ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. XCIX.

An Act for making and maintaining a Navigable Communication from the Junction of the River *Foss* with the River *Ouse*, at or near the City of *York*, to *Stillington Mill*, in the Parish of *Stillington*, in the North Riding of the County of *York*; and for draining and improving certain Low Lands lying on each Side of the said River *Foss*. [30th *April* 1793.]

WHEREAS the making and maintaining a Navigable Communication for Boats, Barges, and other Vessels, from the Junction of the River Foss with the River Ouse, at or near the City of York, to a certain Mill called Stillington Mill, in the Parish of Stillington, in the North Riding of the County of York, will greatly facilitate the Conveyance of all Sorts of Merchandize, and of Coal, Lime, Ma- Preamble.

nure, Gravel, Timber, and Materials for building, between the said City and several Towns, Villages, and Places in the said North Riding, and be of great Benefit to all Persons residing or having Estates in that Part of the County of York, and of publick Utility, and the making the said Navigation, with some additional Works, will be a Means of draining and improving several Low Lands on each Side of the said River Foss; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Stephen Croft the younger Esquire, William Danby Esquire, Peregrine Wentworth Esquire, Gilbert Crompton Esquire, Hall Plumer Esquire, Francis Cholmley Esquire, Ralph Dodsworth Esquire, the Right honourable the Lord Mayor and Commonalty of the City of York, the Right honourable Frances Viscountess Irwin, Henry Cholmley Esquire, Sir William Maurdaunt Milner Baronet, Edward Wilkinson Esquire, Thomas Swann, the Very Reverend John Fountayne the Dean of York, George Bebb Esquire, Robert Bishoprick, John Pemberton Heywood Esquire, Richard Heywood Esquire, Benjamin Heywood Esquire, Edward Cleaver Esquire, Richard Thompson Esquire, Richard Stainforth Esquire, James Willoughby Clerk, Saint Andrew Warde Esquire, Bryan Cooke Esquire, Childers Walbanke Childers Esquire, Joshua Crompton Esquire, Jerom Dring Esquire, George Cooke Esquire, Thomas Wilson Esquire, Joshua Oldfield Esquire, Thomas Hartley Esquire, Tripp D. D. Samuel Wormald, Hewley John Baines Esquire, Hugh Robinson Esquire, John Lund the elder, William Gray, Philip Saltmarch Esquire, Robert Welborne Hotham, Robert Yates, John Hamston, John Prince, John Hay, John Elwick, Richard Willbor, Thomas Tireman, John Wallis, George Ellin, Thomas Plumer Esquire, Francis Hunt, John Harrison, Nathaniel Frobisher, Elizabeth Tireman, William Tuke, John Moyser, William Blanchard, James Hebdin, Thomas Smith Esquire, William Bilton, William Champney, Thomas Terry, William Calvert, Henry Clarke Esquire, John Agar, John Robinson Clerk, William Marshall Esquire, John Ellis Clerk, Mark Anthony White Esquire, Henry Goodricke Clerk, Ann Goodricke, William Porter, Colonel Roger Morris, Thomas Lund Clerk, Richard Thompson Clerk, Richard Clarke, Thomas Plummer, John Nowlson,

Company of Proprietors.

Nowlſon, Martin Burnel, William Teſſeyman, Jane Metcalfe, John Prince the elder, Francis Green Clerk, Henry Tenant, Catherine Wombwell, Robert Anderſon, John Hodgſon, John Rockliffe, Robert Harriſon, John Fairfax Eſquire, Martin Croft, Thomas Thackray, William Dealtry Clerk, Robert Leadley, Alexander Mather, James Style Swalwell, John Southgate, William Staveley, William Wilkinſon, Edward Smith, John Benſon, John Fox Clerk, George Peacock, and Joſeph Newmarſh, their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as ſhall at any Time hereafter be poſſeſſed of One or more Share or Shares of and in the ſaid Navigation, under the Reſtrictions herein-after ſpecified, are and ſhall be incorporated into a Company for making, carrying on, compleating, and maintaining the ſaid Navigable Communication, according to the Rules, Orders, and Directions herein-after expreſſed, and ſhall for thoſe Purpoſes be One Body Politick and Corporate, by the Name of The Foſs Navigation Company, and ſhall by that Name have perpetual Succeſſion, and a Common Seal, and ſhall and may by that Name ſue and be ſued, and have Power and Authority to purchaſe Lands, Tenements, and Hereditaments, to them and their Succeſſors, for the Uſe of the ſaid Navigation, without incurring any of the Penalties and Forfeitures of the Statutes of Mortmain, and alſo to ſell and diſpoſe of any Lands, Tenements, and Hereditaments, purchaſed for the Purpoſes aforeſaid; and the ſaid Foſs Navigation Company are hereby authorized and impowered, by themſelves, their Deputies, Agents, Officers, Aſſiſtants, Workmen, and Servants, to make and maintain a navigable Communication for Boats, Barges, and other Veſſels, from the Junction of the ſaid River Foſs with the ſaid River Ouſe, at or near the City of York, to Stillington Mill aforeſaid, near the Turnpike Road leading from York to Helmſley Blackmoor, within or through the ſeveral Pariſhes, Townſhips, and Places following, or ſome of them; (that is to ſay), Saint Laurence, Saint Mary, Saint Dennis, Saint Peter in the Willows, Saint Margaret, All Saints, Saint Crux, Saint Saviour's, Saint Cuthbert's, Saint Ellen on the Walls, All Saints Peaſeholm, Saint Maurice, Saint Michael le Belfrey, and Saint Giles in the City of York; and Saint Olave, Saint Mary's, Huntington, Haxby, Towthorpe, Earſwick, Strenſall, Eaſt Lilling, and Weſt Lilling, Sheriff Hutton, Cornbrough, Farlington, Marton, Marton Lordſhip, Marton cum Moxby, Sutton on the Foreſt, and Stillington, in the County of York; and for that Purpoſe to cleanſe, ſcour,

deepen, enlarge, alter, turn, or straighten the said River Foss, or any Part thereof, from the Junction of the said River and the said River Ouse to a certain Common called Farlington Common, and from thence by a new Cut or Canal through and over the said Common, and through and over certain other Lands and Grounds in the said Township of Farlington, belonging to Beaumont, Stephen Croft the younger, and Richard Thompson, or some of them, and from thence through and over certain other Lands belonging to the said Stephen Croft the younger, in Marton, Marton Lordship, or Marton cum Moxby, there to join the said River Foss, and from thence to cleanse, scour, deepen, enlarge, alter, turn, or straighten the said River Foss, or any Part thereof, to Stillington Mill aforesaid, and to make the said Navigation in, through, and over such Lands and Grounds as may be deemed necessary, and to dig, cut, or raise the Banks of the said River Foss, and to make and erect such Reservoirs, and also such Engines, Feeders, Aqueducts, and Channels, as they shall from Time to Time think necessary, for supplying the said intended Navigation and Reservoirs with Water, and also, within the Distance of One thousand two hundred Yards from the Line of the said intended Navigation, to cleanse, scour, cut, dig, open, deepen, enlarge, or straighten, the Streams, Brooks, or Watercourses, which shall communicate therewith respectively, and to dig, cut, or raise the Banks of such Streams, Brooks, and Watercourses, or any of them, for bringing Water into the said intended Navigation, and to make such proper Trenches and Passages for Water, in, upon, or through the Lands or Grounds adjoining or near to the said intended Navigation, or any of the Streams, Brooks, or Watercourses, which shall seem necessary or proper; and for the Purposes aforesaid, the said Foss Navigation Company, their Deputies, Servants, Agents, and Workmen, are hereby authorized and impowered to enter into and upon the Lands or Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper, for making the said intended Navigation and Reservoirs, and also the said Feeders and Aqueducts, and all such other Works, Matters, and Conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the said intended Navigation and other

other Works, and also to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any Materials and Things which may be dug or got in making the said Navigation or other Works, or in making any Reservoirs, Feeders, or Aqueducts, or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or convenient for making, carrying on, continuing, maintaining, or repairing the said intended Navigation, or other Works, or which may hinder, prevent, or obstruct, the making, using, completing, extending, and maintaining the same respectively, or in making, using, completing, extending, and maintaining of such Reservoirs as aforesaid, or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses, as shall be necessary and proper to convey Water to or from the said intended Navigation, according to the Intent and Purport of this Act, and also to make, build, erect, and set up, in or upon the said intended Navigation, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Floodgates, Weirs, Pens for Water, Water Stanks, Reservoirs, Drains, Wharfs, Quays, Houses, Water Houses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniencies, as and where the said Foss Navigation Company shall think requisite and convenient for the Purposes of the said Navigation, and also from Time to Time to alter, repair, and amend, or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, and other Works or Conveniencies, as well for the carrying and conveying of Goods, and other Things, to and from the said intended Navigation, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended Navigation, and the Works of or belonging thereto, or useful for any Purpose therein, and also to place, lay, work, or manufacture the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done, and also to make, maintain, repair, and alter any Fences

Fences or Passages over, under, or through the said intended Navigation, or the Reservoirs, Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith, and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels, passing upon the said intended Navigation, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels, navigating upon the said intended Navigation, to turn, lie, or pass each other, as they the said Foss Navigation Company shall think convenient, and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Navigation, and Towing Paths on the Sides thereof, and also to construct, erect, make, and do all other Works, Matters, and Things, which they shall think convenient and necessary, for the making, effecting, extending, preserving, improving, completing, and using the said intended Navigation, in pursuance of and according to the true Intent and Meaning of this Act, they the said Foss Navigation Company, and the several Persons employed under them, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of and the Persons interested in any Lands, Tenements, or Hereditaments, Mills, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Foss Navigation Company, and their Servants, Agents, and Workmen, and all other Persons, for what they or any of them shall do by virtue of the Powers hereby granted.

No Reservoir to be made without the Consent of the Land Owners.

II. Provided always, and be it further enacted, That it shall not be lawful for the said Foss Navigation Company to cause any Reservoir to be made without the Consent of the Owner or Owners of the Lands in which the same shall be made, (other than and except such Reservoirs as are herein-after authorized to be made in the Township of Oulston); any Thing in this Act to the contrary hereof notwithstanding.

Power to carry the Navigation

III. And, in order to the extending the Benefits of the said Navigation, be it further enacted, That the said

Company shall carry the Line of the said intended Navigation from a Bridge over the said River Foss, called Foss Bridge, adjoining to or as near as conveniently may be to the Lands and Grounds lying and being in the several Parishes of Saint Dennis and Saint Margaret, in the City of York, which adjoin upon the said River Foss, or otherwise cause to be made a short Cut, branching from the Line of the said intended Navigation, capable to navigate Boats, Barges, and other Vessels, along the South Side of the said River Foss, near to the Lands and Grounds aforesaid, to extend as far as a certain Lane, adjoining to a Close, called Brickkiln Close, now in the Possession of Samuel Wormald Gentleman, which Lane leads from or near the said River Foss, by or near the Church of Saint Margaret, to a certain Street, called Walmgate, in the said City; and that, in case such Cut shall be made, the same shall be deemed Part of the said Navigation: Provided nevertheless, that if the carrying the Line of the said intended Navigation along the South Side of the said River Foss, or the making such short Cut to the said Brickkiln Close, as aforesaid, shall, by William Jessop, or any other Engineer to be employed by the said Company for carrying the said intended Navigation into Effect, be deemed impracticable, or in any Way likely to impede or prejudice the general Works of the said Navigation, then, and in such Case, the said intended Navigation shall be carried on in such Line of Direction, within the several Parishes or Places aforesaid, as the said William Jessop, or such other Engineer, so to be employed, shall deem most proper and convenient, any Thing herein contained to the contrary notwithstanding.

from *Foss* Bridge to Lands in the Parishes of *St. Dennis* and *St. Margaret*.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or impower the said Foss Navigation Company, or any Person or Persons employed by them, to cut through, take, use, injure, or damage any House or other Building, or any Ground, which, on the First Day of January One thousand seven hundred and ninety-three, was the Scite of any House or other Building, or any Garden, Yard, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed or adjoining to any House, without the Consent of the Owner or Owners thereof first had and obtained in Writing for that Purpose, save and except the several Gardens, Orchards, Yards, Paddocks, and other Grounds, which lie on the East Side of the present Course of the said River Foss, between certain

No Houses, Gardens, and Pleasure Grounds to be injured without the Consent of the Owners.

Mills, called The Castle Mills, and the said Foss Bridge, within the Parish of Saint Dennis, in the said City.

Navigation not to deviate more than a certain Distance from the Plan and Book of Reference.

V. And whereas a Map or Plan, describing the Lines of the said intended Navigation, 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, hath been deposited at the Office of the Clerk of the Peace for the North Riding of the County of York, and a like Map or Plan, and Book of Reference, hath been deposited with the Common Clerk of the City of York; be it therefore further enacted, That the said respective Maps or Plans and Books of Reference shall remain in the Custody of the Clerk of the Peace for the said North Riding, and the Common Clerk of the said City respectively, and all Persons shall, at any seasonable Times, have Liberty to inspect and peruse the same, and to make Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace, or Common Clerk, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the Book of Reference; and that the said Foss Navigation Company, in making the said intended Navigation, shall not deviate more than One hundred Yards from the Line or Course thereof described in the said Maps or Plans, 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 whose Lands or Grounds such Deviation shall be made.

VI. Provided always, That no Advantage shall be taken of or against the said Foss Navigation Company, or any Interruption be given in making the said Navigation, on Account of any Error or Omission in the said Books of Reference, in case it shall appear to any Five or more of the Trustees herein-after appointed, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Limiting the Length of Roads to communicate with the Navigation.

VII. Provided always, and be it further enacted, That nothing herein contained shall extend to impower the said Foss Navigation Company to make, or cause to be made, any Way or Road, for carrying and conveying any Goods, or other Things, to and from the said Navigation, of greater Length than One Mile from the same; and if any Owner or Owners, Occupier or Occupiers of Lands,

Lands, through which any such Road or Way, hereby intended to be made, shall object to the same, the Trustees herein-after appointed are hereby impowered to meet (on Notice being given in any One of the York Newspapers, at least Fourteen Days before such Meeting, and the Purposes of such Meeting being expressed in the said Notice), at or near the Place where any such Way or Road is intended to be made, and to hear and determine whether such Way or Road is necessary, and proper to be made; any Thing herein contained to the contrary notwithstanding.

Tolls not to be taken for Cattle or Carriages passing on the Roads.

VIII. Provided always, That nothing in this Act shall extend to impower the said Foss Navigation Company to take or collect any Toll from any Persons for the passing or repassing of any Cattle, Carts, or Carriages in, upon, or along any such Road; and all such Roads shall, from and after the making thereof, be deemed and considered as publick High Roads, and shall be maintained, and from Time to Time kept in Repair, by the said Foss Navigation Company.

