of the ſaid Company of Proprietors ſhall be held on the Second Thurſday in July in the Year One thouſand ſeven hundred and ninety-four, and in like Manner from thenceforth on the Second Thurſday in July, annually, at ſuch Place as the laſt preceding General Aſſembly ſhall think proper to appoint for that Purpoſe, of which Meetings publick Notice ſhall be given in the Doncaſter Journal, or in ſome other Newſpapers which ſhall at that Time be circulated in the Counties of York and Lincoln, and alſo be publiſhed in ſuch other Manner as the ſaid General Aſſembly ſhall direct, at leaſt Fourteen Days before ſuch Meeting, each of which ſaid General Aſſemblies ſhall have Power and Authority to adjourn themſelves from Time to Time, and from Place to Place as they ſhall think proper, until the Time of holding the next Annual General Aſſembly, on the Second Thurſday in July, Annually, and ſhall have Power to appoint a Clerk to the ſaid Company, and a Treaſurer, Clerk or Clerks of the ſeveral Wharfs, and Receivers of the ſaid Rates, and ſuch other Officers as they ſhall think proper, and from Time to Time to remove any ſuch Officers, taking ſuch Security from every ſuch Treaſurer and Receiver for the due Execution of their reſpective Offices as the ſaid General Aſſemblies ſhall think fit, and to call for, audit, and ſettle all Accounts of Money received, laid out, and diſburſed for or on Account of the ſaid Navigation, by ſuch Officer or Officers, and by all and every other Perſon and Perſons employed by or under them in and

Committee to be appointed.

Subſequent General Aſſemblies.

about the said Navigation, and to do and transact all other Business respecting the said Navigation.

Meetings of Committees.

XXXIV. And be it further enacted, That the said Committee so to be chosen as aforesaid, or such of them as shall be present at such First General Assembly, shall and may fix a Time and Place for the First Meeting of the said Committee, and that they, or any Five or more of them, may at such Meeting execute all and every the Powers and Authorities in the said Committee vested by this Act, and from Time to Time adjourn themselves as they shall think fit; and if at any Place appointed for such Meeting Five of such Committee shall not appear within Six Hours after the Time fixed for holding such Meeting, any One or more of the said Committee, who may be then present, shall and may, and is and are hereby authorized to adjourn the Meeting of the said Committee, either to the same Place, or to some other convenient Place, within Ten Miles of the said Canal, to meet on such Day and Hour (between Eleven of the Clock in the Forenoon and Two in the Afternoon) as such One or more of the said Committee so present shall think proper, not exceeding Fourteen Days from the Day of such Adjournment; and if no such Adjournment shall be made, then, and in such Case, any One or more of such Committee may, by Advertisement in the Doncaster Journal, or any other Newspapers then in Circulation in the said Counties of York and Lincoln, call another Meeting of the said Committee at some Place as aforesaid, at a Time not less than Ten nor more than Twenty-one Days after such Notice, and so from Time to Time as often as the Case may happen.

Committee to be annually chosen.

XXXV. And be it further enacted, That at the General Assembly of the said Proprietors, to be held annually on the Second Thursday in July, as aforesaid, or at the First Adjournment thereof, at which a competent Number of the said Proprietors or Proxies shall attend to act as herein-before mentioned, the Proprietors and Proxies then assembled shall choose Nine Persons who shall then be Proprietors of One Share at least in the said Navigation, for the next Year's Committee, such Committee to continue in Office, unless removed as hereinafter mentioned, until the next Annual General Assembly, and the Choice of a new Committee as aforesaid, and so in every succeeding Year; all which said several successive Committees shall have the like Privileges, Powers, and Authorities as are in and by this Act granted to and vested in the First Committee to be chosen in Manner herein-before directed.

XXXVI. Pro-

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

XXXVI. Provided always, That no One Member of any of the said Committees, 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 in case of a Division of equal Numbers shall have the casting Vote, although he may have given One Vote before.

Disqualification of serving on Committees.

XXXVII. Provided also, That no Person holding any Place, Office, or Employment under the said Company of Proprietors shall be capable of being chosen to serve upon any Committee during the Time of his Continuance in such Place, Office, or Employment; nor shall any Person or Persons, being Proprietors in the River Don Navigation, beyond the Number of Three of such Proprietors at any One Time, constitute a Part of such Committee, or more than Three of such Proprietors be at any Time eligible to serve on such Committees.

If Proprietors or Proxies of 60 Shares not present, to adjourn.

XXXVIII. And be it further enacted, That if at such First General Assembly, or at any future General Assembly to be held by virtue of this Act, there shall not be present, within Six Hours after the Time fixed for holding such General Assembly, Persons either as Proprietors or Proxies who shall together have Sixty Shares, no Election, or other Business, shall be transacted, but the Proprietors and Proxies present shall adjourn the Assembly to such Place and Time, within Fourteen Days, as the said Proprietors and Proxies present, or the Majority of them, shall appoint, at which adjourned Assembly the Choice of the Persons for a Committee shall be made, and all other Matters and Things shall be transacted which might or ought to have been done at such Annual General Assemblies to be held as herein-before directed; but if at any such adjourned Assembly there shall not attend Proprietors or Proxies together of Sixty Shares, no other Business shall be done or transacted, except Adjournment of the same, to some other Place at some Time within Fourteen Days, and so from Time to Time, until Proprietors of or Proxies for together Sixty Shares, shall be present when the several Matters, Transactions, and Things which might have been done, performed, and executed at the former Assemblies, if a sufficient Number of Proprietors had attended, may be done, performed, and executed at such adjourned Assembly; and in case at the First Day appointed for holding such General Assemblies there shall not appear Principals or Proxies for Sixty Shares together, each and every of the Principals who shall not be present at such Assembly by himself or his Proxy, before the Adjournment thereof,

thereof, shall forfeit to the said Company of Proprietors, for every such Share which he, she, or they shall then have in the said Undertaking, the Sum of Twenty Shillings, to be deducted out of the next Dividend of the Profits of the said Undertaking.

Special General Assemblies.

XXXIX. And be it further enacted, That if at any Time it shall appear to any Ten or more of the Proprietors possessing amongst them Twenty Shares at the least, that for the more effectually putting this Act into Execution a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such Ten or more Proprietors to cause Notice thereof to be given in the Doncaster Newspaper, or in some other publick Newspaper that shall be circulated in the Counties of York and Lincoln, declaring in such Notice where, and the Time when such Meeting is to be held, the same not being less than Ten Days, nor more than Twenty-one Days after such Notice, and likewise specifying in every such Notice the Reason for and Intention of such Meetings respectively, and the Proprietors and Proxies are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given them with respect only to such Matters as shall be specified in such Notices; and all such Acts of the Proprietors, or of Sixty of them, at such Meetings (such Sixty Proprietors not having either as Principals or Proxies less than One hundred and twenty Shares) shall be as valid to all Intents and Purposes as if the same were done at General Assemblies held in Manner herein-before appointed.

Books of Accounts to be locked up.

XL. And be it further enacted, That the Book and Books in which the Accounts relating to the said Undertaking and Navigation shall be entered, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of Proprietors shall from Time to Time direct, and the Key or Keys thereof the Committee for the Time being shall have in their Custody or Power, and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to such Book or Books for his, her, or their Inspection.

General Assembly or Committee to make Calls of Money.

XLI. And be it further enacted, That every General Assembly, or such Committee, or Five or more of such Committee, being a Majority of those who are so met together, shall have Power from Time to Time to make such Call or Calls of Money from the said Company of Pro-

Proprietors to defray the Expences of carrying on the said Navigation as they from Time to Time shall find wanting and necessary for that Purpose, so that no Call do exceed the Sum of Ten Pounds for every 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 Money so called for shall be paid to such Person or Persons, and in such Manner as the said General Assembly or Committee assembled as aforesaid shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee, or Five or more of them assembled as aforesaid, and being the Majority of those so assembled, shall have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands and Materials for the Use of the said Navigation and Side Drains, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents (other than the Banker, Treasurer, and Clerk to the said Company), and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of One or more Part or Parts, Share or Shares in the said Undertaking, shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed in Manner aforesaid, of which One Calendar Month's Notice at the least shall be given by publishing the same in the Doncaster or some other publick Newspaper circulated in the Counties of York or Lincoln, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid at the Time and Place appointed by such General Assembly or Committee assembled as aforesaid, he, she, or they so neglecting or refusing shall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, or their respective Share and Shares, Parts and Interests in the said Undertaking; and in case such Person or Persons shall after Notice refuse or neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they shall forfeit his, her, and their respective Share and Shares, Parts and Interests in the said Under-

Proprietors to pay the Costs within One Month, under a Penalty.

If not paid within Two Months to forfeit a Penalty.

Undertaking, and all the Profit and Benefit thereof, all which Forfeitures shall go to the Rest of the Proprietors, in Proportion to their respective Interests in the said Undertaking.

No Forfeitures unless declared at a General Meeting.

XLII. Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, until Notice in Writing thereof shall have been given to the Owner of such Share, or his or her known Agent, or left at his or her usual or last Place of Abode, nor until such Share shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, who shall meet within Six Calendar Months next after Notice of such Forfeiture shall have been served upon such Owner, or his or her known Agent as aforesaid; and in case such Owner cannot be found, and shall not have any known Agent, then such Forfeiture shall not be declared until the same shall have been once advertised in the London Gazette, or some One of the publick Newspapers within the County of York or Lincoln (the Expence of such Advertisement to be borne and paid by such Owner, if he or she appear and claim such forfeited Share), and every such Forfeiture shall be an Indemnification to and for every Proprietor and Proprietors so forfeiting against all Actions, Suits, or Prosecutions whatsoever to be commenced or prosecuted for any Breach of Contract or other Agreement betwixt such Proprietor or Proprietors so forfeiting and the Rest of the said Company of Proprietors, with regard to carrying on the said intended Navigation.