The Bridle Way from *Terrington Bank* Top to the *Kirby* Road, to be a publick Highway.

IX. And, in order to further extend the Benefits arising from the said Navigation, by opening a free Communication with the adjacent Country, the Right Honourable Frances Viscountess Irwin, and the Right Honourable Frederick Earl of Carlisle, the Owners and Proprietors of certain Lands lying within the Townships of Sheriff Hutton and Terrington, in the said County, through which Lands a publick Bridle Way now leads from the Top of Terrington Bank to the Kirby Road in Sheriff Hutton Township, have consented and agreed to permit the said Bridle Way to be converted into a publick Highway; be it therefore further enacted, That the said Bridle Way shall be thrown open, enlarged, and converted, into a common publick Highway for Cattle, Carts, and Carriages, and that the same shall at all Times thereafter be repaired at the equal Expence of the said Foss Navigation Company, and the Persons heretofore liable to the Repair of such ancient Bridle Way so to be thrown open and enlarged as aforesaid.

Company, or any other Persons, not to erect Mills.

X. Provided also, That nothing in this Act contained shall extend to enable the said Foss Navigation Company to erect or build any Mill on the said Navigation, or on any of the Lands or Grounds belonging thereto, except in lieu of any Mill they may purchase under the Authority of this Act.

Power to make Reservoirs on *Oulston Moor*.

XI. And whereas the Right Honourable Henry Earl of Fauconberg hath, in order to secure a constant Supply of Water for the Use of the said Navigation, at all Seasons

Seasons of the Year, given his Consent to permit the said Foss Navigation Company to make a large Reservoir or Reservoirs for Water, by raising the Head of a Pond, near a Wood called Pondhead Wood, situated in certain inclosed Lands, late Parcel of Oulston Moor, in the Township of Oulston and Parish of Coxwould, in the said County, being the Estate and Property of the said Earl of Fauconberg, and distant about Six Miles from the Town of Stillington aforesaid; be it therefore further enacted, That it shall be lawful for the said Foss Navigation Company, if they adjudge it necessary, for more effectually carrying on the Works of the said Navigation, at any Time, at their own Costs and Charges, to make and compleate One or more large Reservoir or Reservoirs for Water, by raising the Head of the said Pond and enlarging the same, by suitable Dams, or such Ways and Means as they may think most expedient for that Purpose, and by proper Sluices, Trenches, Aqueducts, and Channels, from Time to Time to convey and carry the Water from such Reservoir or Reservoirs to the said Navigation and the Works thereof, as Occasion and Seasons may require, and the said Foss Navigation Company are hereby required to make an adequate Compensation to the said Earl of Fauconberg, his Heirs and Assigns, for the Damage which he or they may sustain by permitting such Reservoir or Reservoirs, Dams, Sluices, Trenches, Aqueducts, and Channels, to be cut and made in, through, and upon his or their Estate; and in case such Compensation cannot be settled by a previous Agreement between the said Parties, then the same shall be referred to the Determination of the Trustees herein appointed, and finally adjusted by them, or a Jury to be summoned, in such Manner, and by such Ways and Means, as are provided by this Act for assessing and ascertaining the Recompence or Satisfaction to be made to other Proprietors of Land cut through or damaged by the Works of the said Navigation.

Trustees appointed.

XII. And be it further enacted, That all Persons seised of Freehold or Copyhold Estates of One hundred Pounds per Annum, lying within the County of York, and the City of York and the County of the said City, or any of them, and the eldest Son or Heir apparent of every Person seised of a Freehold or Copyhold Estate of Three hundred Pounds per Annum, within the said County and City of York and County of the said City, or any of them, and all Persons residing within the said County and City of York and County of the said City, or any of them, and having Personal Estates alone, or Real and Personal

Estates together, of the Value of Three thousand Pounds, shall be, and they are hereby appointed Trustees for settling, determining, and adjusting all Questions, Disputes, and Differences, which may arise between the said Fois Navigation Company and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Hereditaments, Mills, Engines, Waters, or Watercourses, that shall or may be affected or prejudiced by the Execution of the Powers hereby granted; and that all the Powers and Authorities by this Act given to or vested in the said Trustees, shall and may, from Time to Time, be exercised by the Majority of the Trustees present at their respective Meetings to be holden by virtue of this Act, such Majority not being less than Five; and the said Trustees are hereby impowered, by Writing under their Hands and Seals, to settle and adjust, from Time to Time, what Sum or Sums of Money shall be paid or secured by the said Fois Navigation Company, either by an Annual Rent, or by the Payment of a Sum of Money in gross, or other Satisfaction, to and at the Election of any Body or Bodies Politick, Corporate, or Collegiate, Person or Persons, respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Messuages, Mills, Lands, Grounds, or Hereditaments which shall be set out and ascertained as aforesaid, for making the said Navigation, or any Part thereof, or for the Uses of the same, and the several Purposes herein mentioned, and also to determine and adjust what Recompence shall be made for any Damages, which may at any Time be sustained by such Body or Bodies Politick, Corporate, or Collegiate, or by such Person or Persons respectively, being Owners of, or interested in, any Lands, Grounds, Mills, Engines, Tenements, or Hereditaments, for or by Reason of severing or dividing the same, or of making, repairing, or maintaining the said Navigation, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or of supplying the same, or any of them, with Water as aforesaid, or by the altering, diverting, taking away, or using any Springs, Streams of Water, or Watercourses, flowing to, or supplying with Water, any Mill or Mills, or by turning or diverting any Streams or Brooks into the said Navigation, or by Reason or Means of the Execution of any other of the Powers herein contained by the said Fois Navigation Company, their Agents, Workmen, or Servants, in case such Price, Value, Damages, and Recompences respectively cannot be settled and adjusted by a previous Agreement made by and between the said Company and

such Proprietors of and Persons interested in the said Lands, Mills, Grounds, and other Hereditaments, as aforesaid.

Juries to be impannelled to assess Damages, where Parties are dissatisfied with the Determination of Trustees.

XIII. And be it further enacted, That if the said Fosse Navigation Company, for and on the Part and Behalf of themselves, or any other Body or Bodies Politick, Corporate, or Collegiate, or other Person or Persons so interested in or entitled to the said Lands, Mills, Grounds, or other Hereditaments as aforesaid, for and on his, her, or their Parts shall be dissatisfied with any Determination which shall be made by the said Trustees as aforesaid; and if any such Body or Bodies Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse, upon due Tender thereof being made, to receive such Purchase Money or Annual Rent, or such other Recompence as shall be so determined to be paid and made, or shall, on Notice in Writing being given to the principal Officer or Officers of such Body or Bodies Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands, Mills, Grounds, or other Hereditaments, neglect or refuse, for the Space of Thirty Days next after the Service of such Notice, to treat or agree with the said Fosse Navigation Company, or by Reason of Absence shall be prevented from treating, or by Reason of Nonage, Coverture, or other Impediment, shall be disabled to treat for themselves, or make such Agreements as shall be convenient for promoting the Navigation and other Works aforesaid, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, then, and in every such Case, the said Trustees shall, and they are hereby impowered and required from Time to Time, to issue a Warrant, under their Hands and Seals, directed to the Sheriff or Sheriffs of the County or Place wherein the Matter in Dispute shall arise, or, in case such Sheriff or Sheriffs, or his or their Under Sheriff, shall be of the said Fosse Navigation Company, or enjoy any Office of Trust or Profit under them, or shall be interested in the Matter in Question, then to a Coroner of such County or Place, commanding such Sheriff or Sheriffs, or Coroner, to impannel, summon, and return a Jury; and he or they is or are hereby required to impannel, summon, and return a Jury of Twelve sufficient Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined

joined in his Majesty's Courts at Westminster, to appear before the said Trustees at such Time and Place as in such Warrant shall be appointed, not being less than Fourteen, nor more than Twenty-four Days after such Warrant shall be served upon the said Sheriff or Sheriffs, 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 Sheriffs, or Coroner, shall return other sufficient Men of the Standers-by, who can be speedily procured, to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any One of the said Jurymen, but shall not challenge the Array; and the said Trustees are hereby impowered to summon and call before them all and every such Person and Persons who shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said Trustees may order and authorize the said Jury, or any Six of such Jurors, to view the Place or Places, or Matters in Controversy, which Jury upon their Oaths, (which Oaths, as well as the Oaths directed to be taken by such Person or Persons as shall be called upon to give Evidence, the said Trustees are hereby impowered to administer), shall enquire of, assess, and ascertain the Sum or Sums of Money, or Annual Rent, to be paid, for the Purchase of such Lands, Grounds, Mills, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid; and the said Trustees shall give Judgement for such Purchase Monies, Rent, or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon to be pronounced by the said Trustees, shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, and shall not be removed by Certiorari, or other Process at Law whatsoever, into any of his Majesty's Courts of Record at Westminster, any Law or Statute to the contrary notwithstanding.

Penalties on the Sheriff, Coroner, Jurymen, and Persons summoned, who shall make Default.

XIV. And be it further enacted, That if any such Sheriff or Sheriffs, or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing 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

Evidence shall not appear, or appearing shall refuse to be sworn and examined, or to give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Trustees, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the Party who shall appear to the said Trustees to be aggrieved by the Default of such Person.

How the Expences of the Jury, &c. are to be paid.

XV. 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, Grounds, Mills, or Hereditaments, or for any Damage to be done to any Lands, Grounds, Mills, Hereditaments, or Property, of any Person or Persons whomsoever, than had been previously offered by or on Behalf of the said Foss Navigation Company, or than had been determined and assessed by the said Trustees, then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Trustees, and be borne and paid by the said Foss Navigation Company, but in case a Verdict or Assessment shall be given or made for less Monies as such Recompence or Satisfaction than had been previously offered or determined and assessed as aforesaid, then all such Expences, to be settled as aforesaid, shall be borne and paid by the Person or Persons with whom the said Foss Navigation Company shall have such Controversy or Dispute.

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

XVI. And be it further enacted, That all and every Person and Persons making Complaint, and requesting such Jury to be summoned, shall, before the said Trustees proceed to issue out their Warrant for the summoning any such Jury as aforesaid, enter into Bond to the Treasurer to the said Foss Navigation Company (if required so to do) in the Penalty of One hundred Pounds, conditioned to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case a Verdict shall be given for the same or a less Sum than had been offered by or on Behalf of the said Foss Navigation Company, or than had been assessed by the said Trustees, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any Lands, Grounds, Mills, or Hereditaments, or Damages as aforesaid.

No Person to act as a Trustee, till he take the following Oath.

XVII. Provided always, and be it further enacted, That no Person shall act as a Trustee, in any Case, in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being

being a Proprietor in the said Navigation, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be anyways interested or concerned in the Matter in Question; nor shall any Person act as a Trustee in the Execution of this Act, (otherwise than in administering an Oath, to the Effect following, to the other Trustees), until he shall have taken and subscribed such Oath, before any One of the said Trustees, who is hereby authorized and impowered to administer the same; (that is to say),

I *A. B.* do swear, That I will truly and impartially, according to the best of my Skill and Judgement, execute the several Powers and Authorities reposed in me as a Trustee, by virtue of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of the Act.*]

So help me GOD.

And if any Person, not qualified by this Act, or hereby made incapable to act as a Trustee, shall nevertheless presume to act as such in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action at Law, in any of his Majesty's Courts of Record at Westminster; and such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence, on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Trustees may act as Justices.

XVIII. And be it further enacted, That such of the Trustees as are Justices of the Peace, are hereby authorized and impowered to act as Justices of the Peace, within the Limits of their respective Jurisdictions, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding their being Trustees, provided such Justices are not interested in the Matter in Question.

Meetings of the Trustees to be held on Application of the Company, or Land Owners affected by the Works.

XIX. And be it further enacted, That, upon Application to be made by the said Foss Navigation Company, or by any of the Owners or Occupiers of Lands or other Hereditaments to be affected by the said intended Navigation, or any of the Works relating thereto, unto any Five or more of the said Trustees, desiring them to appoint a Meeting of the Trustees, the Trustees to whom

such Application shall be made are hereby required, within Seven Days after the making such Application, to give publick Notice that a Meeting of the Trustees will be held, at such Time and Place as shall be specified in such Notice, the Time to be so appointed not being less than Fourteen Days, nor more than Twenty-one Days, from the Day on which such Application shall be made to them as aforesaid; and the said Trustees are hereby required to assemble at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them, in Execution, and shall then adjourn themselves, and afterwards meet at such Place as the said Trustees assembled at such Meeting shall think proper and convenient, and so from Time to Time, as often as Application shall be made to any Five or more of the said Trustees, either by the said Fos Navigation Company, or by any of the Owners or Occupiers of Lands or other Hereditaments to be affected by the said Navigation, or any of the Works relating thereto; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, then, and from Time to Time, as often as the Case shall happen, such Meeting shall be deemed to stand adjourned until that Day Fortnight, at the same Place where the said Meeting was last appointed to be held.

Notice of Trustees Meeting.

XX. Provided always, That no Meeting of the said Trustees shall be good or effectual, for any of the Purposes of this Act, unless previous Notice of the Time and Place thereof, and the general Purpose of such Meeting, under the Hand of the Clerk to the said Trustees, shall be first published in One of the York Newspapers, or in such other Manner as the said Fos Navigation Company shall at any Meeting appoint, at least Fourteen Days before every such intended Meeting of the said Trustees, or unless the Business proposed to be transacted at any Meeting, of which such Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice, in which latter Case the Trustees may from Time to Time adjourn to some future Day, not being Sunday, and in like Manner, from Day to Day, meet again at the Time and Place appointed by such Adjournment, and proceed in such Business until the same is finished, without any fresh Notice to be given of the Meetings held by such Adjournments.

Meetings of Trustees to be held within Five Miles of the Navigation.

XXI. Provided also, That every Meeting of the Trustees for hearing or determining any Complaint, Controversy, Dispute, or Difference between the said

Fos

Fos Navigation Company and any other Person and Persons, shall be held at some convenient Place within Five Miles of the Line of the said Navigation, to be appointed from Time to Time by the said Trustees.

Complaints to be made first to the Company.

XXII. And be it further enacted, That the said Trustees shall not 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 the Works of the said Navigation, unless previous Application shall have been made in Relation thereto, by or on Behalf of such Person or Persons, to the said Fos Navigation Company, or to their Clerk or Treasurer, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Upon Payment of Monies assessed, &c. the Company may proceed in their Works.

XXIII. 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 as shall be determined and adjusted by the said Trustees, or be assessed by any such Jury as aforesaid, for the Purchase of any Mills, Lands, or Hereditaments, by virtue of this Act, to the Proprietors thereof, or other Persons entitled to receive such Money or Rents respectively, or on legal Tender thereof being made to such Proprietor, or other Person or Persons entitled to receive the same, or to the principal Officer or Officers of any Body Politick, Corporate or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed, or (if he, she, or they cannot be found, or shall refuse to accept such Money or Rent), upon Payment thereof to such Person or Persons as the said Trustees 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 entitled to receive the same as aforesaid, then, and in every such Case, the Lands and other Hereditaments so purchased, and the Fee Simple and Inheritance thereof, shall from thenceforth be vested in and become the sole Property of the said Fos Navigation Company, and then, but not before, it shall be lawful for the said Fos Navigation Company, their Agents, Workmen, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough and remove Earth, Stone, Sand, Rubbish, Trees, Roots of Trees, and other Obstructions, for the making, using, maintaining, and repairing the said Navigation, and Towing Paths on the Sides thereof, in or upon such Lands

Lands and other Hereditaments for which such Satisfaction shall be agreed upon, determined, or assessed as aforesaid, and thereupon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for supporting and maintaining the same, as the said Foss Navigation Company 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, and this Act shall be sufficient to indemnify as well the said Trustees as the said Foss Navigation Company, their Servants, Agents, and Workmen, for what they or any of them shall do by virtue hereof.

Trustees to separate the Value of Lands purchased from other Damages.

XXIV. Provided always, and be it further enacted, That the said Trustees and Juries respectively shall, in all Determinations, Judgements, and Verdicts, which they shall respectively make and give by virtue of this Act, concerning the Value of Lands or other Hereditaments purchased as aforesaid, and Damages to be sustained, distinguish the Value set upon such Lands and other Hereditaments, and the Money assessed or adjudged for Damages, separate and apart from each other; but neither the said Trustees, or any Jury to be impannelled by virtue of this Act, shall proceed to the ascertaining or assessing any Recompence or Compensation to be made for any Damage that may be sustained as aforesaid, until necessary Bridges, Roads, and other Communications over, under, or through the said intended Navigation, required for the Use of the Occupiers of the adjoining Lands and Grounds, shall be ascertained and fixed, in respect as well to the Number as the Situation of such Bridges, Roads, or other Communications.

Bridges, &c. to be made before Damages awarded.

Verdicts to be recorded.

XXV. And be it further enacted, That all the Determinations of the said Trustees, which shall be submitted to and acquiesced in by the Parties concerned, and all the Verdicts of Juries, and Judgements thereon, (being first signed by the Trustees who shall be present at the making such Determinations, or the taking of such Verdicts, and pronouncing such Judgements thereon respectively), shall be transmitted to, and kept by, the Register of the North Riding of the County of York, so far as such Determinations, Verdicts, and Judgements, relate or concern any Matters or Property arising or being within the Limits and Jurisdiction of the said North Riding, and by the Common Clerk of the City of York, so far as such Determinations, Verdicts, and Judgements, relate to or concern any Matters, or Property, arising or being within the Jurisdiction of the said City, and shall be deemed Re-

words, to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence, in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances, as are herein mentioned, paying for each Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy after the Rate of Three-pence for every Two hundred Words; and immediately on the Entry of such Verdicts, Determinations, Judgements, Orders, and other Proceedings of the said Trustees and Juries, all the Estate, Title, Interest, Use, Trust, Property, Claim and Demand, in Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid or tendered as aforesaid, into and out of the said Lands and other Hereditaments, shall vest in the said Foss Navigation Company, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes, as fully and effectually as if every Person, having any Estate in the Premises, had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Recovery, or any other legal Conveyance whatever; and such Payment or Tender as aforesaid shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use the same was made, but shall also extend to, and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail in Reversion or Remainder, against the Issue of every such Person, and all and every other Person and Persons whomsoever, as effectually as a Fine and Recovery, or either of them, would do, if levied or suffered by all proper Parties in due Form of Law.

Power to take down and rebuild Mr. *Driffield's* Bridge.

XXVI. And whereas it may be found expedient, for the Purposes of the said Navigation, to take down a private Bridge, lately erected by Robert Driffield of York Gentleman, over the said River Foss, in the Parish of Huntingdon, for the more commodious Occupation of his Lands and Grounds in the said Parish; be it therefore further enacted, That it shall be lawful for the said Foss Navigation Company, at their own Costs and Charges, to take down the said Bridge of the said Robert Driffield, and in case they shall take down the same, they shall, and are hereby required, in the Place or Stead thereof, to erect and build a good and sufficient Bridge, with Brick or Stone, of such Dimensions and Construction as will permit Carriages to pass and repass thereon with

Safety, and best answer the Purposes of the said Navigation; and the said Foss Navigation Company shall and they are hereby required, from Time to Time, and at all Times thereafter, at their own Costs and Charges, well and sufficiently to maintain, support, and keep in good Repair, the Walls, Battlements, Arches, and every other Part of the said Bridge.

Mr. *Driffield* to repair the Road on each Side of the New Bridge.

XXVII. Provided always, That if the said Foss Navigation Company shall build such New Bridge of greater Dimensions than the present Bridge, and raise the Road on each Side thereof, then the said Robert Driffield, his Heirs and Assigns, being the Proprietor or Proprietors of the said Lands and Grounds within the Parish of Huntingdon, shall and is or are hereby required, at his and their own proper Expence, from Time to Time, and at all Times after the building such New Bridge, and raising the said Road, as aforesaid, well and sufficiently to maintain, support, and keep in good Repair the Road so raised, on each Side of the said Bridge, as aforesaid.

Compensation to be made for the Tithes of the Lands to be taken for the Purposes of this Act.

XXVIII. 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.

Purchase Money above 20*l.* due to Corporations, &c. to be laid out in the Purchase of Lands.

XXIX. And be it further enacted, That all Sums of Money, which are directed to be paid to any Bodies Politick, Corporate, or Collegiate, 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, Feme Coverts, or other Cestuique Trusts, or to any Person or Persons whose Lands or other Hereditaments are limited in strict Settlement, for the Purchase or Exchange of any Lands, or other Hereditaments, as aforesaid, shall, in case the same exceeds the Sum of Twenty Pounds, be laid out, as soon as conveniently may be, by such Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, Feoffees in Trust, Executors, Administrators,

niſtratoꝛs, Husbands, Guardians, Committees, oꝛ other Truſtees, oꝛ Perſon oꝛ Perſons ſeiſed of Hereditaments ſo limited in ſtrict Settlement, in the Purchaſe of other Lands, Tenements, oꝛ Hereditaments in Fee Simple, and conveyed to oꝛ to the Uſe of ſuch Bodies Politick, Coꝛpoꝛate, oꝛ Collegiate, Aggregate oꝛ Sole, Feoffees in Truſt, Executoꝛs, Adminiſtratoꝛs, Husbands, Guardians, Committees, oꝛ other Truſtees, oꝛ to and foꝛ ſuch other Perſon oꝛ Perſons, and foꝛ ſuch Eſtates, and to, foꝛ, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies as the Lands, oꝛ other Hereditaments, foꝛ oꝛ in reſpect whereof ſuch Purchaſe Money, oꝛ Monies received in Exchange, ſhall be ſo paid as afoꝛeſaid, were limited, ſettled, and aſſured at the Time ſuch Purchaſe Monies were ſo agreed foꝛ, aſcertained, oꝛ aſſeſſed reſpectively as afoꝛeſaid, oꝛ ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect, ſuch Conveyances and Settlements as afoꝛeſaid to be made at the Expence of the ſaid Foſs Navigation Company; and in the mean Time, and until ſuch Purchaſe oꝛ Purchaſes ſhall be made, the ſaid Monies, and alſo ſuch Sums of Money to be paid as afoꝛeſaid, as ſhall not exceed Twenty Pounds, ſhall be placed out by ſuch Bodies Politick, Coꝛpoꝛate, oꝛ Collegiate, Aggregate oꝛ Sole, Feoffees in Truſt, Executoꝛs, Adminiſtratoꝛs, Husbands, Guardians, Committees, oꝛ other Truſtees, oꝛ Perſons ſeiſed of Hereditaments in ſtrict Settlement, in ſome of the Publick Funds, oꝛ on Government oꝛ Real Securities, in the Names of Two oꝛ moꝛe Perſons, to be nominated by the Party oꝛ Parties intereſted therein, and to be appꝛoved of by the ſaid Truſtees; and that the Intereſt ariſing oꝛ to be pꝛoduced from ſuch Funds oꝛ other Securities, and alſo the annual Rent foꝛ ſuch Lands oꝛ other Hereditaments, where a Rent ſhall be ſtred upon, as afoꝛeſaid, ſhall be paid to ſuch Perſon oꝛ Perſons reſpectively as would foꝛ the Time being be entitled to the Rents and Pꝛofits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed and ſettled, purſuant to the Tenoꝛ and Meaning of this Act, and ſuch annual Rent ſhall be a Rent Charge upon the Rates herein-after authoꝛized to be taken by the ſaid Foſs Navigation Company.

Truſtees to ſettle the Proportion of the Money to be paid to the ſeveral Perſons intereſted.

XXX. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered to ſettle what ſpecific Shares and Pꝛopoꝛtions of the Purchaſe Monies, oꝛ Recompence foꝛ Damages, which ſhall be ſo agreed foꝛ between the ſaid Foſs Navigation Company, oꝛ determined and adjuſted by the ſaid Truſtees, oꝛ aſſeſſed by the Juries

Juries respectively as aforesaid, shall be allowed to any Tenant, or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein, except in such Cases where the same are herein directed to be laid out and invested in the Purchase of other Lands or Hereditaments.

In Default of Payment of Damages, Rates to be liable.

XXXI. And be it further enacted, That in Default of Payment, by the said Fos Navigation Company, of any Sum or Sums of Money, at such Times and in such Manner as the same is herein directed to be paid, for Damages of any Kind, it shall be lawful for the said Trustees to appoint One or more Person or Persons to receive the Rates by this Act imposed, (from whom the said Trustees shall take such Security as they shall judge proper), and thereout, in the first Place, to pay all such Damages so adjudged and assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment; and the Money to be received by such Person or Persons to be appointed by the said Trustees as aforesaid, shall and is hereby declared to be by him or them received to and for the Use of the Person or Persons who shall be entitled to have such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determinations and Judgements shall be in Priority of Time; and after such Damages and Costs shall be fully paid and satisfied, the Power and Authority of the Person or Persons appointed by the said Trustees to receive the said Rates as 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 assessed and awarded, as shall not be paid according to the Judgement of the said Trustees as aforesaid, by Action of Debt in any of His Majesty's Courts of Record at Westminster, against the said Fos Navigation Company, to recover the same with full Costs of Suit.

If Costs and Damages are not paid within Six Months, the same to be levied upon the Company.

XXXII. Provided always, That in case the Damages and Costs by this Act directed to be paid for the Purposes aforesaid, shall not be paid and satisfied within the Space of Six Calendar Months next after the same shall be so adjudged and assessed as aforesaid, then, and in every such Case, it shall be lawful for the said Trustees, upon Complaint made to them by or on Behalf of the Person or Persons sustaining such Damage, to issue their Warrant, under their Hands and Seals, to the Sheriff of the County or Place wherein such Damage shall have arisen, authorizing and impowering such Sheriff to levy and raise the Damages so adjudged and assessed by Dis-

treſs and Sale of the Boats, Barges, Veſſels, or other Goods and Chattels of the ſaid Foſs Navigation Company, together with ſuch reaſonable Charges as the ſaid Truſtees ſhall in ſuch Warrant direct and appoint.

Annual Rents how recoverable.

XXXIII. And be it further enacted, That all and every ſuch yearly Rents or Sums as ſhall be agreed on, 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 Foſs Navigation Company, as the ſame ſhall reſpectively become due and payable, and in Caſe of Nonpayment thereof, within Twenty-one Days next after the ſame ſhall reſpectively become due, it ſhall be lawful for the ſaid Truſtees, by an Order under their Hands and Seals, to appoint One or more Perſon or Perſons, (of whom the ſaid Truſtees are hereby directed to take ſuch Security as they ſhall judge proper), to receive the ſaid ſeveral Rates, and to pay the ſame to ſuch Perſon or Perſons to whom ſuch yearly Rents, or Sums, ſhall be due and unpaid as aforeſaid; and every Perſon ſo appointed ſhall be deemed a Collector of the ſaid Rates, and ſhall have the like Power and Authority for collecting the ſame, as if he had been appointed for that Purpoſe by the ſaid Foſs Navigation Company, 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 full 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 Boats, Barges, Veſſels, and other Goods and Chattels, of the ſaid Foſs Navigation Company, in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent.

Company may raiſe a certain Sum for carrying on the Works.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Foſs Navigation Company to raiſe and contribute amongſt themſelves, in ſuch Proportions as they ſhall think proper, ſuch Sum and Sums of Money for making and completing the ſaid Navigation, and other Works and Conveniences to the ſame belonging or requiſite, as ſhall be judged ſufficient, and alſo the ſeveral Works of Drainage herein-after mentioned, not exceeding in the Whole the Sum of Twenty-five thouſand four hundred Pounds (except as herein-after mentioned), and the Money ſo to be raiſed is hereby directed to be laid out and applied, in the firſt Place, for and towards the Payment and Diſcharge of all the Charges and Expences of obtaining and paſſing this Act,

and for making the Surveys, Plans, and Estimates, and doing and providing all other Matters and Things preparatory and previous thereto, and all other Expences relating to the same; and all the Residue of such Money shall be laid out and applied for and towards the making, completing, and maintaining the said Navigation and Drainage, and other the Purposes of this Act; and that in case the said Sum of Twenty-five thousand four hundred Pounds, herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said Navigation, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereunto, then, and in such Case, it shall be lawful for the said Foss Navigation Company to raise and contribute amongst themselves, in Manner and Form aforesaid, or by the Admission of new Subscribers, any further Sum or Sums of Money for the Purposes aforesaid, not exceeding the Sum of Ten thousand Pounds.

Subscription Money divided into Shares to be applied for the Purposes of the Act.

XXXV. And be it further enacted, That the said Sum of Twenty-five thousand four hundred Pounds, or such Part thereof as shall be raised by the several Persons herein-before mentioned, and also the said Sum of Ten thousand Pounds, or such Part thereof as shall be raised in Manner aforesaid, shall be divided into equal Parts or Shares, at One hundred Pounds per Share of the Money which is or shall be subscribed to be advanced, and that no Person or Body Corporate subscribing to the said Navigation shall be permitted to purchase or become a Proprietor of less than One such Share, or more than Twenty such Shares, either in his, her, or their own Name, or in the Name or Names of any other Person or Persons, in Trust for him, her, or them, except such additional Shares and Interest in the said Navigation as shall happen to devolve on him, her, or them, by Will, Administration, or other Act of Law; and that if any Person or Body Corporate shall hereafter purchase, or by any Act (save as aforesaid) become the Proprietor of or beneficially interested in more than Twenty Shares of the said Navigation Stock, all and every such Supernumerary Shares exceeding Twenty shall be, and the same are hereby declared to become forfeited to the said Foss Navigation Company, and shall from and after such Forfeiture be considered and disposed of as Part of the said Joint Navigation Stock, in Manner herein-after directed.