Committee subject to General Assemblies.

XLIII. Provided also, That the said Committee to be assembled as aforesaid shall, from Time to Time, be subject to the Examination and Controul of the said General Assembly, or other Meetings of the said Company of Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as they shall from Time to Time receive from the said Company of Proprietors at such General Assembly or other Meeting, such Orders and Directions not being contrary to any express Directions in this Act contained.

General Assemblies impowered to remove Committee Men and Officers.

XLIV. And be it further enacted, That the said Company of Proprietors shall always have Power and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein-before prescribed and laid down with regard to their Proceedings amongst them-

themselves as shall seem meet, (the Method of calling General Assemblies, and their Time and Place of meeting, and voting, and appointing Committees, only excepted), and shall have Power from Time to Time to make such Rules, Bye Laws, and Orders for the good Government of the said Company of Proprietors, their Servants, Agents, and Workmen, and for the good and orderly using the said Navigation, and all Works belonging thereto, and for the well governing of the Bargemen, Watermen, Boatmen, and others, who shall carry any Goods, Wares, and Merchandizes upon any Part of the said Canal and Collateral Cut, and to impose and inflict such reasonable Fines and Forfeitures upon the Breakers of such Rules, Bye Laws, and Orders, as to the said General Assembly, or the Majority thereof, shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders being put in Writing under the Common Seal of the said Company of Proprietors, and a Copy thereof put up in some publick Place belonging to the said Proprietors for Inspection, shall be binding 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 the same are not repugnant to the Laws of the Realm, or any of the Provisions contained in this Act.

Executors, &c. to pay the Calls.

XLV. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls as aforesaid shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise how such Share and Shares shall be disposed of, and the Money paid in upon Calls for the future, then, and in such Case, the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or other Person or Persons whomsoever entitled to the Estate and Effects of such Owner deceased, shall be indemnified against all such Infants and other Persons whomsoever, for paying any Sum or Sums of Money when called for as aforesaid to complete such Subscription; and if any such Owner deceased shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the

On Want of sufficient Assets other Persons may become Proprietors, &c.

said Company of Proprietors shall be and are hereby impowered, authorized, and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner deceased, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or others entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his or her Life Time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for.

Shares may be disposed of.

XLVI. And be it further enacted, That it shall be lawful for the Proprietor of any Share or Shares in the said Navigation 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 Company of Proprietors, and an Entry thereof shall be made in a Book to be kept by the said Clerk for that Purpose (for which no 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, nor any Interest paid to him, her, or them, for his, her, or their Share so purchased, or be entitled to a Vote as Proprietor or Proprietors of the said Navigation; and every Assignment or Transfer of the said Shares shall be in the Form or to the Effect following:

Form of Transfer.

I *A. B.* of of in Consideration of the Sum 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 in the *Stainforth* and *Keadby* 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 the

the said Share, subject to the same Rules, Orders, and Conditions as before mentioned. Witness our Hands and Seals, the Day of

No Persons to sell after Call made, unless the same be paid.

XLVII. And be it further enacted, That after any Call of such Monies shall be made by a General Assembly, or such Committee as aforesaid, no Person or Persons shall sell or transfer any Share which he, she, or they shall then have in the said Undertaking, until the Monies called for upon their respective Share or Shares so to be sold shall be paid, upon the Penalty of forfeiting his, her, or their respective Share of the said Undertaking to the said Company of Proprietors, in Trust, for the Benefit of the Rest of the said Company of Proprietors, unless the Person or Persons who shall be Vender or Venders shall, at the Time of such Transfer, pay the Money called for upon such Share so transferred to the Treasurer of the said Company of Proprietors, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner above directed.

Proceedings of the Committee, Company, and Commissioners, to be entered.

XLVIII. And be it further enacted, That the Clerk or Clerks to be appointed as aforesaid shall, in a proper Book or Books to be provided for that Purpose, regularly enter and keep a true and perfect Account, from Time to Time, of the Names and Places of Abode of all the Proprietors of the said Undertaking, and of all Persons who shall become interested in, or entitled to, any Share or Shares therein, and all Persons who shall become Mortgagees thereof, or advance Money thereon, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the Committee for the Time being, and also make regular Entries of all Orders, Proceedings, Acts, and Transactions of the Commissioners hereby appointed, and such Entries of the Orders, Proceedings, Acts, and Transactions of the Commissioners shall be signed by the said Commissioners, and shall then be deemed Originals, and admitted in Evidence in all Cases whatsoever, and all and every Proprietor and Proprietors of and in the said Undertaking shall and may at all convenient and seasonable Times have Recourse to and peruse all or any such Book or Books and Entries gratis, and may demand and have Copies thereof, or of any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if any such Clerk or Clerks shall refuse or hinder any Proprietors or Persons so interested as aforesaid to inspect or peruse such Book or Books, or refuse or neglect to make any such Copy or Copies when required, at the

the Rate aforesaid, within a reasonable Time, he shall pay the Sum of Forty Shillings for every such Offence.

Rates granted to Proprietors.

XLIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take, receive, and recover to and for their own proper Use and Behoof, for the Tonnage of the several Kinds of Goods, Wares, Merchandizes, Commodities, and other Things herein-after mentioned, which shall be navigated, carried, or conveyed in, upon, or along the said Canal or Collateral Cut, or any Part thereof, such Rates as the said Company of Proprietors shall think proper to charge, not exceeding the several Rates herein-after mentioned; (that is to say),

For every Ton of Fir Timber, Fifty Feet to the Ton, carried the whole Length of the said Canal, and in the same Proportion for any greater or less Weight, or any less Distance than the whole Length, per Mile, One Penny:

For every Ton of Deals, Twelve Feet long and Three Inches thick being a Ton, carried the whole Length of the said Canal, and in the same Proportion for any greater or less Weight, or any less Distance than the whole Length, per Mile, One Penny:

For every Ton of Ash, Elm, and other White Wood of English Growth, Fifty Feet to the Ton, carried the whole Length of the said Canal, and in the same Proportion for any greater or less Weight, or any less Distance than the whole Length, per Mile, One Penny:

For every Ton of Oak Timber, Forty Cubic Feet a Ton, carried the whole Length of the said Canal, and in the same Proportion for any greater or less Weight, or any less Distance than the whole Length, per Mile, One Penny:

For every Ton of Coals, Sleck, Cinders, Culm, Charcoals, and Lime, carried the whole Length of the said Canal, and in the same Proportion for any greater or less Weight, or any less Distance than the whole Length, per Mile, Three Farthings:

For every Ton of Lime Stone, per Mile, One Half-penny:

For every Ton of other Sorts of Stone, Iron Stone, Flags, Paving Stone, Slate, Iron, Pig Iron, Bar Iron, Old Iron, Cast Metal, Bricks, and Tiles, and in the same Proportion, per Mile, One Penny:

For every Quarter, containing Eight Winchester Bushels, of Wheat, Shelling, Beans, Peas, Vetches, and Lintels; for every Quarter of Rape, Line, Cole,

and Mustard Seed; and for every Quarter of Apples, Pears, Onions, and Potatoes, carried the whole Length of the said Canal, and in the same Proportion for any less Distance than the whole Length, Four-pence:

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

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

For every Ton of Groceries, and of all Kinds of Linen and Woollen Yarn, Cotton, Flax, Hemp manufactured Goods of all Sorts, with every other Kind of Goods, Wares, Merchandize, Commodities, and Things whatsoever not before enumerated and rated, carried the whole Length of the said Canal, and in the same Proportion for any greater or less Weight, or any less Distance, per Mile, One Penny Halfpenny:

For every Boat and Vessel that shall enter the said Canal near Stainforth Lock, and turn down the Collateral Cut from Thorne Common to the River Dunn, at Hangman Hill, or shall navigate from Hangman Hill on the said Canal to the River Dunn Cut at Stainforth, a Gross Tonnage of Sixpence per Ton for all Goods and Things herein-before enumerated, without being liable to any further Payment for Rates whatsoever on the said Canal.

L. Provided always, That Ten superficial Yards of Flag Paving Stones from One to Two and Three Quarters Inches in Thickness, or Sixteen Cubical Feet of Stone in Blocks, shall be deemed and rated as One Ton; and that One hundred and twelve Pounds Avoirdupois shall be taken as One Hundred Weight, and Twenty such Hundred Weights shall be deemed and rated as One Ton.

Fractions of Weights and Distance regulated.

LI. Provided always, and be it further enacted, That in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat or Vessel shall be navigated or pass upon the said intended Canal, 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 or Vessel so to be navigated on the said intended Canal, a Proportion of the said Rates shall be demanded and taken by the said Proprietors for such Fraction, according to the Number of Quarters of a Ton

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.

Recovery of Rates.

LII. And be it further enacted, That the Rates hereinbefore authorized to be demanded and taken shall be paid to such Person or Persons, and at such Place or Places at or near the said intended Canal and Collateral Cut, or either of them, and in such Manner, and under such Regulations as the said Company of Proprietors 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 Company of Proprietors 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 till 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 Company of Proprietors, together with such 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.

Navigation to be free on Payment of Rates.