Shares to vest in Subscribers, and be deemed

XXXVI. And be it further enacted, That the said Parts and Shares of the said Stock, when the same

shall

shall be raised and paid, shall be and the same are hereby vested in the 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 thereto; and all and every the said Shares shall be deemed 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 smaller Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be entitled to and receive, after the said intended Navigation shall be completed, an intire and equal Distribution or Share of the Profits and Advantages that shall and 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 Twenty in the Whole; and every Body Politick or Corporate, Person or Persons, having such Property of One such 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 directed. personal Estates.

XXXVII. And be it further enacted, That all and every Body or Bodies Politick or Corporate, and all Persons who shall by virtue of this Act have subscribed or undertaken for One Share of the said Navigation, shall be deemed Proprietors for so much, and shall have a Vote in every publick Meeting of the said Fos Navigation Company, to be held as hereafter appointed, for carrying on the said Undertaking, which Vote may be given by them, or by their Proxies (every such Proxy being a Proprietor of the said Navigation in his own Right) duly constituted by Writing under their Hands, or the Common Seal of every such Body Politick or Corporate; and every such Vote so given by Proxy shall be as good and effectual, to all Intents and Purposes, as if the Proprietor or Proprietors had voted in Person; and any Body or Bodies Corporate or Politick, Person or Persons, who shall have One or more such Share or Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxy or Proxies regularly constituted Subscribers to have a Vote for every Share, by themselves or Proxy.

stituted as aforesaid, to give One Vote for each such Share, not exceeding Twenty Shares in the Whole for any One Person or Body Politick or Corporate, and for which he, she, or they shall be a Subscriber, Proprietor, or Proxy as aforesaid; and whatever Question, Election of Officers, or other Matters or Things, relating to the said Foss Navigation Company, shall be proposed, discussed, or considered in any General or Special Meeting of the said Company, 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 vote, either as Proxy or otherwise, for more than Thirty Shares.

XXXVIII. Provided always, That no Business shall be transacted or done by the said Foss Navigation Company, at any of their General or Special Meetings, unless Fifteen or more of the Members of the said Company shall be present at such Meeting; any Thing in this Act contained to the contrary thereof notwithstanding.

Corporations to give only One Vote for each Share.

XXXIX. Provided also, That nothing herein contained shall extend or be construed to impower any greater Number of the Members of any Body Corporate or Politick to attend or vote, by themselves or Proxies, at any Meeting of the said Navigation Company to be held by virtue of this Act, than the Number of Shares which the said Body Corporate or Politick may from Time to Time be entitled to, except such Members thereof as are otherwise qualified, in their own individual Right, to attend and vote by virtue of this Act.

Power to borrow the additional Sum;

XL. Provided always, That it shall be lawful for the said Foss Navigation Company, or the Committee thereof for the Time being to be by them appointed by virtue of this Act, to borrow and take up at Interest all or any Part of the said Sum of Ten thousand Pounds on the Credit of the said Navigation and Drainage, as to them shall seem meet and convenient; and they are hereby fully authorized and impowered to assign over the Property of the said Navigation, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be also paid out of the said Rates), as a Security for any such Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, his, her, or their Trustees, who shall advance the same; which said Assignment shall be made under the Common Seal of the said Company, according to the following Form; (videlicet),

and to assign the Rates as a Security.

BY virtue of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*Insert the Title of the Act*], we, the Company of Proprietors of the said Navigation, incorporated by the Name of the *Foss* Navigation Company, by and under the said Act, in Consideration of the Sum of to us in Hand paid by do assign unto the said his Executors, Administrators, and Assigns, the said Navigation, and all and singular the Rates arising and to arise by virtue of the said Act from the said Navigation and Drainage, and all the Estate, Right, Title, Property, and Interest of the said *Foss* Navigation Company of, in, and unto the same, and every Part thereof, to hold unto the said his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same, after the Rate of *per Centum per Annum*, shall be repaid and fully satisfied. Given under our Common Seal, this Day of

Form of Assignment.

And all Persons to whom such Assignments shall be made, shall be equally entitled to their Proportion of the said Rates and Property of and in the said Navigation and Drainage, according to the respective Sums in such Assignments mentioned to be advanced on Security thereof, without any Preference by Reason of Priority of Assignment, or on any other Account whatsoever; and the Money so to be raised or borrowed by any of the Methods above stated shall be applied for making, continuing, completing, and maintaining the said Navigation and Drainage, and other Works relating thereto.

XLI. And be it further enacted, That a Memorial of every such Assignment, containing the Date, Names of the Parties, Sum of Money borrowed, and Rate of Interest, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Foss Navigation Company, which said Book or Books shall and may be perused, at all reasonable Times, by any of the Proprietors or Creditors of the said Navigation, or other Persons interested therein, without Fee or Reward; and that all the Person and Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Principal and Interest Money thereby secured, to any other Person or Persons, which Transfer, executed in the Presence of One credible

Securities to be entered, and may be transferred.

dible Witneſs, ſhall be according to the following Form; (videlicet),

Form of Transfer.

I DO transfer this Aſſignment, with all my Right and Title to the Principal Money thereby ſecured, and to all the Intereſt now due, or hereafter to become due thereon, unto *C. D.* his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

Witneſs *A. B.*

E. F.

Which ſaid Transfer ſhall, within Twenty Days after the Date thereof, be produced and certified to the ſaid Clerk, who ſhall cauſe a Memorial of ſuch Transfer, containing the Date, Names of the Parties, and Sum of Money therein transferred, to be entered in the ſaid Book or Books to be kept for entering Memorials of the ſaid original Aſſignments, for which the ſaid Clerk ſhall be paid the Sum of One Shilling, and after ſuch Entry made in Manner aforeſaid, every ſuch Transfer ſhall intitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the full Benefit of ſuch Security, and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall have made any ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or any Money thereon due.

The Intereſt of the Money bo rowed to be paid in Preference to Dividends.

XLII. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed by Mortgage as aforeſaid, ſhall be paid half-yearly to the ſeveral Parties intitled thereto, in Preference to any Intereſt or Dividends due and payable, by virtue of this Act, to the ſaid Foſs Navigation Company, or any of them, and ſhall from Time to Time be fully paid and diſcharged before the yearly or other Intereſt or Dividends, due to the ſaid Foſs Navigation Company, ſhall be paid, made, or divided.

General Meetings for chuſing a Committee, and putting the Act in Execution.

XLIII. And be it further enacted, That a General Meeting of the ſaid Foſs Navigation Company, for putting this Act into Execution, ſhall be held at the Guildhall of and in the City of York, on ſuch Day as ſhall be appointed for that Purpoſe, by Notice to be given by Order of any Seven or more of the Proprietors of the ſaid Navigation, (although not aſſembled at any Meeting to be held in purſuance of this Act), Twice in ſome Newſpaper publiſhed within the ſaid City, at leaſt Fourteen Days before the Day of holding ſuch General Meeting, and another General Meeting ſhall be held at the

Houſe

House of Francis Pulleyn, known by the Name of The York Tavern, in the said City, on the Twenty first Day after the said First Meeting; and that a General Meeting shall be held on the First Monday in January, and the First Monday in July in every Year for the Future, at the Hour of Eleven of the Clock in the Forenoon of the said respective Days, at such Place or Places, within the Distance of Five Miles from the Line of the said Navigation, as shall from Time to Time be fixed on by the said Foss Navigation Company, at any preceding General Meeting; and that the said Foss Navigation Company assembled at their said First General Meeting, together with such Proxies as shall be then present, shall and may, and they are hereby authorized to chuse Twenty-one Persons, who for the Time being shall be respectively Proprietors of One or more Share or Shares in the said Navigation, which Persons so chosen shall be a Committee to manage the Affairs of the said Foss Navigation Company, in such Manner as is herein directed, and shall continue to execute the Powers hereby vested in the said Committee, until a new Committee shall be appointed at a subsequent General Meeting of the said Navigation Company duly held for that Purpose; and if at any Time it shall appear to any Five or more of the Proprietors of the said Foss Navigation Company, (being Proprietors of not less than Ten Shares), that, for more effectually carrying this Act into Execution, or for any other Purpose relating thereto, a Special Meeting of the Proprietors is necessary to be held, it shall be lawful for them to cause publick Notice to be given thereof by their Clerk, Once in each of the York Newspapers, declaring in such Notice the Place where, and the Time when, such Special Meeting is appointed to be held, the same not being less than Fifteen Days after such Notice given, and likewise specifying in every such Notice the General Purpose and Reason for holding such Special Meeting; and the Proprietors are hereby authorized to meet pursuant to such Notices, and to proceed to the further Execution of the Powers by this Act given them with respect to the Matters so specified in such Notices; and all such Acts of the said Foss Navigation Company, done at such Meetings, shall be as valid, to all Intents and Purposes, as if the same were done at General Meetings held in Manner herein-before appointed.

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

XLIV. Provided always, and be it further enacted, That no One Member of the said Committee for the Time being, though he may be a Proprietor of many Shares,

Shares, shall have more than One Vote in the said Committee, except the Chairman, who is to be chosen by and out of the said Committee, and who, upon any Division where the Numbers are equal, shall have the casting Vote, although he may have given One Vote before upon the same Question.

Committee to be under Controul of the General Meeting.

XLV. Provided also, That all Committees shall from Time to Time report their Proceedings to the said General and Special Meetings of the said Foss Navigation Company, and shall be subject to the Examination and Controul of the said Company, and shall pay due Obedience to all such Orders and Directions, in and about the Management of the said Navigation and the Works thereof, as they shall from Time to Time receive from the said Foss Navigation Company, at any of their General or Special Meetings, such Orders and Directions not being contrary to any express Directions or Provisions contained in this Act.

Books to be kept.

XLVI. And be it further enacted, That all Accounts and Proceedings relating to the said Navigation, shall be regularly stated and settled in proper Books to be provided for that Purpose, which Books shall be deposited with and kept by the Committees to be appointed as aforesaid, in such Place or Places, and in such Manner, as the said Foss Navigation Company shall from Time to Time direct; and every Proprietor, upon his or her reasonable Request being made to any of the said Committees or their Clerk, shall have free Access to such Books, for his or her Inspection.

General Meetings for the Choice of Committees to consist of 127 Shares.

XLVII. Provided always, That if at any General Meeting of the said Foss Navigation Company, there shall not be Persons present who have One hundred and twenty-seven Shares of the whole Subscription, either as Principals or Proxies, no Choice of a Committee shall then be made, but in such Case there shall be another Meeting of the said Foss Navigation Company held at the same Place, by Adjournment, within Twenty Days, and not less than Fourteen Days, next following the Day on which such General Meeting was appointed to have been held; of which Adjournment, publick Notice shall be given in One of the York Newspapers as aforesaid; and the Choice of a Committee shall be made at such adjourned Meeting to be held as aforesaid, and the Persons so chosen to be of the said Committee shall have the same Powers as they would have had, and shall continue in such Office during the same Time, and be subject to the same Controul, as they would have done if they had been chosen on the Day appointed by this Act

for holding the General Meeting; and in case of Failure of the Meeting of Persons having One hundred and twenty-seven Shares, as Principals or Proxies, at such First General Meeting, then all the Principals who shall not be present at such Second Meeting to be held by Adjournment as aforesaid, by him, her, or themselves, or by his, her, or their Proxy or Proxies, shall forfeit to the said Foss Navigation Company, for every such Share which he, she, or they shall then have in the said Navigation, the Sum of Ten Shillings, to be deducted out of his, her, or their next Payment or Dividend of the Profits of the said Navigation, as the Case may happen. Penalty on Proprietors not attending Meetings.

XLVIII. And be it further enacted, That, at every General Meeting, the said Foss Navigation Company shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed, concerning the said Navigation and Drainage, by the Treasurer, Receivers, and other Officers to be by them appointed, or any other Person or Persons whomsoever employed by or concerned for or under them, in and about the aforesaid Navigation and Drainage, and for that or any other Purpose shall have Power to adjourn themselves from Time to Time, and from Place to Place, as the Majority then present, according to their Number of Votes, shall think most convenient; and the said Foss Navigation Company, at every General Meeting, or such Committee appointed as aforesaid, shall have Power from Time to Time to make such Call or Calls for Money, from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such 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 Two Calendar Months 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 Foss Navigation Company at such General Meeting, or such Committee, shall from Time to Time appoint and direct, for the Use of the said Undertaking; and the said Committee, or such of them as shall be assembled (not being less than Seven in Number) shall, by a Majority of the Votes so assembled, until the next General Meeting to be holden in Manner aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Foss Navigation Company, as well in buying and purchasing Lands and Materials for the Use of the said Navigation, Other Powers of General Meetings and Committees.

as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Officers, Clerks, Servants, and Agents, and in making all Contracts, Bargains, and doing all other Matters and Things touching the said Undertaking; and the said Committees may adjourn themselves from Time to Time as they see Occasion; and in order to defray the Expence of the Meetings of the said Committees, it shall be lawful for the said Committees, and they are hereby allowed to expend or retain to themselves a reasonable Sum of Money, out of the Capital Stock of the said Company, for their Expences in attending such Meetings, not exceeding Twenty Shillings at each Meeting; and every Owner of One or more Share or Shares in the said Undertaking, shall pay his or her Share or Shares, Proportion or Proportions, of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which One Calendar Month's Notice at least shall be given, by publishing the same in One of the York Newspapers, or in such other Manner as the said Foss Navigation Company or their Committee shall at any Time direct or appoint; and if any Person shall neglect or refuse to pay his or her rateable or proportionable Part or Share of the said Money, to be called for by the First Call to be made by virtue of this Act, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Foss Navigation Company to sue for and recover the same in any of his Majesty's Courts of Record, by Action of Debt, or on the Case; and if any Person shall neglect or refuse to pay his or her rateable or proportionable Part or Share of the said Money to be called for after the First Call as aforesaid, at the Time and Place so appointed, he or she so neglecting or refusing shall forfeit the Sum of Five Pounds for every One hundred Pounds of his or her Share or Shares, Part and Interest in the said Navigation; and in case any such Person shall neglect to pay his or her rateable or proportionable Part or Share of the said Money, to be called for by any future Call, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he or she so neglecting shall forfeit his or her Share or Shares, Part and Interest in the said Navigation, and all the Profits and Advantage thereof, and all Money advanced by him or her, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold at a publick Sale, by the said Foss Navigation Company, for the most Money they can get for the same, and the Pro-

duce

duce thereof shall be equally divided amongst the rest of the said Foss Navigation Company, in Proportion to their respective Shares and Interests in the said Undertaking; provided always, that no Advantage shall be taken of any Forfeiture of any Share of the said Navigation, 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 by Order of some General Meeting of the said Foss Navigation Company, to be held at least Three Calendar Months 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, and each of the York Newspapers, the Expence of which Advertisements is hereby directed to be paid by such Owner, if he or she appear and claim such forfeited Share; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor so forfeiting, against all Actions, Suits, or Prosecutions to be commenced or prosecuted, for any Breach of Contract or other Agreement betwixt such Proprietor so forfeiting, and the rest of the Proprietors, with regard to carrying on the said Navigation.