LIII. And be it further enacted, That all Persons shall have free Liberty, with Horses, Cattle, and Carriages, to use the private Roads and Ways belonging to the said Company of Proprietors, (except the Towing Paths), and with Boats, Barges, and other Vessels capable of passing through the Locks to be made by virtue of this Act, to use the said intended Canal and Collateral Cut for the Purpose of conveying Coals, and all other Goods and Things whatsoever, and to use the said Wharfs or Quays 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 such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein-before mentioned, and subject always to the Rules, Bye Laws, and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted.

LIV. Pro-

Exemptions from Rates.

LIV. Provided always, That nothing in this Act contained shall impower the said Company of Proprietors to charge any Rates of Tonnage upon any Kind of Dung or other Manure, (except Lime), that shall arise or be produced in any Township or Parish through which the said Canal and Collateral Cut shall pass, for being carried in any Boat or Vessel upon the said Canal or Collateral Cut, to be used and employed in any other Township or Parish through which the said Canal and Collateral Cut shall be made, but the same shall be free and exempt from the Payment of any of the Rates herein-before granted.

Turves and Peats exempt from Rates to the River *Dunn*.

LV. Provided always, and be it enacted, That nothing in this Act contained shall authorize or impower the said Company of Proprietors, or any of their Agents or Workmen, to take and receive any Tolls, Rates, or Dues for any Turves or Peats that shall hereafter be cut or digged upon certain Moors, in the said Parish of Thorne, commonly called Thorne Peat Moors, and also certain Peat Moors within the Manors of Crowle and Keadby, and carried in Boats or Vessels therefrom upon the said Canal to the River Dunn, or to any other Place or Places in the said Parish of Thorne, but that all such Turves and Peats shall, and the same are hereby impowered to be navigated upon the said Canal freed and exempt from the Payment of any Tolls, Rates, or Dues whatsoever; but in case such Turves or Peats shall be carried and navigated in Boats or Vessels upon the said Canal to the said River Trent, then, and in such Case, the same shall be liable to pay the Sum of One Penny per Mile for each Ton of such Turves or Peats so carried upon the said Canal to the said River Trent.

Payment of Cranage and Porterage.

LVI. And, in order to make Compensation to the said Company of Proprietors for the Expence they will necessarily be put to in providing proper Wharfs, Staithes, Warehouses, and Granaries for the landing and receiving Goods and other Things carried and conveyed upon the said intended Navigation, be it farther enacted, That for every Ton of Goods, Wares, Merchandizes, Commodities, and other Things, (save and except Corn, Coals, Stone, Lime, Lime Stone, Flint, Clay, English Timber, Bricks, Tiles, Plaister, Soapers Waste or Ashes, and Sandfall, which excepted Articles it is supposed will not require the Use of a Crane, and which will be loaded and delivered by the Crew of each respective Boat or other Vessel, or the Driver or Drivers of some Waggon, Cart, or other Carriage, or such other Person as they will call to their Assistance), which shall

be

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 Company of Proprietors, or to their Agent, Servant, or Wharfinger, at each of the said Wharfs, Staiths, Warehouses, or Granaries respectively, in Recompence for such Craneage and Porterage, any such Sum as they shall from Time to Time appoint and direct, not exceeding Sixpence.

Payment of Wharfage.

LVII. And be it further enacted, That the said Company of Proprietors, or their Agents, Servants, or Wharfingers, at any of the said intended Wharfs, Staiths, Warehouses, or Granaries, may ask, demand, and receive such Sum or Sums of Money for Wharfage and Warehouse Room, except at such private Wharfs, Warehouses, or Granaries as herein-after mentioned, over and above what is directed to be paid for Craneage and Porterage, as they shall think fit, not exceeding the Sums in the following Table; that is to say:

	More than 24 Hours, not more than Six Days.	Six Days, but less than One Month.	One Month, but less than Six Weeks.	Six Weeks, but less than Two Months.	Two Months, but less than Ten Weeks.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
For every Ton of Goods, Wares, Merchandizes, Commodities, and other Things (except as is excepted in the Rates of Charges for Craneage and Porterage) —	— — 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	— — 1 ½	— — 2	— — 2 ½
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	— — 1 ½	— — 2	— — 2 ½

And ſo in the like Proportion for any longer Time than Ten Weeks.

LVIII. Provided always, That if any such Goods, Wares, Merchandizes, Commodities, and other Things be removed and taken away within the Space of Twenty-four Hours, the same shall not be charged any Thing either for Wharfage or Warehouse Room.

Goods not to be removed from Warehouses till Dues are paid.

LIX. And, for the better securing the Sums to be paid for such Craneage, Porterage, Wharfage, and Warehouse Room as aforesaid, 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 at any of the said intended Wharfs, Staiths, Warehouses, or Granaries, without the Consent of the said Company of Proprietors, or their Agents, Servants, or Wharfingers attending at such Wharfs, Staiths, Warehouses, and Granaries respectively, without the Payment of such Sum as shall be then due for the same, then, and in every such Case, the Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Five Pounds, together with all 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.

Masters of Boats to give Account of Loading.

LX. And be it further enacted, That the Master, Owner, and Manager of every Boat, Barge, and other Vessel navigating upon the said Canal and Collateral Cut, or any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat, Barge, or other Vessel, to the Collectors of the said Rates, at the Place or Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to each Boat, Barge, or Vessel, from whence brought, and where they intend to land the same; but if the Goods contained in such Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or Person shall specify the Quantities liable to the Payment of each distinct Rate; and in case he or they shall neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in that Account, they shall forfeit and pay to the said Company of Proprietors the several Sums following (that is to say); if the said Master, Owner, Manager, or Person having

the Rule or Command of any such Boat, Barge, or other Vessel navigating on the said Canal or Collateral Cut, shall refuse to give such Account as herein-before directed, he or they shall forfeit and pay to the said Company of Proprietors the Sum of Forty Shillings for every Ton of Goods which shall be in such Boat or Vessel respectively, of which such Account shall have been refused to be given; and in case such Master, Owner, Manager, or Person having the Rule or Command of any such Boat, Barge, or Vessel, shall give a false Account, that then, and in such Case, he and they shall forfeit and pay to the said Company of Proprietors the Sum of Forty Shillings for each and every Ton exceeding the Number of Tons mentioned and contained in such Account, and also the like Sum of Forty Shillings for every Ton (and so in Proportion for more or less than a Ton), which shall be delivered at any other Place or Places than mentioned in the said Account, in Writing, so to be delivered in as aforesaid, over and above the respective Rates they are obliged to pay for the same; and in case of Neglect, Refusal, or Denial of Payment, on Demand made, of such Forfeiture or Forfeitures before-mentioned, or any Part thereof, then, and in every such Case, the same shall be recovered in such Manner and by such Methods as the said Rates hereby granted are herein-before directed and appointed to be recovered.

Vessels may be weighed or measured in case of Difference respecting Rates.

LXI. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and the Master or Person having the Charge of any Boat, Barge, or Vessel, or the Owner of any Goods, Wares, and Merchandizes, concerning the Weight and Quantity of the same, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged all such Goods, Wares, and Merchandizes as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of a greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Boat, Barge, or Vessel affirmed the same to be, then such Master, Owner, or Person so affirming, shall pay the Costs and Charges of such weighing, measuring, and gauging, all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered as the said Rates are hereby appointed to be recovered, but if such Goods, Wares, and Merchandizes shall appear to be of the same, or of less Weight or Quantity than the Master, Owner, or Person so declared

the

the same to be, then the said Collector or Collectors shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandizes, such Damages as shall appear to the said Commissioners, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention, and in Default of immediate Payment thereof by the Collector or Collectors, the same shall be recovered from the Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record.

No Partiality to be used in Boats passing Locks.

LXII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Person belonging to the said Company of Proprietors, shall give any Preference, or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Navigation, or in loading or unloading any Goods, Wares, or Merchandize at any of the Wharfs, Warehouses, Weigh Beams, Cranes, and other Machines belonging to the said Company of Proprietors, 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, or the Division of Lindsey in the County of Lincoln, every Person so offending shall forfeit and pay the Sum of Ten Shillings to the Informer.

Small Vessels not to pass Locks without Consent of Proprietors, &c.

LXIII. And be it further enacted, That no Boat, Barge, or other Vessel, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or their Clerk for the Time being, in Writing first had and obtained, unless such Boat, Barge, or other Vessel shall pay a Rate equal to what would be paid for a Vessel loaded with a Burthen of Twenty-five Tons.

Side Drains to be made parallel with certain Parts of the Canal.