Proprietors to have Notice before their Shares are declared forfeited.

XLIX. And be it further enacted, That the said Foss Navigation Company shall have Power and Authority, at any General Meetings, 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 described and laid down with regard to their Proceedings amongst themselves, as to the major Part of them present at any Meeting shall seem meet, (the Method of calling General or Special Meetings, and their Time and Place of Meeting and voting, and appointing Committees, only excepted), and shall have Power to make such Bye Laws and Orders, for the good Government of the said Company, their Agents and Workmen, for making, maintaining, and using the said Navigation and Drainage, and all such Warehouses, Wharfs, Passages, Locks, Tunnels, and all other Things, as shall be required for the same, and also concerning all such Vessels, Goods, and Things as shall be navigated and conveyed thereon, and also for the well governing of the Bargemen, Watermen, Boatmen, and other Persons, who shall carry any Goods, Wares, Merchandizes,

General Meetings may make Bye Laws.

chandizes, and other Things, upon any Part of the said Navigation, and from Time to Time to alter and repeal the said Bye Laws and Orders, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons offending against the same, as to the major Part of the said Foss Navigation Company, assembled at any such General Meeting, shall seem proper, not exceeding the Sum of Five Pounds for any One Offence; which said Bye Laws and Orders, being reduced into Writing under the Common Seal of the said Foss Navigation Company, shall be binding on 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 that they be not repugnant to the Laws of this Realm.

When Subscribers die before Shares completed.

L. And be it further enacted, That if the Owner of any Share or Shares in the said Undertaking shall die before the Calls shall have been made for the full Sum to be advanced on each Share which he or she shall have been possessed of or entitled to, without having made Provision by Will or otherwise how such Share or Shares shall be disposed of, and the Money paid in upon Calls for the future, then, and in such Case, the Executors or Administrators of such Owners so dying, and the Trustee or Trustees, Guardian or Guardians, of any Infant or other Person or Persons whomsoever, entitled to the Management of the Estate or Effects of such deceased Owner, shall be indemnified against such Infant or other Person or Persons, for paying any Sum of Money when called for as aforesaid to complete every such Subscription; and if such deceased Owner shall not have left Assets sufficient, or in case the said Executors, Administrators, Trustees, or Guardians, shall refuse or neglect to answer such Calls and Payments, then the said Foss Navigation Company shall be, and are hereby empowered, authorised, and required to admit any other Person or Persons to become the Proprietor or Proprietors of the Share or Shares of such deceased Owner, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians of any Infant, or others entitled to his or her Effects, the full Sum or Sums of Money which shall have been paid by such deceased Owner in his or her Life-time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or other Sum or Sums of Money as the same can be sold for.

LI. And be it further enacted, That it shall be lawful for the several Proprietors of the said Navigation and Drainage to sell and dispose of any Share or Shares which he, she, or they shall or may be entitled to, subject to the Rules and Conditions herein mentioned; and for the mutual Security as well of the Purchaser or Purchasers as of the original Proprietor or Proprietors of such Share or Shares, Duplicates of the Deed of Assignment or Conveyance thereof shall be made and executed, in Manner herein-after directed, both by the Vendors and Vendees thereof, One Part whereof so executed as aforesaid shall be delivered to the said Committee or to their Clerk, to be filed and kept for the Use of the said Foss Navigation Company, and a Memorial thereof shall be made and entered in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid, and the said Clerk is hereby required to make and enter such Memorial accordingly; and until such Duplicate of the said Assignment and Conveyance shall be so delivered unto the said Committee or their Clerk as aforesaid, and filed, and such Memorial thereof entered as above directed, the Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation or Drainage, nor any Interest for such Share or Shares paid to him, her, or them, or be entitled to a Vote as Proprietor or Proprietors of the said Navigation. Manner of disposing of Shares.

LII. And be it further enacted, That after any Call of such Money shall be made by virtue of this Act, no Person (except as herein excepted) shall sell or transfer any Share which he or she shall then have in the said Navigation, until the Money called for upon his or her Share so to be sold shall be paid; and every Person making Default herein shall forfeit such his or her Share of the said Navigation and Drainage to the said Foss Navigation Company, in Trust for the Benefit of all other the Proprietors, unless the Person who shall be the Vender thereof shall, at the Time of such Transfer, pay the Money called for upon every Share so sold or transferred to the Treasurer to the said Foss Navigation Company, such Forfeiture having been declared at a General Meeting in Manner herein directed. No Share to be sold until Calls answered.

LIII. And be it further enacted, That the said Shares shall be sold, assigned, and transferred according to the Form following; (videlicet),

Form of Sale of Shares.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, assign, and transfer to the said *C. D.* his Executors, Administrators, and Assigns, Shares in the *Foss* Navigation, to hold to him the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to accept of the said Shares in the said *Foss* Navigation, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the Day of

Lands may be entered for making Surveys.

LIV. And be it further enacted, That it shall be lawful for the Agents and Servants of the said Foss Navigation Company from Time to Time, and at all Times hereafter, to enter upon the Lands or Grounds of the said several Persons, Bodies Politick, Corporate, or Collegiate, through or within which the said Navigation and other Works hereby authorized 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 the said Navigation and other the Matters and Conveniences aforesaid, the said Company making Satisfaction for the Damage such Agents and Servants shall do thereby to the Occupiers of such Lands or Grounds.

Breadth of the Navigation, Towing Paths, &c.

LV. Provided always, That the Lands or Grounds, to be taken or used for making the said Navigation and Towing Paths, and the Ditches, Drains, and Fences necessary to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty Yards in Breadth, except in such Places where the said Navigation shall be raised higher or cut more than Five Feet deeper than the present Surface of the Land, and also in such Places where it shall be deemed necessary for Boats and other Vessels to turn or lie, or where any Crane may be erected, or Drain made, by virtue of this Act, nor above Forty Yards in Breadth in any Place.

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

LVI. And be it further enacted, That after such Parts of the said Lands or Hereditaments shall be set out and ascertained as aforesaid, for making the said Navigation, and other the Purposes herein mentioned, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, Husbands, Guardians, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on

Behalf

Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every other Person or Persons who are or shall be seised, possessed of, or interested in any Lands or Hereditaments which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey unto the said Foss Navigation Company, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation and other Works, all or any Part of such Lands or Hereditaments which shall from Time to Time be so set out and ascertained as aforesaid, either in Consideration of Money to be paid in Gross, or of an Annual Rent or Payment to be charged and secured as herein mentioned; and where, for the Purpose, or by Reason of making the said Navigation, and other Works, the Property of any Land Owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, or certain Mills herein-after mentioned, called The Castle Mills, shall or may be injured, it shall be lawful for such Bodies Politick, Corporate, or Collegiate, and other Person or Persons as aforesaid, by and with the Consent of the said Trustees, to be testified by any Writing 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 small Parcels of Land, or the said Mills, with the Waters and Appurtenances thereto belonging, to the said Foss Navigation Company, or to any Person or Persons, for such Price or Prices in Money, or other Equivalent, as to the said Trustees shall seem reasonable, and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and other Persons, so conveying or exchanging as aforesaid, are hereby indemnified for what they or any of them shall respectively do by virtue of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances (except those which concern any Purchase or Exchange made between such Land Owners on their own private Account) to be made as aforesaid, shall, at the Expence of the said Foss Navigation Company, be

inrolled with the Register of the North Riding of the County of York aforesaid, or with the Common Clerk of the said City of York, respectively, as such Contracts, Agreements, Sales, Conveyances, and Assurances may happen to relate to Lands or Hereditaments lying within the Jurisdiction of the said Riding or City; and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment shall be paid, to the aforesaid Officers respectively making the same, after the Rate of Three-pence, and no more, for every Two hundred Words.

Preserving Copyhold Rights.

LVII. And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands or Hereditaments, which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands shall be holden, according to the Custom of the said Manors respectively, and shall remain and continue subject to such and the same Fines, Rents, and Services, as are of Right due and payable, in such and the same Manner as if this Act had not been made.

Officers to the Company to be appointed.

LVIII. And be it further enacted, That it shall be lawful for the said Foss Navigation Company, at any General Meeting, to nominate and appoint a Collector or Collectors, Treasurer or Treasurers, Clerk or Clerks, and such other Officers as they shall from Time to Time think necessary, (taking such sufficient Security from all such Officers, for the due Execution of his or their respective Offices, as the said Foss Navigation Company shall think proper), and from Time to Time to remove any such Collectors, Treasurers, Clerks, and other Officers from their said Employments; and every such Clerk is hereby required to attend the General Meetings of the said Foss Navigation Company, and the Meetings of the Committee thereof, and to keep and enter, in a proper Book or Books to be provided for that Purpose, a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Proprietors thereof, or be entitled to any Share therein, and of all the Acts, Orders, Proceedings and Transactions of the said Foss Navigation Company, and of the said Committee thereof, by virtue of this Act; and that every Member of the said Foss Navigation Company shall and may, at all convenient Times, be permitted to peruse and inspect the same, and all other Books directed to be kept by the Clerk to the said Company, relative to the Transactions thereof, and to make Extracts therefrom,

therefrom, gratis, and to have Copies thereof, or any Part thereof, made by such Clerk or Clerks, on paying Two-pence for every One hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Book, or refuse to make any such Copy in a reasonable Time after Demand made thereof, at the Rate aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Forty Shillings for the Benefit of the Person to whom such Refusal shall be made; and whenever any such Treasurer or Clerk shall die, or be removed from or quit the Service of the said Foss Navigation Company, it shall be lawful for the said Committee of the said Company, or a Majority of them, assembled, to appoint some other fit Person to be Treasurer or Clerk, (taking such sufficient Security from him as aforesaid), in the Place of him so dying, being removed, or quitting the said Service, until the then next General Meeting of the said Foss Navigation Company, when such Appointment shall either be confirmed, or another Treasurer or Clerk shall be nominated or appointed by the said Company in his Stead.

Proceedings of the Trustees to be entered.

LIX. And be it further enacted, That all the Orders and Proceedings of the said Trustees shall be regularly entered in a Book to be kept for that Purpose by the Clerk to the said Trustees to be appointed as herein mentioned, such Book to be open, at all seasonable Times, for the Inspection of any Person interested in the said Undertaking, who may be desirous of seeing and examining the same, without Fee or Reward; and the said Orders and Proceedings, when so entered as aforesaid, being signed by the said Trustees, shall be deemed Originals, and the same, or true Copies thereof, shall be admitted as Evidence, without further Proof, in all Courts whatsoever; and the said Trustees may and are hereby required, at their First Meeting, to elect and appoint One out of Two Persons to be previously nominated by the said Foss Navigation Company, to be their Clerk, and from Time to Time to remove such Clerk, at their Pleasure; and on such Removal, or in case such Clerk shall die, or quit the said Employment, the said Foss Navigation Company, or the said Committee, shall nominate Two other Persons, out of whom the said Trustees shall elect and appoint One to be their Clerk, in the Place of the Clerk removed or deceased as aforesaid; and the said Clerk to the said Trustees shall be paid, for his Care and Trouble in the Execution of such Office, by the said Foss Navigation Company; and on the Death or Removal of any such Clerk from the said Service, he, or his Executors

or Administrators, shall, within Ten Days after Notice in Writing to him or them respectively given by the said Trustees, at a Meeting held pursuant to this Act, produce and deliver up to the said Trustees all Books, Accounts, Papers, or Writings whatsoever, relative to the Execution of the said Office, which shall be in his or their Custody or Power, and such Person or Persons neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall forfeit the Sum of Twenty Pounds.

Rates. LX. And be it further enacted, That in Consideration of the great Charges and Expences which the said Foss Navigation Company will be at in making and maintaining the said Navigation, and other Works relating thereto, it shall be lawful for the said Foss Navigation Company, from Time to Time, and at all Times hereafter, to ask, demand, take and recover, to and for their own proper Use and Behoof, for Tonnage and Wharfage for all Coal, Corn, Lime, Stone, Timber and other Goods, Wares, Merchandizes and Things which shall be navigated, carried or conveyed upon or along the said Navigation, such Rates (over and besides what shall be paid by the Owners of Goods to the Owners of Vessels for Carriage or Freight) as the said Foss Navigation Company shall think fit, not exceeding the several Sums of Money herein-after specified; (that is to say),

For every Chaldron (containing Thirty-two Winchester Bushels) of Lime, Coal, Sleck, Cinders or Culm, Two-pence per Mile:

For all Dung, Soot, Rape Dust, and other Manure, Wheat, Rye, Oats, Barley, Beans, Malt, Hay Seeds, Rape Seed, Mustard Seed, Linseed and other Grain and Seeds of all Sorts, Oatmeal, Flour, Oat Shilling, Stock and Common Bricks, Square Paving Bricks or Tiles, Oak, Ash, Elm, Beech, Fir, or other Timber, or Logs of Mahogany, Oak Bark, Deals of all Kinds, Wainscot Boards, Pipe Staves, or other Articles of Wood, Stone, Flags, and Slate, Bar Iron, or manufactured Iron, Butter, Bacon, Cheese, Salt, Hay, Straw and Wool, Two-pence per Ton per Mile; and so in Proportion for any less Quantity than a Ton: And,

For all other Sorts of Merchandize, Goods or Wares, Three-pence per Ton per Mile.

Ascertaining the Rate of Tonnage. LXI. And, for the better ascertaining the said Tonnage, be it further enacted, That Forty Feet of Oak, Ash, Elm,

or

or Beech Timber, or Fifty Feet of Fir or Deal Balk, Poplar or other Wood, shall be deemed, rated, and estimated as and for One Ton; and that Twenty Hundred Weight, each containing One hundred and twelve Pounds Avoirdupois, shall be also deemed, rated and estimated as and for One Ton Weight; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge or other Vessel passing along the said Navigation, a Proportion of the said Rates shall be demanded and taken by the said Foss Navigation Company for such Fraction according to the Number of Quarters of a Ton contained therein.