LXIV. And whereas the said intended Canal will in several Parts intersect the Drains made for the draining the Lands and Grounds within the Level of Hatfield Chase and Parts adjacent, by Means whereof such Drainage will be considerably interrupted, and in regard that the Surface of the Water in the said intended Canal will in many Parts be upon a Level with, and in other Parts above the Level of the adjoining Lands and Grounds, such adjacent Lands and Grounds will in consequence thereof be subject to Leakage and Dozings from the said Canal; for the Remedy whereof, be it enacted, and it is hereby further enacted, That the said Company of Proprietors shall and may, and they are hereby authorized and required, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assistants,

at the proper Costs, Charges, and Expences of the said Company of Proprietors, to make or cause to be made a Soak or Side Drain on the South Side of the said intended Canal, extending from a certain Place or Barrier Bank, called Ashfield Bank, in the Parishes of Thorne, Hatfield, and Fishlake, or some of them, to the River Trent, at Keadby aforesaid, in such Course and Direction as is delineated and described in the Plan or Map hereinafter mentioned or referred to, which said Soak or Side Drain shall not deviate more than the Distance of Twenty Yards, nor less than the Distance of Ten Yards, from the South Side of the said intended Canal, without the Consent in Writing of the said Participants, or their Surveyor or Engineer for the Time being, and that the said Soak or Side Drain from the said Barrier Bank called Ashfield Bank to the End of a certain Drain called Meer Drain (also delineated or described in the same Map or Plan), shall be Six Feet wide at the least at the Bottom, and from the same Meer Drain to the South-west Corner of Crowle Common, in the Parish of Crowle aforesaid, where the said Canal will intersect the Course of the old River Dunn, shall be Ten Feet wide at the least at the Bottom, and from thence to its intended Outfall into the River Trent, at Keadby aforesaid, shall be Fifteen Feet wide at the least at the Bottom, and that the said Soak or Side Drain shall be made with sufficient Banks, or raised Abutments, where it shall be thought necessary, and shall be required by the said Participants, or their Surveyor or Engineer for the Time being, and shall have a Batter or Slope of One Foot on each Side for every Foot in Depth, and that the Bottom of such Drain at the said Barrier Bank shall be as deep as the Dike or Drain described or mentioned in the said last mentioned Map or Plan called The Boating Dike, where the said intended Canal will intersect or cross it, or as much deeper as shall be thought necessary or requisite by the Participants of the Level of Hatfield Chase, or their Surveyor or Engineer for the Time being, and shall be carried on a regular Declivity to the Outfall at Keadby aforesaid, and shall at all Times after be used as a Drain or Sewer to take off all or any of the Waters from the Lands or Grounds lying on the South Side of the said Canal, and now draining into the said Boating Dike, and so that the Waters of the said Meer Drain may communicate freely with the said South Side Drain, and have the same Passage and Course down the said Boating Dike at or near the White Gate, as the same now have, and also shall and will, at their own like Costs, Charges,

and Expences, make or cause to be made a Soak or Side Drain on the North Side of the said intended Canal, extending from the Boating Dike near Thorne, where the same will be intersected by the said intended Canal, to the River Trent at Keadby aforesaid, in such Line and Direction as is delineated and described in the said last-mentioned Map or Plan, which said last mentioned Soak or Side Drain shall not deviate more than the Distance of Twenty Yards, nor less than the Distance of Ten Yards, from the North Side of the said intended Canal, without the Consent in Writing of the said Participants, or their Surveyor or Engineer for the Time being, and that the said last mentioned Soak or Side Drain shall be Ten Feet wide at the least at the Bottom, from the said Junction with the said Boating Dike to the said South-west Corner of Crowle Common, where the said Canal will intersect the Course of the Old River Dunn, and from thence to the Outfall Fifteen Feet wide at the least at the Bottom, and shall be made with sufficient Banks or raised Abutments, where it shall be thought necessary, and shall be required by the said Participants, or their Surveyor or Engineer for the Time being, and shall have a like Batter or Slope of One Foot on each Side for every Foot in Depth as above mentioned, and that the Bottom of such Drain shall be as deep as the aforesaid Boating Dike at the said Junction, or as much deeper as shall be thought necessary or requisite by the said Participants, or their Surveyor or Engineer for the Time being, and shall be carried on a regular Declivity to the Outfall at Keadby aforesaid.

Proprietors to build Two Sluices at the River *Trent*.

LXV. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required at their own like Costs, Charges, and Expences, to erect and build, or cause to be erected and built, Two Sluices at the said respective Outfalls, to discharge the Waters of the said several Drains to be made on the North and South Sides of the said intended Canal as aforesaid into the River Trent, at Keadby aforesaid, each of which said Sluices shall have Seventy square Feet of clear Water Way, and the Thresholds thereof shall be laid as low as the Threshold of the present Sluice at Keadby aforesaid, or lower, if it shall be thought necessary and requisite by the said Participants, or their Surveyor or Engineer for the Time being.

Proprietors to build Three Arches under the Canal and Side Drains.

LXVI. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own like Costs, Charges, and Expences, to erect and build, or cause to be erected and built, of solid Brick

or

or Stone Work, Three elliptical Arches under the said Canal and Side Drains, where the same will interfect the Course of the said old River Dunn at or near the South-west Corner of Crowle Common aforesaid, each of the said Arches to be Seven Feet wide, and in Depth Four Feet and Six Inches at the least, so that there may be a clear Water Way of Twenty-one Feet in Width, and Four Feet and Six Inches in Depth, in order to provide for the further Improvement of the Drainage by a new Outfall into the said River Trent, at such Place as shall be thought fit or advised by the said Participants, or their Surveyor or Engineer for the Time being, for the Purpose of conveying all or any of the Water which may be brought down by the present Drains, or by further Improvements.

Arches to be built as the Participants Engineer shall direct.

LXVII. Provided always, and be it further enacted and declared, That the said elliptical Arches shall be erected and built of such other Dimensions and in such other Positions, or in such other Manner, for the better effecting the Purposes aforesaid, as shall be thought fit or advised by the Engineer or Surveyor of the said Participants for the Time being, so as Notice in Writing of such Alteration and Variation be given by the said Engineer or Surveyor of the said Participants for the Time being to the said Company of Proprietors, or their Clerk or Surveyor, within Eight Months after the Day of the Commencement of this Act.

Sluices, Side Drains, and Banks to be built to the Satisfaction of the Participants.

LXVIII. Provided also, and be it further enacted, That all the Sluices, Arches, and Side Drains so to be made and erected as aforesaid, and the Banks of the said Drains, shall be made and done in such good, complete, and workmanlike Manner, that there shall be such Openings in the said Side Drains, and that the said Banks shall be of such Height, and in such Manner in all Respects as shall be to the good Liking and to the Satisfaction of the said Participants, or their Surveyor or Engineer for the Time being, and shall be so made and erected, and from Time to Time and at all Times for ever thereafter cleansed, scoured, repaired, maintained, and supported, by and at the Expence of the said Company of Proprietors of the said intended Navigation, who shall at all Times be liable to make Recompence and Satisfaction for any Damage or Injury which shall or may happen to any of the Owners or Occupiers of the adjoining Lands or Grounds by Reason or Means of any Defect in the duly and effectually making and erecting, cleansing, scouring, repairing, maintaining, and supporting the same as aforesaid, or otherwise, by or in consequence

sequence of the said intended Canal (such last mentioned Recompence and Satisfaction to be assessed, settled, and adjusted in like Manner as herein is provided for settling and adjusting the Recompence and Satisfaction to be paid for Lands purchased, used, or damaged in the Execution of this Act), and that the making and erecting the aforesaid Sluices, Arches, Side Drains and Banks, and all Bridges and Passages to be made as herein-after mentioned, and also the cleansing, scouring, repairing, maintaining, and supporting the same for ever afterwards, shall from Time to Time and at all Times be under and subject to the Controul, Direction, Survey, Order, and Jurisdiction of the Commissioners of Sewers for the said Level of Hatfield Chace and Parts adjacent, or any Six or more of them, not being possessed of any Share or Shares, or otherwise interested, in the said Navigation.

The Boating Dike, or any other Drain, not to be intersected till the Soak Drains are made.

LXIX. Provided also, and it is hereby further enacted, That the said Drain called The Boating Dike, or any other Drain made for the draining the Lands and Grounds within the Level of Hatfield Chace and Parts adjacent, or any Part or Parts thereof, shall not be cut or intersected by the said intended Canal, or in any Manner damaged or prejudiced, or the Drainage thereby, or by any of the Works by this Act authorized, in any Respect rendered ineffectual, until the aforesaid Sluices and Side Drains, on the North and South Sides of the said intended Canal, shall be completed and made fit for preserving the Drainage of the said Lands and Grounds, and receiving all Leakage and Dosings from the said Canal.

Commissioners of Sewers may make certain Works if the Company neglect, and may recover the Expences, &c.

LXX. Provided also, and be it further enacted, That in case the said Sluices, Arches, Side Drains, and Banks so to be made as aforesaid, or any of them, shall not be made, perfected, and finished, or in case the same, or any of them, shall not at all Times thereafter be well and effectually cleansed, scoured, repaired, maintained, and supported, according to the Directions, true Intent, and Meaning of this Act, and within the Time or respective Times to be limited for that Purpose by the Order or Orders of the said Commissioners of Sewers, or any Six or more of them, not being possessed of any Share or Shares, or otherwise interested in the said Navigation (a Copy of every such Order being served upon the Clerk or Treasurer of the said Company of Proprietors for the Time being), and shall not make good any Injury or Damage which shall or may be sustained by, or occasioned to the adjoining Lands and Grounds by or in consequence

of such Failure, Neglect, or Default of the said Company of Proprietors as aforesaid, it shall and may be lawful to and for the Commissioners of Sewers for the said Level of Hatfield Chace and Parts adjacent, or any Six or more of them, not being possessed of any Share or Shares, or otherwise interested in the said Navigation, by themselves or their Agents, Officers, Workmen, and Assistants, to make, perfect, and finish, and from Time to Time to cleanse, scour, repair, maintain, and support the said Sluices, Arches, Side Drains, and Banks, or to cause the same to be well and effectually done, when, where, and as often as Need or Occasion shall be and require; and in order to raise Money for the defraying the Costs, Charges, and Expences for effecting all or any of the Purposes last aforesaid, or for the making Recompence and Satisfaction to all or any of the Owners or Occupiers of the adjoining Lands or Grounds for all such Injury or Damage which they may sustain, or shall be occasioned by any such Failure, Neglect, or Default as aforesaid, it shall and may be lawful to and for the said Commissioners of Sewers, or any Six or more of them, not being possessed of any Share or Shares, or otherwise interested in the said Navigation, either by themselves or their Agent or Agents, to enter into Possession, Receipt, and Collection of the Rates, Tolls, and Duties arising and made payable under and by virtue of this Act, or by an Order under their Hands, to appoint One or more proper Person or Persons to receive the same Rates, Tolls, and Duties; and every Person so appointed shall have the same Power and Authority for collecting the same as if he had been appointed a Collector of the said Tolls by the said Company of Proprietors; and also to borrow and take up at Interest any Sum or Sums of Money, by Way of Mortgage, upon the Credit of the said Navigation, Tolls and Duties, and by, with, and out of the Monies to be received and come to their Hands from the said Rates, Tolls, and Duties, and to be borrowed and taken up at Interest as aforesaid, to pay and defray the Costs, Charges, and Expences of making, perfecting, and finishing, and of cleansing, scouring, repairing, maintaining, and supporting the said Sluices, Arches, Side Drains, and Banks, or any of them, or any Part or Parts thereof respectively, and also to make full Recompence and Satisfaction (being first ascertained, settled, and adjusted in Manner aforesaid) for all such Injury or Damage which may be sustained or occasioned by or by Means of such Failure, Neglect, or Default in making, perfecting, and finishing, or in cleansing, scouring,

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ing, repairing, maintaining, and supporting the same respectively as aforesaid, together with all such Costs, Charges, and Expences as shall be incurred or occasioned in or about the Collection and Receipt of the said Tolls or Duties, and the borrowing such Sum or Sums of Money as aforesaid, or in making such Mortgage or Security as herein-after mentioned, rendering and paying the Overplus (if any) which shall remain after answering the Purposes aforesaid, unto the said Company of Proprietors, or their Treasurer for the Time being; and for securing the Repayment of the Sum or Sums of Money so to be borrowed and taken up at Interest for effecting the Purposes aforesaid, it shall and may be lawful to and for the said Commissioners of Sewers, or any Six or more of them, not being possessed of any Share or Shares, or otherwise interested in the said Navigation, by any Deed or Writing under their Hands and Seals, and attested by Two or more credible Witnesses, to grant and assign the said Navigation, and the Tolls and Duties payable under and by virtue of this Act, unto any Person or Persons whomsoever, his, her, or their Executors, Administrators, and Assigns, but by Way of Mortgage only, and subject to a Proviso for making the same void on Payment by the said Company of Proprietors of the Sum or Sums of Money so to be advanced and lent by him, her, or them as aforesaid, with Interest for the same, after such Rate upon which the same shall be borrowed, lent, or advanced as aforesaid, together with all Costs, Charges, and Expences attending the same.

Payment of Mortgage Money to the Commissioners of Sewers to be good Discharges for the same.

LXXI. Provided likewise, and it is hereby further enacted and declared, That upon Payment (by the Person or Persons lending or advancing any Sum or Sums of Money by Way of Mortgage as aforesaid) of such Sum or Sums of Money into the Hands of the said Commissioners of Sewers, or any Six or more of them, not being possessed of any Share or Shares, or otherwise interested in the said Navigation, the Receipt or Receipts of such Commissioners, or any Six or more of them, shall be a good and sufficient Discharge and effectual Discharges to the Person or Persons lending or advancing the same for the Monies so lent or advanced, or for so much thereof as in and by such Receipt or Receipts shall be expressed or acknowledged to be received, and that after such Receipt or Receipts shall be so given, such Person or Persons so lending or advancing the same, and his, her, or their Executors, Administrators, or Assigns, shall not be liable to the laying out or Application thereof, or be answerable or accountable for any Loss, Misapplication,

or Non-application thereof, or any Part thereof; and that such Mortgage or Mortgages so to be made as aforesaid shall have Preference and Priority to all other Mortgages and Charges to be made under and by virtue of this Act; any Thing herein contained to the contrary in anywise notwithstanding.

Power to levy the Expences and Damages.

LXXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners of Sewers, or any Six or more of them, not being possessed of any Share or Shares, or otherwise interested in the said Navigation, at their Election, to levy and raise all or any Sum or Sums of Money herein-before directed or authorized to be raised by the said Commissioners of Sewers as aforesaid, by all or any of the Ways and Means herein-before provided or mentioned for that Purpose, or by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, in such Manner as the Law directs in Cases of Distress for Rent in Arrear.

Saving the Jurisdiction of the Commissioners of Sewers of *Hatfield Chace*.

LXXIII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to lessen, prejudice, alter, or affect the Jurisdiction, or any of the Rights, Privileges, Powers, or Authorities of or belonging to the Commissioners of Sewers for the Level of Hatfield Chace and Parts adjacent, in the Counties of York, Lincoln, and Nottingham, but that the same and every of them shall remain and continue in the said Commissioners of Sewers as fully and amply, to all Intents and Purposes, as if this Act had not been made.

Damages not provided for to be settled by Commissioners.

LXXIV. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, and 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 Commissioners appointed by this Act, and be recovered, levied, and applied in such Manner as other Damages herein-before mentioned and provided for are directed to be recovered, levied, and applied.

Company obliged to purchase small Pieces of Land separated in making the Canal.

LXXV. And be it further enacted, That where the said Company of Proprietors shall cut through any Lands or Grounds for the Purposes of the said Canal and other Works hereby authorized, they shall be obliged to purchase, not only such Part of the same Lands and Grounds as shall be actually taken or used, but also, at the Option

of

of the Owner or Owners of such Lands or Grounds, the Remainder thereof, so as the same do not exceed Two Acres in Quantity over and above the Land or Ground which shall be actually taken or used for the Purposes of the said intended Canal and other Works, the Value thereof to be ascertained in the same Manner as by this Act is directed concerning the Lands or Grounds to be cut, taken, or used for the Purposes of the said intended Canal.

Maps of the Canal and Side Drains.

LXXVI. And whereas Two several Maps or Plans, describing as well the Line of the said intended Canal and Collateral Cut, and the Lands through which the same are intended to be carried, as also the Side Drains by this Act authorized and directed to be made, have been made and signed by George Broadrick, on Behalf of the Subscribers to the said Undertaking, and by John Danser, on Behalf of the said Commissioners of Sewers for the Level of Hatfield Chace; be it therefore enacted, That the said respective Maps or Plans shall, before the Expiration of Six Calendar Months after the Day of the Commencement of this Act, be deposited with the Clerk of the said Company of Proprietors and the Clerk of the said Commissioners of Sewers for the Time being respectively, to which all Persons shall have Liberty to resort, and to examine or make Copies or Extracts, as Occasion shall require, in like Manner as is herein mentioned or directed with respect to the said Map or Plan of the said Canal; and the said Maps or Plans hereby directed to be deposited as aforesaid, or true Copies thereof, shall be and are hereby declared to be legal Evidence in all Courts, and before all Judges, Justices, Commissioners, or other Persons whomsoever.

For preserving Watering Places for Cattle.

LXXVII. And be it further enacted, That where by making the said Canal and Collateral Cut, any Cattle depasturing in the adjacent Lands and Grounds shall be deprived of their usual Watering Places, that then, and in such Case, the said Company of Proprietors shall, at their own proper Costs and Charges, set out and provide proper and convenient Watering Places in the Lands adjoining to the said Navigation, and to supply the said Watering Places with Water from and out of the said Canal and Collateral Cut if necessary.

Sand Bank at *Keadby* reserved.

LXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize and impower the said Company of Proprietors, their Servants, Agents, or Workmen, to take, use, cover, damage, or destroy the Sand Banks or Beds on Keadby Common, otherwise called The Cow Pasture,

(save and except for the making and completing the said Navigation and Side Drains,) but the same shall be left in the State they now are, and preserved from Damage for the Use of the Inhabitants of the said Town of Keadby.

Wood at *Keadby* reserved to the Land Owners.

LXXIX. And be it further enacted, That it shall and may be lawful for the Owner or Owners of the Manor or Lordship of Keadby for the Time being, and the Land Owner or Land Owners within the said Manor or Lordship, whose Lands and Grounds shall have been taken by the said Company of Proprietors for the making of the said Canal and Collateral Cuts and Drains, and other Works at Keadby, to enter upon the Lands and Grounds which they have so taken for the said Canal and other Works, and take and carry away, to and for their own Use, upon the said Canal, or otherwise, free of any of the Rates and Dues of the said Canal, all or any of the Wood, Timber Trees, Trees, Underwoods, Roots and Parts of Trees, Quick Wood, and other Hedges, which the said Company of Proprietors, their Agents, Servants, or Workmen, shall or may have cut down, felled, dug up, and stubbed from off any of the Lands and Grounds of the said Owner or Owners of the Manor or Lordship, and Land Owners as aforesaid; and the said Company of Proprietors, their Agents, Servants, or Workmen, shall not be at Liberty to use the same in the making of the said Canal and Drains, and other Works, without the Consent of the said Owner or Owners of the Manor or Lordship, and Land Owners therein as aforesaid, but shall reserve and lay the same aside for the Use of the said Owner or Owners of the Manor, and Land Owners as aforesaid; any Thing herein contained to the contrary notwithstanding.

Wood and Minerals at *Keadby* reserved.