Navigation to be measured, and Mile Stones set up.

LXII. And be it further enacted, That the said Navigation shall be measured, and Stones or Posts erected on one Side thereof, denoting each Mile; and that in all Cases where there shall be a Fraction of a Mile in the Distances which any Boat, Barge or other Vessel shall pass along the said Navigation, such Fraction shall, in ascertaining the aforesaid Rates, be deemed and considered, if less than Half a Mile, as and for Half a Mile, and if more than Half a Mile, as and for One Mile.

Vessels not passing *Monk Bridge* to pay additional Rates.

LXIII. And be it further enacted, That when any Boat, Barge, or other Vessel shall pass along the said intended Navigation from the Junction thereof with the River Ouse no further than to a certain Bridge called Monk Bridge, near the said City, then it shall be lawful for the said Foss Navigation Company, from Time to Time, and at all Times hereafter, to ask, demand, receive, and take, to and for their Use and Benefit, (over and above the several Rates herein-before specified and made payable), for all Coal, Corn, Lime Stone, Timber, Goods, Wares, Merchandizes, and other Things, such additional Rates as the said Foss Navigation Company shall from Time to Time think proper, so that such additional Rates do not exceed the respective Sums herein-before granted or impowered to be demanded and taken for the same Articles respectively passing along any other Part of the said Navigation.

Recovery of Rates.

LXIV. And be it further enacted, That the several Rates herein authorized to be demanded and taken, shall be paid to such Person or Persons, at such Place or Places near the said Navigation, in such Manner and under such Regulations as the said Foss Navigation Company shall from Time to Time direct and 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 Foss Navigation Company, or their Collector or Collectors, to whom such Rates ought

to be respectively paid as aforesaid, may, and is and are hereby impowered to seize and distrain the Goods, Wares, Merchandizes, or other Things, for or in respect whereof such Rates are payable, or a competent Part thereof, or the Boat or other Vessel laden therewith, and to detain the same until full Payment be made of the several Rates aforesaid then due from the Owner or Owners of such Boat or Vessel to the said Foss Navigation Company, together with the reasonable Costs and Charges of making such Distress, and if such Distress shall not be redeemed within Five Days after the taking thereof, then the same may be appraised and sold in such Manner as the Law directs in Cases of Distress for Rent.

Manner of rating the Lands to be taken by the Company.

LXV. And be it further enacted, That the said Company of Proprietors shall from Time to Time be rated to all Parliamentary and Parochial Taxes and Assessments, for and in respect of the Lands to be purchased or taken by the said Foss Navigation Company, in pursuance of this Act, in the same Proportion as other Lands lying near the same are and shall be rated, and as the same Lands so to be purchased or taken would have been rateable in case the same were the Property of Individuals in their natural Capacity, and without making any Addition for or on Account of the said Navigation, or any other of the Works aforesaid.

Further Allowance for Goods remaining upon Wharfs above a certain Time.

LXVI. And be it further enacted, That if any Iron, Timber, Coals, Lime, or other Goods or Things whatsoever, which shall be conveyed along the said Navigation, shall remain upon any Wharf belonging to the said Foss Navigation Company for more than Twenty-four Hours, then, and in every such Case, the said Foss Navigation Company shall be entitled to demand and receive such Allowance, over and above the Tonnage Rates hereinbefore granted, as shall be agreed upon between the said Foss Navigation Company, or their Agent, and the Owner or Owners of such Goods or other Things so permitted to remain as aforesaid, and in case of any Difference between the Parties, the same shall be settled and ascertained by the said Trustees.

Company at their First General Assembly to fix the Rates, and the same may be afterwards altered.

LXVII. And be it further enacted, That the said Foss Navigation Company shall, at their First Meeting, fix the Rates to be by them taken by virtue of this Act, which said Rates shall be equal through the whole Length of the said Navigation (except for Vessels passing only between the River Ouse and Monk Bridge aforesaid); and the said Company may, at any General Meeting held for that Purpose, (of which Meeting Three Calendar Months Notice shall be given in Manner aforesaid), reduce the said

Rates, or any of them, as they shall think proper, and may from Time to Time, at any subsequent General Meeting, (of which Meeting such Notice shall be given as aforesaid), advance the Rates so reduced as aforesaid to any Sum or Sums of Money not exceeding the Rates herein-before specified; but no Reduction of the said Rates shall at any Time be made, without the Consent of the Proprietors possessed of at least Two Thirds of the Shares in the said Navigation.

Masters of Boats to give an Account of their Lading.

LXVIII. And, for the more easy collecting the said Rates, be it further enacted, That the Master, Owner, or Manager of every Boat, Keel, or other Vessel using the said Navigation, or any Part thereof, shall give a just Account in Writing, signed by him, to the Collectors of the said Rates, at the Place or Places where they shall attend for that Purpose, specifying what Quantities and Sorts of Goods shall be in or belonging to such Boat, Keel, or other Vessel, from whence brought, and where he intends to land the same; and in case any such Master, Owner, or Manager, shall refuse or wilfully neglect to give such Account, or shall give a false Account thereof, or shall fraudulently deliver any Part of the Goods or Lading at any other Place or Places than what is or are mentioned in such Account, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other Things which shall be in such Boat, Keel, or other Vessel, of which such Account shall have been refused to be given, or of which a false Account shall have been given, or which shall have been fraudulently delivered out as aforesaid (as the Case shall be) over and above the respective Rates herein directed to be paid for the same.

In case of Difference concerning Weight of Goods, Vessels may be detained, and Goods weighed, &c.

LXIX. And be it further enacted, That if any Difference shall arise between the Collector of the said Rates and the Master or Person having the Care of any Boat or Vessel, or the Owner of any Goods, Wares, Merchandizes, or other Things, concerning the Weight and Quantity thereof, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, the same, and all such Goods, Wares, Merchandizes, or other Things, as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person having the Care of the said Boat or Vessel, stated in his Account thereof as aforesaid, then such Master, Owner, or Person shall pay the Costs and Charges of such weighing,

measuring, and gauging; which said Costs and Charges shall, upon Refusal of Payment thereof on Demand, be recovered and levied in the same Manner as are by this Act prescribed for the Recovery of the said Rates; but if such Goods, Wares, Merchandizes, or other Things, shall appear to be of the same or less Weight or Quantity than such Master, Owner, or other Person, stated the same to be in such Account as aforesaid, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, or to the Owner or Owners of such Goods, Wares, Merchandizes, or other Things, such Damages as shall appear to the said Trustees, on the Oath of any credible Witness (which Oath the said Trustees are hereby impowered to administer), to have arisen from such Detention, and in Default of immediate Payment thereof by the Collector, the same shall be recovered against the said Foss Navigation Company, in like Manner as any Penalty is by this Act authorized to be recovered.

Navigation to be free, upon Payment of Rates.

LXX. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads and Ways belonging to the said Company (except the Towing Paths), for the Purpose of leading and conveying Stone, Coals, Timber, and other Goods, Wares, Merchandizes, and Things, to or from the said Navigation, and also to use the said Navigation with any Boats or Vessels capable of passing through the Locks to be made by virtue of this Act, and to use the said Wharfs or Quays for loading and unloading Coals and other Goods and Things, and also to use the said Towing Paths, for the Purpose of haling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Foss Navigation Company, not exceeding the Rates herein-before specified, and subject always to the Rules, Bye Laws, and Orders, which shall be from Time to Time made by the said Foss Navigation Company by virtue of this Act.

Vessels under 25 Tons not to pass Locks without Consent of Company, &c.

LXXI. Provided always, That no Boat or other Vessel of less Burthen than Twenty-five Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Foss Navigation Company, or their principal Agent, in Writing first had and obtained, unless the Owner of such Boat or Vessel shall pay Tonnage Rates equal to a Boat or Vessel of Twenty-five Tons.

Where Cattle are deprived of Watering

LXXII. And be it further enacted, That where, by Means of making the said Navigation, any Cattle which used

used to depasture in the adjacent Lands or Grounds, shall be deprived of their usual Watering Places, the said Foss Navigation Company shall, at their own Costs and Charges, make and provide proper and convenient Watering Places for Cattle in such Lands or Grounds, where they were heretofore accustomed to have Water as aforesaid, and to supply the same with Water from and out of the said Navigation if necessary. Places, others to be provided.

LXXIII. And be it further enacted, That the said Foss Navigation Company shall, at their own Costs and Charges, fence and separate the said Towing Paths to be made as aforesaid, from the Lands and Grounds adjoining thereto, or such Parts thereof as the said Trustees shall from Time to Time order and direct, with good and sufficient Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Foss Navigation Company as aforesaid, and shall also, at their own Costs and Charges, from Time to Time maintain and support the said Fences, and make, erect, and set up, and from Time to Time maintain and support, so many convenient Gates, Bridges, and Stiles, in and over the said Hedges, Ditches, and Fences, and also such Bridges, Arches, Fords, and Passages, over, under, or through the said Navigation and Drainage, and the Feeders and Aqueducts communicating therewith, as the said Trustees shall from Time to Time direct and appoint, for the Use of the Owners and Occupiers of the Lands and other Hereditaments adjoining to such Navigation or Drainage and Towing Paths: Provided always, that nothing in this Act contained shall authorize the said Foss Navigation Company to make any Part of the said Navigation, or any Trench, Feeder, Watercourse, or Aqueduct, in or across any publick Highway, Bridle Way, or Foot Path, until they shall have, at their own proper Costs and Charges, made a good and sufficient temporary Highway, Bridle Way, or Foot Path, to be used until they shall have made and perfected the necessary Bridges, Arches, Fords, and Passages, across such publick Highway, Bridle Way, or Foot Path; and all such Bridges, Arches, Fords, and Passages, so to be made, shall from Time to Time be supported, maintained, and kept in sufficient Repair by the said Foss Navigation Company. The Company to fence off the Towing Paths, make Bridges, *etc.* for Benefit of Land Owners.

LXXIV. Provided always, That in case the said Foss Navigation Company shall refuse or neglect to make, erect, and set up such Fences on the Sides of the said Towing Paths, or such Gates and Stiles in and over the Fences If they refuse, Land Owners may erect the same.

Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Fords, and Passages, over, under, or through the said Navigation, and the Feeders and Aqueducts communicating therewith as aforesaid, or such Watering Places for Cattle as herein-before directed, or to maintain and support such Gates, Stiles, Fences, Bridges, Arches, Fords, and Passages, and Watering Places, when erected, set up, or made as aforesaid, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Trustees, then, and in every 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, Fences, Bridges, Arches, Passages, and Watering Places, as the said Trustees shall have directed and appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the said Bridges, Arches, and Watering Places, from Time to Time, as Occasion shall require, and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Trustees, shall be repaid, by the said Fois Navigation Company, to the respective Owners or Occupiers of the said adjacent Lands, who shall have so made and erected the said Gates, Stiles, Bridges, Arches, Fords, Passages and Watering Places, or shall have repaired and maintained the same as aforesaid, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Trustees shall and they are hereby required, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of any of the Goods and Chattels of the said Fois Navigation Company, to and for the Use of such Person or Persons who shall have so laid out and expended any Money in making or doing any such Works as aforesaid, rendering to the said Fois Navigation Company, or to some of their Agents, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Trustees.

Owners of Lands impowered to make Gates, &c. for their own Convenience.

LXXV. And be it further enacted, That if the Owners or Occupiers of any Lands, through which the said Navigation or Drainage shall be made, do or shall, at any Time or Times, find, upon Experience, that the several Gates, Stiles, Bridges, Arches, Fords, Passages, and Watering Places, which the said Trustees shall have directed

rected to be made as aforesaid, are insufficient, either in Number or Situation, for the commodious Use or Occupation of their respective Lands and Grounds, that then it shall be lawful for such Owners or Occupiers of such adjoining Lands and Grounds to make, fix, and erect, at their own Costs and Charges, such Gates, Stiles, Bridges, Arches, Passages, or Watering Places, of the same or the like Construction with those made and erected by the said Foss Navigation Company, in, over, or near the said Navigation or Towing Paths, and in such Places as the said Owners or Occupiers shall think necessary and convenient, for the better and more commodious Use, Cultivation, Improvement, or Occupation of the said Lands and Grounds, and to repair and support the same, at their own Costs and Charges, as often as Occasion shall require, so that the said Navigation, or any of the Works thereof, be not obstructed or injured thereby.

Land Owners may erect Warehouses.

LXXVI. And be it further enacted, That nothing in this Act contained shall be construed to restrain or hinder the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds through which the said Navigation shall be made, by virtue of this Act, 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 Navigation, or from Landing any Goods, Merchandize, or other Things thereon, or upon the Banks lying between the same and the said Navigation, or from making and using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other, so that the making, erecting, or using thereof respectively do 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, Weighing Beams, and Warehouses, respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor, or the Owner or Owners of such Lands or Grounds, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weighing Beams, or Warehouses upon their own respective Lands, Grounds, or Wastes, respectively, his, her, and their Heirs and Assigns.

Company may build after Notice given to Owners.

LXXVII. Provided always, That if any such Lord or Lords, Owner or Owners as aforesaid, shall not, within the Space of Twelve Calendar Months after Notice given in Writing to him or them, by or on Behalf of the

said Foss Navigation Company, that any Part or Parts of such Lands, Grounds, or Wastes is or are necessary and proper to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make and erect, and from Time to Time maintain in substantial Repair, to the Satisfaction of the said Trustees, such proper and sufficient Warehouses and Buildings, agreeable to a Plan thereof, which is and are hereby directed to be delivered to such Lord or Lords, Owner or Owners, at the same Time when such Notice shall be given as aforesaid, on the Part or Parts of the Lands, Grounds, and Wastes described in such Notice, then, and in every such Case, the said Foss Navigation Company shall have full and absolute Power to make use of such Lands, Grounds, or Wastes, for erecting such sufficient Warehouses and Buildings, agreeable to such Plan so delivered as aforesaid, first making Satisfaction for the same in such Manner as is directed with respect to other Lands or Hereditaments, which shall be taken and used for any of the Purposes of the said Navigation.

Ascertaining the Rate of Wharfage on private Wharfs.

LXXVIII. And be it further enacted, That no more than Two-pence per Ton shall be demanded or taken for Wharfage, by any such Lord or Lords, Owner or Owners, of any such Lands, Grounds, or Wastes as aforesaid, who shall or may make, erect, or build any Wharfs or Quays adjoining to any Part of the said Navigation by virtue of this Act, unless the Goods, Wares, or Merchandizes, which shall be laid thereon, shall remain or continue on such Wharf or Quay for a longer Time than the Space of Six Days.

Masters Names and Places of Abode to be on the Outside of their Boats.

LXXIX. And be it further enacted, That the Owner or Master of any Boat or other Vessel (not being a Pleasure Boat) passing upon the said Navigation, shall cause his Name or Place of Abode, and the Number of such Boat or other Vessel, to be entered with the Clerk to the said Foss Navigation Company, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures, on a Black Ground, on each of the Outsides of every such Boat or other Vessel, higher than the same shall sink into the Water when full loaded; and shall also permit and suffer every such Boat or other Vessel to be measured, at the Expence of the said Foss Navigation Company, whenever it shall be requested by them or their Agent appointed for that Purpose; provided that no such Vessel shall be measured more than Four Times in any One Year; and shall also cause such Boat or other Vessel to be in like Manner

marked, on both Sides thereof, with large Figures denoting the Number of Tons of Goods contained in such Boat or Veſſel for every Inch of Water such Boat or Veſſel ſhall draw; and every Owner, Maſter, or other Perſon having the Management of any such Boat or other Veſſel, who ſhall refuſe or neglect to put the Owner's Name and Place of Abode, and Number of the Veſſel and the Tonage therein as aforeſaid, on any such Boat or other Veſſel, in Manner aforeſaid, or ſhall afterwards deface, eraſe, or deſtroy any Letter or Figure deſcribing ſuch Name and Place of Abode, Number of the Veſſel and Tonage therein as aforeſaid, or ſhall refuſe to have his Boat or other Veſſel meaſured as aforeſaid, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Boat Owners to be accountable for Damages done by the Boatmen.

LXXX. And be it further enacted, That the Owner or Maſter of every Boat or other Veſſel uſing the ſaid Navigation, ſhall be and is hereby made anſwerable for any Damage, Spoil, or Miſchief that ſhall be done by his Boat or other Veſſel, or any of the Boatmen or Watermen belonging to or employed in or about the ſame, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near the ſaid Navigation, Trenches, Sluices, and Paſſages, or by loading or unloading any Boat 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, or Tenements adjoining to the ſame or any of them, and the ſaid Maſter or Owner of ſuch Boat or Veſſel ſhall and may be ſued and proſecuted for the ſame, in any Court of Record whatſoever, and if a Verdict ſhall paſs againſt him, or Judgement be given againſt him, upon Demurrer or by Default, the Plaintiff in ſuch Caſe ſhall recover his Damages thereby ſuſtained, with Double Coſts of Suit.

Places to be made for Boats to turn and lie in till others paſs.

LXXXI. And be it further enacted, That the ſaid Foſs Navigation Company ſhall and are hereby required, in ſuch Part of the ſaid Navigation as ſhall not be of a ſufficient Breadth for admitting a Boat or other Veſſel to turn about and lie, or Two Boats or other Veſſels to paſs each other, to open or cut proper Spaces in the Lands adjoining to the ſaid intended Navigation, at convenient Diſtances from each other, for the turning, lying, and paſſing of any ſuch Boats or other Veſſels; and that the Boats or other Veſſels ſailing or being haled on the ſaid Navigation, ſhall, upon meeting any other Boat or other Veſſel, ſtop at or go back to and lie in the ſaid Spaces, in ſuch Manner as the ſaid Committee, or the major

major Part of them, under their Hands and Seals, shall direct and appoint.

Regulations for Vessels passing the Locks.

LXXXII. Provided always, That no Boatman, or his Agent or Servants, navigating any Boat or other Vessel, and passing with such Boat or other Vessel through any Lock to be made upon the said Navigation, shall suffer the Water to remain in the said Lock longer than is necessary for his Boat or other Vessel to pass through such Lock; and that every such Boatman, his Agent or Servants aforesaid, in going down the said Navigation shall shut the Lower Gates of such Lock, before he or they shall draw the Cloughs of the Upper Gates thereof, and after he or they shall have brought such Boat or other Vessel into the Lock, shall shut the Upper Gates before he or they shall draw the Cloughs of the Lower Gates thereof; and in going up the said Navigation, shall, so soon as he or they shall have passed with such Boat or other Vessel out of the said Lock, shut the Upper Gates of the said Lock, and afterwards draw the Cloughs of the Lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock coming down the said Navigation, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Navigation, the Vessel going up the same, if within Sight of, and at the Distance of not more than Three hundred Yards below a Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel next above shall come down, and if there are more Vessels than One below and above any Lock at the same Time, in all dry Seasons, within the Distance aforesaid, (at which Distance a Post or Mark shall be set up or made for that Purpose), such Vessels shall go up and come down in such Locks by Turns as aforesaid, until all the Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two or more Vessels; and every Person acting contrary to these Directions, in passing any of the said Locks, as also the Master or other Person having the Command of such Boat or Vessel, shall for every Offence forfeit the Sum of Twenty Shillings.

Vessels obstructing the Navigation to be removed, &c.

LXXXIII. And be it further enacted, That if any Boat or other Vessel shall be placed in any Part of the said Navigation, so as to obstruct the same, and the Person having the Care of such Boat or Vessel shall not, immediately upon Request made to him, remove the same, he shall for every such Offence forfeit and pay any

Sum not exceeding Ten Shillings, for every Hour such Obstruction shall continue, and it shall be lawful for any of the Agents or Servants of the said Foss Navigation Company to cause any such Boat or other Vessel to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to seize and detain such Boat or other Vessel, and the Lading thereof, or any Part of such Lading, until the Charges occasioned by such Removal are paid; and if any Boat or other Vessel shall be sunk in the said Navigation, and the Owner or Person having the Management of such Boat or Vessel shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for any of the Agents or Servants of the said Foss Navigation Company to cause such Boat or other Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned thereby.

Penalty on Persons obstructing the Passage of the Navigation;

LXXXIV. And be it further enacted, That if any Person shall float any Timber upon the said Navigation, or shall suffer the Loading of any Boat or other Vessel to lie over the Sides thereof, or shall overload any Boat or other Vessel, so as to obstruct the Passage of any other Boat or other Vessel upon the said Navigation, and shall not immediately, upon Notice being given to the Owner or Person having the Care of such Boat or other Vessel so obstructing the Passage of the said Navigation as aforesaid, haie such Boat or other Vessel back into such Place as shall be proper or made for Boats or other Vessels to pass each other; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Navigation, or the Works thereof, or into any of the Feeders or Aqueducts communicating therewith, every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit a Sum not exceeding Five Pounds.

and throwing Ballast or Rubbish into the same.

Lands not used within a certain Time, to be re-conveyed.

LXXXV. And be it further enacted, That if the said Foss Navigation Company shall be in Possession of any Lands or Hereditaments by virtue of this Act, for the Space of Ten Years, without making the said intended Navigation through or over the same, or if the said Navigation shall be made and completed, and afterwards discontinued or disused for the Space of Ten Years, then, and in either of the said Cases, the said Foss Navigation Company shall convey all their Right, Title, Property, and Interest in or to such Lands or Hereditaments unto the several and respective Persons, or Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors,

ceſſors or Aſſigns, who were the Owners or Proprietors thereof immediately before the ſaid Foſs Navigation Company became ſeiſed of the ſame, in caſe they or any of them ſhall think fit to become the Purchaſers thereof, and to pay ſuch valuable Conſideration, for the ſaid Lands or Hereditaments to the ſaid Foſs Navigation Company as the ſaid Truſtees ſhall think reaſonable; and in caſe any Difference ſhall happen in aſcertaining thereof by the ſaid Truſtees, then any Jury, to be impannelled in the Manner herein-before directed, ſhall aſcertain or award the Sum to be paid for the ſame, provided that ſuch Conſideration to be aſcertained by ſuch Truſtees, or to be awarded by ſuch Jury, ſhall not exceed the Amount of the Money firſt paid by the ſaid Foſs Navigation Company for the Purchaſe of ſuch Lands or Hereditaments; and in caſe the ſaid Company ſhall, on Payment or Tender of ſuch Conſideration as aforeſaid for ſuch Lands or Hereditaments, refuſe or neglect to convey the ſame as aforeſaid, then, and in ſuch Caſe, the ſaid Lands or Hereditaments, on ſuch Tender being made to the ſaid Company, ſhall revert to and be thenceforth veſted in the ſaid ſeveral and reſpective Perſons, Bodies Politick, Corporate or Collegiate, their Heirs, Succeſſors, or Aſſigns; and in caſe an Annual Rent ſhall have been paid for the ſaid Lands or Hereditaments to be taken in Manner aforeſaid for the Uſe of the ſaid Navigation, then ſuch Rents ſhall ceaſe and determine, and ſuch Sum or Sums of Money ſhall be paid for Damages done to the ſaid Lands or Hereditaments by the ſaid Foſs Navigation Company, to the Perſon or Perſons, Bodies Politick, Corporate or Collegiate, or their Heirs, Succeſſors or Aſſigns, to whom ſuch Lands or Hereditaments ſhall be reconveyed or revert as aforeſaid, as the ſaid Truſtees or Jury reſpectively ſhall aſcertain or award, ſuch Sum or Sums of Money, in Default of Payment at the Time to be fixed by ſuch Truſtees or Jury reſpectively, to be recovered in ſuch Manner as any other Damages are to be recovered by virtue of this Act.

Power to compel Payment of Subſcriptions.

LXXXVI. And be it further enacted, That the ſeveral Perſons and Bodies Politick or Corporate, who have ſubſcribed to advance any Money for and towards making and maintaining the ſaid Navigation, and other Works hereby authorized to be made, ſhall, and they are hereby required to pay the Sums of Money by them reſpectively ſubſcribed, or ſuch Parts or Proportions thereof as ſhall from Time to Time be called for by the ſaid Foſs Navigation Company or the ſaid Committee, under and by virtue of the Powers and Directions of this Act, at ſuch Times

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

Company impowered to purchase perpetual Rents to make Compensation for Lands, &c.

LXXXVII. And whereas it may happen that some of the Proprietors of or Persons interested in the Lands or Grounds, Tenements, Mills, Waters, or other Hereditaments wanted for the Use of the said Navigation, or hereby authorized to be purchased by the said Company, may be desirous of having the perpetual Annual Rents agreed to be given, or a Compensation for the same, secured upon Freehold Estates of Inheritance; be it therefore further enacted, That in all such Cases it shall and may be lawful to and for the said Foss Navigation Company, in case they shall so think proper, to purchase any perpetual Rent or Rents equal in Amount to the Rent or Rents respectively so agreed to be given in Compensation, and to be free from all Charges, Reprises, and Deductions, and to be issuing and payable out of Freehold Land or Hereditaments in the County of York, and thereupon effectually to convey, settle, and assure, or cause to be conveyed, settled and assured, the same Rent or Rents so to be purchased, to the Uses, upon the Trusts, and for the Intents and Purposes to which the Hereditaments sold in lieu thereof previously stood settled and limited.

Company to purchase the Interest of certain Persons in the *Castle Mills*, and the Purchase Money to be ascertained by Arbitrators.

LXXXVIII. And whereas Henry Yarburgh of Hessington aforesaid, Esquire, is possessed of certain Rights and Interests in certain Water Corn Mills, with the Appurtenances, called The Castle Mills, situate near the Junction of the said River Foss with the said River Ouse, as Lessee of the same Mills, and otherwise, and William Tuke, John Tuke, and Thomas Priestman, are possessed of an Under Lease of the said Castle Mills with the Appurtenances, for the Residue of a Term of Twenty-one Years: And whereas the said Foss Navigation Company have, for the Purposes of this Act, contracted and agreed with the said Henry Yarburgh and the said William Tuke, John Tuke, and Thomas Priestman respectively, for the Purchase of all their Estate, Right, Title, and Interest of, in, and to the said Castle Mills and Appurtenances, for the Considerations and upon the Terms herein-after mentioned and contained, (that is to say) that the said Foss Navigation Company shall, within the Space of

Two Years after the First Meeting of the said Fos Navigation Company, and before they do any Act or Thing whatsoever which shall in anywise affect, injure, or impede the working of the said Castle Mills, pay such Sums of Money to the said Henry Yarburgh, William Tuke, John Tuke, and Thomas Priestman respectively, their respective Executors, Administrators, or Assigns, as shall be settled and awarded to be paid to them respectively, in Lieu, Recompence, and full Satisfaction of all their Right and Interest in and to the said Castle Mills, such Sums of Money to be ascertained in the Manner hereinafter directed; be it therefore further enacted, That it shall be referred to the Award, Order, Arbitrament, final End, and Determination of Henry Coates and Thomas Parkinson, Two Persons nominated by and on Behalf of the said Henry Yarburgh, William Tuke, John Tuke, and Thomas Priestman, and Thomas Atkinson and John Foster, Two Persons nominated by and on Behalf of the said Fos Navigation Company, who shall, within One Calendar Month after the First General Meeting of the said Fos Navigation Company, meet at some convenient Place in the City of York, and shall there receive and hear the Evidence to be adduced by either Party upon Oath, which Oath the said Arbitrators, or any of them, are hereby authorized to administer, and shall and may take the Opinions and Advice of Surveyors, Architects, or other Persons qualified to judge of the Matter in Dispute, and shall, within the Space of Six Weeks after such their Meeting, by Writing under their Hands and Seals, settle and determine what respective Sums of Money shall be paid by the said Fos Navigation Company to the said Henry Yarburgh, for the absolute Purchase of all his Right and Interest in and to the said Castle Mills and Appurtenances, and to the said William Tuke, John Tuke, and Thomas Priestman, for their Right and Interest therein, which said Award and Determination of the said Arbitrators shall be binding and conclusive to all Intents and Purposes whatsoever upon the several Parties.

If the Arbitrators disagree an Umpire to be appointed.

LXXXIX. Provided always, and be it further enacted, That in case the said Henry Coates and Thomas Parkinson, and Thomas Atkinson and John Foster, shall not agree upon their Award, within the Space of Six Weeks from their first meeting to make the same, that John Sowley Holroyd, of Gray's Inn, Barrister at Law, shall be, and is hereby appointed Umpire in the Premises, who shall, on or before the Twenty-fifth Day of September, after the passing of this Act, make his Award in Writing under his Hand and Seal, which shall be binding and conclusive

to all Intents and Purposes: Provided always, that in case the said Henry Coates and Thomas Parkinson, or either of them, shall decline to act as such Arbitrators, or before the making of any Award shall happen to die, it shall and may be lawful to and for the said Henry Yarburgh to appoint another Person or Persons in the Room or Place of the said Henry Coates or Thomas Parkinson, and so in like Manner if the said Thomas Atkinson and John Foster, or either of them, shall die or decline to act, that the said Fos Navigation Company shall and may appoint another Person or Persons in the Room or Place of the said Thomas Atkinson and John Foster: Provided also, that in case the said George Sowley Holroyd shall refuse to act as such Umpire, or shall neglect to make his Award, or happen to die without making his Award, before the said Twenty-fifth Day of September next after the passing of this Act, that then and in that Case it shall and may be lawful to and for the Members of the County of York for the Time being to nominate some Person to act as Umpire in the Premises, in the Room and Place of the said John Sowley Holroyd.