LXXX. And be it further enacted, That it shall be lawful for the Owner or Owners of the Manor or Lordship of Keadby for the Time being, to have and take to his, her, or their own Use, all the Wood, Timber Trees, Roots and Parts of Trees, as well as any Mines, Minerals, and Stone, which the said Company of Proprietors, their Agents, Servants, or Workmen, shall take up, dig up, and find in making the said Canal, Drains, and other Works, on the Common of Keadby, and other Wastes belonging to the said Manor or Lordship, and the said Company of Proprietors, their Agents, Servants, or Workmen, shall not be at Liberty to use the same in the making of the said Canal and Drains, and other Works, but shall reserve and lay the same aside for the Use of the said Owner or Owners of the Manor or

Lordship of Keadby, who at any Time before the completing of the said Canal may lawfully take and carry the same away, by himself, herself, or themselves, or any of their Workmen or Servants, either on the said Canal, without paying any Toll or Duties for the same, or otherwise, as they shall think fit.

Towing Paths to be fenced from the adjoining Lands;

LXXXI. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on the Side or Sides of the said Canal and Collateral Cut, from the Lands or Grounds adjoining to such Towing Paths, with a sufficient Post and Rail, Hedge, Ditch, Trench, Bank, or other Fence sufficient to keep in Sheep and other Cattle, to be set and made on the Lands and Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid, and shall maintain and support the same, and also shall, at their own proper Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates, Bridges, Stiles, and other Conveniences, in, through, and over all the Hedges, Ditches, and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also such and so many Bridges and Passages over, under, and through the said Canal and Collateral Cut, and Side Drains, and the said Trenches, Streams and Watercourses, and of such Dimensions, and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Hereditaments (as well inclosed as Wastes or Commons) adjoining to such Canal and Collateral Cut, Trenches, Streams, Watercourses, Towing Paths, and Side Drains, or any of them respectively; and the said Company of Proprietors shall not make the said Canal and Collateral Cut, Side Drains, or any Trench or Watercourse, or any Part thereof, in or across any Common Highway, Driving Way to any Lands, publick Bridle Way, or Foot Path, until such Time as they shall at their own Charges have made and perfected such Bridge or Bridges over, or convenient Passages through, or Arch or Arches under the said Place or Places where the said Canal or Collateral Cut, Side Drains or Trenches, or Watercourses respectively, shall be intended to be made, for such Road, Way, or Path, and of such Dimensions, and in such Manner as aforesaid; and all such Gates, Stiles, Bridges, Arches, and Passages so to be made, shall from Time to Time be supported, maintained, and kept in sufficient

and Bridges to be made where necessary.

ficient Repair by and at the Expence of the said Company of Proprietors.

If Company of Proprietors shall not make proper Fences, Bridges, &c. the Owners of the Lands may do it and recover the Expences from the Company.

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

Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress of the Goods and Chattels of the said Company of Proprietors in or upon the said Canal, Collateral Cut, or the Wharfs, Quays, or Warehouses adjoining to or near the same, to and for the Use of such Person or Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors, or to some of their Agents, the Overplus, (if any such there be), after deducting the reasonable Charges of making such Distress, to be settled by the said Commissioners, or otherwise every or any of the said Owners or Occupiers of Lands who shall have made, erected, or repaired any such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences as aforesaid, upon the Failure or Neglect of the said Company of Proprietors, shall and may have such and the like Remedy against the said Company of Proprietors for the Recovery of such Costs and Charges, by Action at Law, to be commenced and prosecuted in such Manner as other Cases is in and by this Act mentioned and directed.

Owners and Occupiers of Land authorized to alter such Fences, Bridges, &c. at their own Expence, with Consent.

LXXXIII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Grounds, as well inclosed as uninclosed, through which the said intended Canal or Collateral Cut shall be made, do or shall at any Time or Times thereafter find upon Experience that the several Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, which the said Commissioners shall have limited and directed to be made by the said Company of Proprietors in, over, upon, or under the said Canal and Collateral Cut, Side Drains, or the Towing Paths thereof, are insufficient, either in Number or Situation, for the commodious Use and Occupation of their respective Lands and Grounds on both Sides, or on either Side of the said Canal and Collateral Cut, that then, and so often as any such Case shall happen, it shall be lawful for any or every such Owners or Occupiers of the said Lands or Grounds, with the Consent and Approbation of the said Committee for the Time being, or Five or more of them, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Thirty Days after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences, of the same

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

Draw Bridges to be shut.

LXXXIV. And be it further enacted, That if any Swivel Bridge or Draw Bridge shall be laid over or across the said Canal and Collateral Cuts, or any other Cuts, Trenches, or Passages to be made by virtue of this Act, all and every Person or Persons opening any such Draw Bridge or Swivel Bridge shall, and he and they is and are hereby required and directed, so soon as any Vessel shall have passed any such Bridge, to shut and fasten the same; and every Person neglecting so to do shall forfeit and pay for every such Offence the Sum of Ten Shillings; and in case such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence the Sum of Ten Shillings; and if any Person or Persons shall wilfully open any such Draw Bridge or Swivel Bridge when no Vessel is to pass through the same, so as to interrupt a free Passage for Travellers, Cattle, or Carriages, such Person or Persons shall, for every such Offence, forfeit and pay a Sum not exceeding Ten Shillings, One Moiety of which shall go to the Informer, and the other Moiety thereof shall go to the Poor of the Parish or Place where the Act is committed; and the same shall be recoverable before any One Justice of the Peace for the West Riding of the County of York, or the Division of Lindsey in the County of Lincoln, on Proof thereof being made to him.

Lords of Manors and Owners of Lands may erect Wharfs, &c.

LXXXV. And be it further enacted, That nothing in this Act contained shall extend, or be construed to restrain or hinder any Lord or Lords, Lady or Ladies, of any Manor

Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said Canal or Collateral Cut shall be made, from making, erecting, or using any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their own respective Lands, Grounds, or Wastes adjoining or near to the said Canal or Collateral Cut, or from landing any Goods or Merchandize or other Things thereupon, or upon the Banks lying between the same and the said Canal or Collateral Cut, or from making or using proper and convenient Places for Boats, Barges, or other Vessels to lie in, turn, or pass by each other, so that the erecting or using thereof respectively shall not obstruct or prejudice the said Navigation, or the Towing Paths 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, and the same are hereby vested in such Lord or Lords, Lady or Ladies, of such Manor or Manors, or the Owner or Owners of such Lands or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses upon their Lands, Grounds, or Wastes respectively, his, her, or their Heirs and Assigns, so that the Rates hereby granted to the said Company of Proprietors for Tonnage shall not be thereby reduced or altered. within their Manors or Lands.

LXXXVI. Provided always, and be it further enacted, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies, of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said intended Canal 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, Carriage, and Porterage, than what are herein directed in respect thereof to be taken by the said Company of Proprietors: Provided always, That it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any Proprietors not to use Warehouses built by Land Owners.

Proprietors may erect Cranes, if Land Owners refuse.

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 Company of Proprietors, or when so erected, neglect or refuse to keep the same in Repair.

If such Lords or Owners shall not upon proper Notice erect sufficient Warehouses, &c. the Company may do it.

LXXXVII. Provided nevertheless, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not, within the Space of Six Calendar Months after Notice given in Writing by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain in substantial Repair, in the Opinion of the said Commissioners, proper and sufficient Warehouses and Buildings (agreeably to a Plan or Plans thereof to be delivered to such Lord or Lords, Lady or Ladies, Owner or Owners, at the same Time or Times when such Notice or Notices shall be given as aforesaid) on the respective Part or Parts of the Lands, Grounds, or Wastes comprized and described in such Notice, for the Use of the said Company of Proprietors, and all and every other Person or Persons who shall convey any Goods, Wares, or Merchandizes upon the said Navigation, then, and in such Case, the said Company of Proprietors shall have full and absolute Power and Authority, without any Hindrance or Restraint whatever, to make Use of such Lands, Grounds, or Wastes for erecting such sufficient Warehouses and Buildings agreeably to such Plan or Plans so delivered as aforesaid, first making Satisfaction for the same in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the Purposes of this Act.

Right of Fishery reserved.

LXXXVIII. Provided always, and it is hereby enacted and declared, That the Owner or Owners of any Lordship and Manor, through which the said intended Canal and Collateral Cuts shall be made, shall have and be entitled to the sole, separate, and exclusive Right of Fishery of and in so much of the said Canal and Collateral Cuts, or Towing Paths, Trenches and Sluices, and Reservoirs and Watercourses, as shall be made over or through the Lands within his, her, or their Lordship or Manor, so as in the Use and Exercise of the

said Right of Fishery in the said Navigable Canal and Collateral Cuts, Trenches and Sluices, Reservoirs and Watercourses, or the Towing Paths, Banks, or other Works or Conveniencies, and the Navigation hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal and Collateral Cuts, or Trenches and Sluices, Reservoirs and Watercourses, and so as the said Company of Proprietors, their Successors or Assigns, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying any Fish in the said Canal and Collateral Cuts, Trenches or Sluices, Reservoirs or Watercourses, which shall be taken, killed, or destroyed through or by Means of letting the Water out of the said Canal and Collateral Cuts, Trenches or Sluices, Reservoirs or Watercourses, or for or on Account of any Repairs or Works to be done in or about the same; and also that it shall and may be lawful for such Lord or Lords, Lady or Ladies, and their lawfully appointed Game Keeper, to take and kill Game upon so much of the said Canal and Collateral Cuts, Trenches, Sluices, Towing Paths, and other Lands and Grounds to be set out for the Use of the said Navigation as shall be made through their respective Lands or Grounds as aforesaid, any Thing herein contained to the contrary notwithstanding.

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

LXXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Company of Proprietors to erect or build any House, Mill, or other Building (other than such Warehouses, Toll Houses, and Watch Houses to be built as herein authorized) for the Use of the said intended Canal and Collateral Cut, 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 or Collateral Cut, 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 or dig up any Timberwood, Brushwood, or Underwood, upon any of the Lands through or into which the said intended Canal or Collateral Cut, Trenches, Sluices, Roads, Passages, Works, or Conveniencies, or any Part thereof respectively, shall be made, except such Timberwood, Brushwood, or Underwood as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said intended Canal

or Collateral Cut, Side Drains, Trenches, Towing Paths, Sluices, Roads, Passages, or Conveniences respectively as aforesaid, and the respective Proprietors of the Lands on which such Timberwood, Brushwood, 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 Timberwood, Brushwood, or Underwood respectively, when felled or cut down, at such Price or Value as the same shall respectively have been estimated or purchased at by the said Company of Proprietors; but in case the same shall not have been estimated or purchased by the said Company of Proprietors 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 Company of Proprietors, or their Agents, shall not agree touching the Value thereof, then at such Price or Value as the said Commissioners shall direct or appoint, which said Timberwood, Brushwood, or Underwood so to be cut down shall and may be carried and conveyed upon any Part of the said intended Canal or Collateral Cut, or either of them, free from all Rates to be paid 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 such House, Mill, and other Buildings, without being deemed guilty of Trespass, or being liable to any Action or Prosecution for so doing.

Penalties on permitting the haling Horses to trespass on the adjoining Lands.

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

of it, and prevent its straying or trespassing upon the Lands adjoining, or shall commit any wilful Trespass or Damage in the Lands adjoining or near to the said Navigation, or by anchoring upon the same, every such Person shall, for every such Act, Default, or Neglect, upon Conviction of such Person or Persons before any Justice of the Peace of the County or Place wherein the Offence shall be committed, or the Offender shall be and reside, either by the Confession or Confessions 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, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings, nor less than Five Shillings, and all Costs, Charges, and Expences attending such Conviction, which Damages, Penalty, and Costs shall be levied in like Manner as any Penalties are herein-after directed to be levied.

Names of the Masters to be painted on the Vessels.

XCI. And be it further enacted, That every Master or Person having the Rule or Command of any Boat, Barge, or other Vessel passing on the said Navigation, shall cause his Name and Place of Abode to be set in large Capital Letters, painted White, on each of the Outsides of every such Boat, Barge, or other Vessel, higher than the same shall sink into the Water when full loaded, and the progressive Number of his or their Boat or Vessel, and also shall permit and suffer every such Boat, Barge, or other Vessel to be measured at the Expence of the said Company of Proprietors, whenever it shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose, provided that no such Vessel shall be measured more than Three Times in any One Year, and shall also, at his and their own Expence, fix or cause to be fixed on each Side of every such Boat, Barge, or other Vessel, Two Indexes of Copper, Lead, or other Metal, of such graduated and figured Dimensions of Breadth and Height, and under such Regulations as the said Company of Proprietors shall from Time to Time direct and appoint, so that the true Weight of the Lading of every such Boat, Barge, or other Vessel may at all Times clearly appear or be ascertained; and every Owner, Master, or other Person having the Rule or Command of any Boat, Barge, or other Vessel, who shall refuse or neglect to put his Name, Place of Abode, and progressive Number

Graduated Figures to be painted on the Vessels, denoting their Weight.

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ber of his or their Boats or Vessels, or the Inderes herein-before directed, on any such Boat, Barge, or other Vessel, in Manner aforesaid, or shall alter, deface, erase, or destroy any Letter, Figure, or Inder describing such Name and Place of Abode, Number of Vessel, and Tonnage therein as aforesaid, or shall refuse to have his Boat, Barge, or other Vessel measured as aforesaid, he or they shall forfeit and pay to the said Company of Proprietors a Sum not exceeding Forty Shillings for every such Offence.

Owners of Vessels answerable for Damage done by their Boatmen.

XCII. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel used in the said Navigation shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Boat, Barge, or other Vessel, or by any of the Boatmen, Bargemen, or Watermen belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near the said Canal and Collateral Cut, or by loading or unloading any Boat, Barge, or other Vessel, and for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Buildings, Erections, Lands, Tenements, Hereditaments, or Premises adjoining to the same, or any of them, other than is authorized by this Act, and the said Master or Owner of such Boat, Barge, or other Vessel shall and may be sued and prosecuted for the same in any Court of Record whatsoever, and if found guilty, or a Verdict pass against him, or Judgement be given against him upon Demurrer or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained with Double Costs of Suit.

Masters to recover back from their Servants Sums paid for their Defaults.

XCIII. And be it further enacted, That in case the Owner or Owners of any Boat or other Vessel navigating or passing on the said Navigation shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by Reason of any wilful Act or Default done or committed by his or their Servant or Servants, every such Servant shall be liable to repay such Penalty to such Owner or Owners, and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him or them of such Penalty or Satisfaction, and that the same hath not been repaid to him or them by such Servant, although demanded (such Oath to be made before One Justice of the Peace for the County or Place where such Penalty and Satisfaction shall have been recovered), the same Penalty and Satisfaction shall be recovered in like Manner as any Penalty is herein-after directed to be recovered.

Company to make Places for Vessels to lie in and pass each other.

XCIV. And be it further enacted, That the said Company of Proprietors shall and may, and they are hereby required, in such Parts of the said Canal or Collateral Cut as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel to turn about and lie, or Two Boats, Barges, or other Vessels to pass each other, to open or cut proper Spaces or Places, in the Lands adjoining to the said Canal and Collateral Cut, Trenches, or Sluices, at convenient Distances from each other, for the turning, lying, and passing of any such Boat, Barge, or Vessel, and that the said Boats, Barges, or other Vessels haled or navigated upon the said Canal or Collateral Cut shall, upon meeting any other Boat, Barge, or other Vessel, stop at, or go back to, and lie in the said Spaces or Places in such Manner as the said Company of Proprietors, or the said Committee, or Five of them, shall direct and appoint.

Penalty on Persons suffering Water to remain in Locks longer than necessary, &c.

XCV. And be it further enacted, That no Boatmen or Bargemen, or his Agents or Servants navigating any Boat, Barge, or other Vessel upon the said Canal or Collateral Cut, and passing with such Boat, Barge, or other Vessel through any Lock, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Barge, or other Vessel to pass through any such Lock, and also that every such Boatman, Bargeman, or any other Person as aforesaid, in going down the said Canal or Collateral Cut, shall shut the lower Gates of such Lock before he or they shall draw the Cloughs of the upper Gates thereof, and after he shall have brought his Boat, Barge, or other Vessel into the said Lock, shall shut close the upper Gates before he shall draw the Cloughs of the lower Gates thereof, and in going up the said Canal or Collateral Cut shall, as soon as he shall have passed with his Boat, Barge, or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat, Barge, or other Vessel in Sight from the said Lock coming down the said Canal and Collateral Cut, in which Case the lower Gate of the said Lock shall be left shut and the upper Gate shall be left open; and in all dry Seasons, whenever there shall be a Scarcity of Water in the said Canal or Collateral Cut, the Vessel going up the same, if within Sight from, or within the Distance of One hundred Yards below any Lock, shall pass through such Lock before the Boat, Barge, or other Vessel coming down, and then the Boat, Barge, or other Vessel next above shall come down, and whenever there shall be a Scarcity of Water, if there are

more Boats, Barges, or other Vessels than One below and One above any Lock at the same Time in such dry Seasons within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for that Purpose), such Boats, Barges, or other Vessels shall go up and come down at such Lock by Turns as aforesaid, till all the said Boats, Barges, or other Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two or more Boats, Barges, or other Vessels, and every Person offending in all or any of the Cases aforesaid, shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Penalty on Persons obstructing the Navigation;

XCVI. And be it further enacted, That if any Boat, Barge, or other Vessel shall be placed in any Part of the said Canal or Collateral Cut, so as to obstruct the Navigation, 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 and pay any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue, and it shall be lawful for any of the Agents or Servants of the said Company of Proprietors, or any of them, 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 to prevent such Obstruction in the Navigation, and to secure 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 Cut, and the Owner or Owners, Person or Persons having the Care of such Boat, Barge, or Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain the same until Payment be made of all the Expences necessarily occasioned thereby, or in anywise relating thereto.

and Vessels sunk may be weighed by the Company at the Expence of the Owners.

Penalty for obstructing the Navigation.

XCVII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal or Collateral Cut, or load any Boat, Barge, or other Vessel with Timber, so that the same shall lie over the Sides of such Boat, Barge, or other Vessel so laden, or shall overload any Boat, Barge, or other Vessel navigating in or upon the said intended Canal or Collateral Cut, and when so overloaded shall put such Boat, Barge, or other Vessel into the said Canal or Collateral Cut,

Cut, so as to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not immediately upon Notice given to the Owner or Owners, Person or Persons having the Care of such Boat, Barge, or other Vessel so obstructing the Passage as aforesaid, haul such Boat, Barge, or other Vessel back into such Place or Places as shall be proper or made for Boats, Barges, or other Vessels to pass each other, every such Owner or Owners, Person or Persons floating such Timber, or having the Care of such Boat, Barge, or other Vessel, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal or Collateral Cut, or any Trenches or Watercourses to be made or maintained by virtue of this Act, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

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

XCVIII. And be it further enacted, That the said Canal or Collateral Cuts shall not be subject to the Controul, Direction, Survey, or Order of any Commission or Commissioners of Sewers, or to any Law or Statute relating to Sewers, except in all Cases relative to the Drainage, which are to be and remain subject to the Jurisdiction of the Commissioners of Sewers, as aforesaid, any Law or Statute to the contrary notwithstanding.

Tolls to be paid to *Dunn* Company at *Stainforth* Lock.

XCIX. And be it further enacted, That all Boats and Vessels that shall hereafter turn out of the Cut of the Navigation of the River Dunn at Stainforth into the Canal intended to be made by virtue of this Act, near the Lock in the said Cut, shall be liable and compellable to pay to the Company of Proprietors of the River Dunn Navigation the same Rates, Tonnage Tolls, and Duties for all such Goods, Wares, Merchandizes, Commodities, and Things on Board of such Boats and Vessels, as fully and effectually as if such Boats and Vessels had actually passed through the said Lock upon the Cut of the said Navigation of the said River Dunn, and all such Rates, Tonnage Tolls, and Duties shall and may be recovered by virtue of the Powers contained in the several Acts of Parliament now in Force relating to the Navigation of the said River Dunn, or any of them, as fully as they are impowered to recover the Rates, Tonnage Tolls, and Duties arising upon the Navigation of the said River Dunn.

Qualification of Commissioners.

C. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in

in any Case in the Execution of this Act, where he shall be anywise interested or concerned in the Matter in Question, and if any Person hereby disqualified or made incapable, or not being qualified to act, shall nevertheless act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who will 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, and no Person shall act as aforesaid, otherwise than in administering the following Oath, until he shall have taken and subscribed an Oath to the Effect following; which Oath any One of the said Commissioners is hereby authorized and impowered to administer; (videlicet):

Commissioners Oath.

I, *A. B.* do swear, That I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Judgement, execute the Powers and Authorities vested in me as a Commissioner, by an Act 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.

Notice to be given of Meetings of Commissioners.

CI. And be it further enacted, That no Meeting of the said Commissioners shall at any Time be had for putting in Execution any of the Powers and Authorities vested in them by virtue of this Act, nor any Order, Direction, or Appointment of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, be binding and effectual, unless previous Notice of every such intended Meeting shall be given and inserted in some publick Newspaper, and in such Manner as the said Company of Proprietors shall, at any General Assembly, direct and appoint, at least Ten Days before such intended Meeting of the said Commissioners for any of the Purposes herein contained, every such Notice to specify the Time and Place of such Meeting, and the several Matters and Things then and there proposed to be done; and that every Meeting of the said Commissioners by virtue of this Act shall be publick, and that the Majority of the said Commissioners then present at every such Meeting shall have Power and Authority to execute the Powers hereby vested in the said Commissioners.

CII. Provided nevertheless, That such of the said Commissioners who are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners. Commissioners may act as Justices.

CIII. And be it further enacted, That if any Person appointed a Commissioner by this Act shall have or accept any Place of Profit arising out of the Monies to be raised and collected as aforesaid, such Person, from and after his accepting, and during the Time of his holding and enjoying such Place of Profit, and also every Person during the Time of his being a Proprietor in the said Navigation, or concerned in Interest in any Contract or Bargain made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act. No Commissioner to hold any Place of Profit under the Act.

CIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as herein directed to be settled and ascertained, notwithstanding any Adjournment or Nonadjournment of the said Commissioners. Commissioners to hold Special Meeting for ascertaining Damages.

CV. Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, or Difference between the said Company of Proprietors, and any other Person or Persons, shall be held at some Place within Ten Miles of some Part of the said Canal or Collateral Cut. Directing the Manner of holding such Meetings.

CVI. And be it further enacted, That nothing in this Act contained shall defeat, prejudice, or affect the Right, Title, Interest, Royalties, or Seignories of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, to the Mines, Minerals, or Quarries lying or being within or under the Lands or Grounds to be set out or made Use of for the Purposes of this Act; but all such Mines, Minerals, and Quarries are hereby reserved for such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners respectively, their Heirs or Assigns; and that it shall be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, and such Owner or Owners of such Lands or Grounds respectively, to carry away, to his, her, or their own Use, Saving the Rights of Lords of Manors.

from any such Mines or Quarries, any Ore, Minerals, or Stones which may be dug or gotten in the same, provided no Injury or Prejudice be done to the said Canal, Collateral Cut, Towing Paths, Wharfs, Quays, Trenches, Sluices, Levels, Passages, Watercourses, or other Conveniencies made or erected for the Purposes of the said Navigation; and the said Lord or Lords, Lady or Ladies, Owner or Owners of all and every Manor and Manors shall have and be entitled to the sole, several, and exclusive Right of Fishery of and in so much of the said Canal, Collateral Cut, Trenches, and Sluices as shall be made over or through the Commons or Waste Lands within his, her, or their Manor or Manors respectively, and also in, over, or through any other Lands or Grounds lying within any such Manor or Manors, wherein such Lord or Lords, Lady or Ladies, or Owner or Owners now hath or have, or is or are entitled to the Right of Fishery in the Pits, Ponds, and Waters now being in such last mentioned Lands or Grounds through which the said Canal and Collateral Cut shall be made, shall also have and be entitled to the like sole, several, and exclusive Right of Fishery of and in so much of the said Navigation, Trenches, and Sluices as shall be made in, over, or through his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery the said Navigation, Trenches, and Sluices, and the Towing Paths, Banks, and other Works or Conveniencies hereby authorized to be made shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal or Collateral Cut, Trenches, or Sluices, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying of any Fish in the said Navigation, Trenches, or Sluices, which shall be taken, killed, or destroyed through or by Means of letting off Water out of the said Canal or Collateral Cut, Trenches, or Sluices, for or upon Account of any Repairs or Works to be done in or about the same.

Owners and Occupiers of Lands may use Boats, under certain Restrictions.

CVII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands or Grounds adjoining to the said Canal or Collateral Cut to use upon the same any Pleasure Boat or Boats, or any other Boat or Boats for the Purpose of Husbandry only, or for conveying Cattle from One Farm, or Part of a Farm or Lands, to any other Farm or Lands of the same Owner or Occupier, without any Interruption

from

from the said Company of Proprietors, or their Agent or Agents, and without paying any Rate for the same, and so as such Boat or Boats do not pass through any Lock to be made on the said Navigation without the Consent of the said Company of Proprietors, or be employed for carrying any Goods, Wares, or Merchandizes to Market or for Sale, or for any Person or Persons for Hire, and so as the same shall not obstruct or prejudice the said Navigation, or the Towing Paths, or obstruct any Boats passing upon the said Navigation liable to pay the Rates aforesaid, and the Owner of all such Pleasure Boats or other Boats shall, in his own Lands or Grounds, make convenient Places for such Boats to lie in, and shall not suffer them to be moored or remain upon the said Canal or Collateral Cut.

The Canal to be measured, and Stones set up to ascertain the Rates.

CVIII. And be it further enacted, That the said Canal and Collateral Cut shall be measured, and Stones or Posts erected on the Sides thereof, a Quarter of a Mile distant from each other, and that all Goods, Wares, and Merchandizes which are made liable to the several Rates hereby imposed, that shall be navigated, carried, or conveyed upon the said Canal or Cut, up to or past any of the Stones or Posts so to be erected, shall be charged with and pay the said Rates for One Quarter of a Mile for every Stone they shall so pass by, in Proportion to the Rates herein-before granted.

Recovery of Penalties.

CIX. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Bye Law, or Order to be made by the said Company of Proprietors as aforesaid (the Manner of recovering whereof is not herein-before particularly directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the West Riding of the said County of York, or for the Division of Lindsey in the County of Lincoln, as the Case may be, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby impowered and required to grant), and the Overplus, after such Penalties or Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties 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 com-

committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Six Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

CX. And be it further enacted, That for the more easy and speedy Conviction of the Person or Persons who shall or may incur any of the Penalties or Forfeitures imposed by virtue of this Act, every Justice of the Peace before whom any such Person or Persons shall be convicted, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect:

Form of Conviction.

BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the County or Place aforesaid [*specifying the Offence, and Time and Place when and where the same was committed, and the Penalties or Forfeitures, as the Case may be*]. Given under my Hand and Seal, the Day and Year aforesaid.

Distress not unlawful for want of Form.

CXI. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed 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 making such Distress be deemed a Trespasser or Trespassers ab initio, on Account of any Irregularity which shall be afterwards committed by the Party or Parties making such Distress; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case.

Appeal.

CXII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, except in all

Cases relative to the Drainage, which are to be and remain subject to the Jurisdiction of the Commissioners of Sewers as aforesaid, may, within Three Calendar Months after such Order or Determination shall have been made, or given, complain 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, or the Division of Lindsey in the County of Lincoln, wherein the Cause of Complaint shall have arisen, first giving Ten Days Notice at the least, in Writing, of such Intention to complain to the Party interested in such Complaint; and the said Justices shall, in a summary Way, hear and determine the said Complaint at such Session, or, if they think proper, adjourn the Hearing thereof to the next General Quarter Session of the Peace to be held for the said Riding or Division, and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall be recovered in pursuance of such Rule, Bye Law, Order, or Determination; and may also order such further or other Satisfaction to be made to the Party injured as they shall judge reasonable.

Limitation of Actions.

CXIII. 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 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 or Lincoln, as the Case may be or require, 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 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 either 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 Double Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case of Law.

Subscribers to pay their subscription Money.

CXIV. And be it further enacted, That the several and respective Persons who have subscribed, or shall subscribe and engage to advance any Money for and towards making and maintaining the said Canal and Collateral Cut, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed and engaged to be advanced, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, or the said Committee, under and by virtue of the Powers and Directions of this Act; and in case such Person or Persons shall neglect or refuse to pay the Monies by him or them subscribed and engaged to be advanced as aforesaid, or the Parts or Proportions thereof so called for, at the Time and in Manner required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

Publick Act.

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

FINIS.