Arbitrator or Umpire not to act where interested, and to make an Award.

XC. Provided also, and be it further enacted, That no Person shall be nominated, or shall act as an Arbitrator or Umpire in the Premises, who shall hold any Place of Profit arising or to arise out of the Rates to be collected by virtue of this Act, or who is or has been a Proprietor in the said Navigation, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or who shall be any Ways interested or concerned in the Matters in Question, and the said Arbitrators or Umpires shall, and they or he are or is required to execute Three Parts of their or his said Award, One Part whereof shall be given to the said Fos Navigation Company, One other Part thereof to the said Henry Yarburgh, and the remaining Part thereof shall be transmitted to and kept by the Common Clerk of the City of York, amongst the Records of the Quarter Sessions of the Peace of the said City.

Expences of the Arbitration.

XCI. And be it further enacted, That the Expences of the said Arbitration shall be borne and paid in Manner following, (that is to say), the said Fos Navigation Company shall bear and pay all their own Costs and Charges, and the Costs and Charges of the said Henry Yarburgh and John Tuke, William Tuke, and Thomas Priestman, shall be borne and paid in such Manner, by such Person or Persons, as the said Arbitrators or Umpire shall by their or his Award specify and direct: Provided always, that in case the said Arbitrators or Umpire shall not make

their or his Award within the respective Times before limited for that Purpose, that then and in such Case the respective Sums of Money to be paid by the said Navigation Company to the said Henry Yarburgh and John Tuke, William Tuke, and Thomas Priestman as aforesaid, shall be settled and ascertained in such Manner as the Value of any Damages to be done in making the said Navigation is by this Act directed to be settled and ascertained.

The Interests so purchased to be conveyed to the Company.

XCII. And be it further enacted, That upon Payment or Tender to the said Henry Yarburgh, William Tuke, John Tuke, and Thomas Priestman, their respective Executors, Administrators or Assigns, of the Money to be settled and ascertained for their respective Rights and Interests in the said Castle Mills as aforesaid, the respective Persons to whom such Money shall be so paid or tendered shall and are hereby required, by proper and legal Conveyances, to assign and convey all their respective Rights and Interests in the said Mills to the said Foss Navigation Company; and such Conveyances shall be valid and effectual.

Commissioners appointed for Drainage.

XCIII. And, in order to the effectual draining of the several Low Lands and Grounds on each Side of the said River Foss; be it therefore further enacted, That John Lund the younger, of the City of York, Gentleman, John Crowder, of Brotherton in the County of York, Gentleman, and John Moiser, of Huntington in the said County, Gentleman, and their Successors, to be elected as herein-after expressed, shall be, and they are hereby appointed Commissioners for draining of the several Low Lands and Grounds lying on each Side of the said River Foss, by virtue of the Powers herein-after given to them for that Purpose; and that all the Powers and Authorities given to or vested in the said Commissioners by virtue of this Act, may from Time to Time be exercised by any Two of them, at any of their Meetings to be holden in pursuance of this Act, and all Acts, Matters and Things done by any Two of the said Commissioners, at such Meetings, shall be as valid and effectual in the Law as if all the Commissioners had been present, and had concurred therein; and the said Commissioners shall not be subject to the Controul of the said Foss Navigation Company, or the Trustees herein-before appointed.

XCIV. Provided nevertheless, That it shall not be lawful for the said Commissioners to cause any Works to be carried on, made or constructed, for effecting the Drainage of the said Low Lands, that shall in anywise injure, impede or obstruct the said Navigation.

Commissioners to take an Oath.

XCV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers given by this Act, (unless it be the

Power

Power hereby given of adminiſtering an Oath to the other of the Commiſſioners, and of giving Notice of their firſt Meeting), until he ſhall have taken an Oath to the following Effect; (videlicet),

I *A. B.* do ſwear, that I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the ſeveral Powers and Authorities veſted in me as a Commiſſioner by virtue of an Act of Parliament made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*Set forth the Title of the Act*], without Favour or Affection to any Perſon whomſoever.

So help me GOD.

Which Oath it ſhall be lawful for any of the ſaid Commiſſioners to adminiſter, and the ſaid Commiſſioners are hereby authorized ſeverally to adminiſter to each other.

Survey to be made.

XCVI. And be it further enacted, That, as ſoon as conveniently may be, the ſaid Commiſſioners ſhall take a view of the Lands and Grounds ſo intended to be drained and improved as aforeſaid, and alſo direct a true, exact and perfect Survey and Admeaſurement thereof to be made by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe; and that ſuch Survey and Admeaſurement ſhall be reduced into Writing, and diſtinctly ſtate the Contents, in Acres, Roods and Perches, according to Statute Meaſure, of all the Lands and Grounds which the ſaid Commiſſioners ſhall adjudge liable to be drained or benefited by virtue of this Act; and that ſuch Survey, after being ſo reduced into Writing, ſhall be depoſited with the ſaid Commiſſioners at ſuch Meeting as they ſhall appoint, and ſhall be verified by the Oath of the Perſon or Perſons ſo employed to make the ſame, if required by any of the Proprietors intereſted in the ſaid Lands and Grounds, which Oath the ſaid Commiſſioners are hereby authorized to adminiſter to ſuch Surveyor or Surveyors.

Commiſſioners and Surveyors to enter Lands.

XCVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and the Surveyor or Surveyors and Servants to be by them employed for the Purpoſes aforeſaid, to enter into and upon any Lands or Grounds they may think neceſſary, for carrying into full Effect the ſeveral Powers and Authorities hereby veſted in them, without being deemed Treſpaſſers, or liable to any Action or Suit whatſoever for ſo doing.

Power to chuſe new Commiſſioners or Surveyors.

XCVIII. And be it further enacted, That if any of the ſaid Commiſſioners, or the ſaid Surveyor or Surveyors, ſhall happen to die or refuſe to act, the ſaid Commiſſioners, or the ſurviving or remaining Commiſſioner or Commiſſioners, ſhall, from Time to Time, as ſoon after ſuch Death

Death or Refusal shall be known as conveniently may be, by Writing under his or their Hands and Seals, or Hand and Seal, elect and appoint some proper Persons, not interested in the Premises, to be a Commissioner or Surveyor in the Room and Stead of every Commissioner or Surveyor dying or refusing to act as aforesaid; and every Commissioner or Surveyor so appointed shall proceed in the Execution of this Act, and have the like Powers and Authorities vested in him, as were originally vested in the Commissioner or Surveyor to whose Office he shall be so appointed; provided that Twenty-one Days previous Notice at least be given of the Time and Place of Meeting to chuse such Commissioner or Surveyor, in One of the York Newspapers.

Time and Place of First Meeting of Commissioners.

XCIX. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be, meet at the House of Francis Pulleyn, known by the Name of The York Tavern, in the City of York, and shall then proceed to the Execution of the several Powers and Authorities hereby vested in them; and shall and may from Time to Time hold their future Meetings, with or without Adjournment, at such Place or Places, not exceeding the Distance of Five Miles from the Line of the said intended Navigation, as they shall think most convenient.

Commissioners may make Cuts, Drains, *etc.*

C. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to widen and deepen all the ancient Drains and Watercourses, and from Time to Time to enter into and upon the Lands and Grounds of any Person or Persons whomsoever, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, to make, dig, cut, enlarge, open, remove, alter, and maintain such other Cuts, Drains, Sewers, Sluices, Trenches, Ditches, Gutters, Outlets, Tunnels, and Watercourses, within, upon, or through any of the Lands and Grounds which in their Judgement can or may be drained and improved in consequence or by means of making the said intended Navigation, and also to make, erect, and set up such Banks, Bridges, Fences, Cloughs, and Tunnels, under Roads, of such Dimensions and Constructions, and in such Direction, Manner, and Form as the said Commissioners shall think proper, and also to do and perform all such other Works, Matters, and Things as they shall think necessary and convenient for accomplishing the said Drainage, so as the same shall not obstruct or hinder the Works of the said Navigation.

Commissioners to arrange the different

CI. And be it further enacted, That when the said Works of Drainage shall be completed, the said Commissioners

missioners shall give publick Notice thereof once in One of the York Newspapers; and from and after such publick Notice, the said Commissioners shall divide, arrange, and distinguish in Writing, the Number of Acres, Roods, and Perches of the said Lands and Grounds improved or benefited by the said Drainage, into such and so many different Species or Denominations of Land as they shall think necessary and proper, in which said Arrangement shall be also specified what annual Sum of Money by way of Acre Tax shall be paid by each Proprietor or Proprietors, for the Improvement their Lands or Grounds have received from the said Drainage, (except only with respect to such Persons as are only entitled as to Right of Stray or Average over certain Lands, and for which Compensation is to be made by the Payment of a gross Sum or Sums as herein-after mentioned); and after such Arrangement shall be so made and distinguished in Writing as aforesaid, the said Commissioners shall, and they are hereby authorized and required to charge and assess all and every the Proprietors of such Lands and Grounds as shall have been benefited by the said Drainage as aforesaid, with such specifick Parts or Shares of the said Drainage Tax as the said Commissioners shall adjudge ought to be annually payable by such Proprietors respectively, for the Benefits to be from Time to Time derived by them from the Drainage of their Lands and Grounds as aforesaid, and such Proprietors are hereby directed to pay such annual Sums of Money as shall be respectively charged and assessed on them as aforesaid, to the Treasurer to the said Foss Navigation Company, at such Times and in such Manner as the said Foss Navigation Company shall order and direct such Payments to be made. Species of Land, and ascertain the Drainage Tax.

CII. Provided always, That in case any of the Proprietors of any specifick Lands charged with the Drainage Tax to be made or laid by virtue of this Act, shall think themselves aggrieved by the said Tax, and shall apply to the said Commissioners for Relief, then the said Commissioners are hereby required to view such specific Lands again, and hear the Proprietor or Proprietors thereof, and, if required, to examine Witnesses on Oath relative to the Truth of the Premises, (which Oath the said Commissioners are hereby authorized to administer), and after such View and Hearing as aforesaid, shall and they are hereby directed finally to determine the same, and also to cause such their Determination to be reduced into Writing, and set forth in Two distinct Instruments to be severally signed by the said Commissioners, One of which said Writings shall be delivered to the Owner of such Commissioners to determine about Lands liable to be flooded.

Lands or Grounds about which the Dispute arose, or his or her known Agent, and in case of Two or more Proprietors of such Lands, then One of the said Writings shall be delivered to the Churchwardens of the Parish or Parishes, Place or Places, in which such Lands do lie, and the other of such Writings shall be deposited with the Clerk of the said Foss Navigation Company; and the Determination of the said Commissioners so made as aforesaid shall be final, binding, and conclusive upon all Persons whomsoever.

Taxes to be paid by Lessees of the Right of Stray.

CIII. Provided always, and be it further enacted and declared, That in case any of the said Lands or Grounds, whereon such Right of Stray or Average is had and enjoyed, shall be in the Possession of any Lessee or Lessees under the King's most Excellent Majesty, or any Body Politick, Corporate, or Collegiate, either for a Term of Years or for Lives, then the said Commissioners shall, and they are hereby authorized and impowered to distinguish, in their Award, the Benefit accruing from the said Drainage to such last mentioned Lands or Grounds, between the Tenth Day of October and the Fifth Day of April following, in each Year, from the Benefit accruing thereto between the Fifth Day of April and the Tenth Day of October following, in each Year, being the Time when the Lessee or Lessees thereof, their Undertenants or Assigns, do exclusively occupy or enjoy the same; and shall also distinguish, ascertain, and proportion the annual Tax or Rate herein-before directed to be made for the Drainage of the same Lands or Grounds, between such Lessee or Lessees respectively and the Person or Persons having and claiming such Right of Stray or Average over the same; and the said annual Tax or Rate, after the same shall have been so proportioned and distinguished, shall be wholly charged on and paid by such Lessee or Lessees for the Time being, their Undertenants or Assigns; and the said Commissioners shall, in lieu of the Proportion of the said annual Drainage Tax, to be distinguished or charged in respect of such Right of Stray or Average from the Tenth Day of October to the Fifth Day of April in each Year, ascertain and set out such Part and Proportion of the said Lands or Grounds upon which such Right of Stray or Average is exercised or claimed, as that the said Right of Stray or Average thereon shall, in the Judgement of the said Commissioners, be equivalent in Annual Value as well to the Expence of dividing and inclosing the same, and maintaining the Fences thereof, as for the said last named Proportion of such Annual Tax or Rate, which said Lands or Grounds so ascertained and set out shall and may be severed and inclosed

by such Lessee or Lessees, their Undertenants, or Assigns, and shall be held and enjoyed in Severalty, absolutely freed and discharged from any Right of Stray or Average thereon.

Commissioners Award to be lodged with the Company's Clerk, the Register of the North Riding, and the Common Clerk of the City of *York*.

CIV. And be it further enacted, That as soon as conveniently may be after the said Drainage shall be completed, the said Commissioners shall cause to be drawn up an Award, or Instrument in Writing, containing the Arrangement of the said Drainage Tax, and the respective Proportions of the said Tax to be paid by each Proprietor or Proprietors as aforesaid, and the Time of paying the same to the Treasurer to the said Foss Navigation Company, and also containing such further Orders and Regulations as the said Commissioners shall think proper to insert therein, relative to the future Repairs of the said Drains, Ditches, Watercourses, Bridges, and other Works of Drainage, or other Matters and Things relative thereto, agreeable to the Directions of this Act; and Three Parts of the said Award shall be ingrossed on Parchment, and signed and sealed by the said Commissioners, and One Part thereof shall be deposited with and kept by the Clerk to the said Foss Navigation Company, One other Part shall be deposited at the publick Register Office for the North Riding of the County of York, and the other Part shall be deposited with the Common Clerk of the City of York; and the Register of the said Office, or his Deputy, and the said Common Clerk, are hereby respectively required to receive and keep the same, for which a Fee of Ten Shillings, and no more, shall be given; and that a Copy of the said Award, or any Part thereof, signed by the said Register, or his Deputy, or the said Common Clerk, shall be allowed as Evidence in all Courts whatsoever; and that the said Register, or his Deputy, and the said Common Clerk, shall be entitled to receive such Fee for every Copy which he shall make of the said Award, as are allowed to him for Copies of any Records registered in their respective Offices; and that the Register, or his Deputy, and also the said Common Clerk, shall permit and suffer any Person or Persons, at all Times, within the Hours of Attendance, to peruse and inspect the said Award, paying for every such Perusal the Sum of One Shilling, and no more; and the said Award, so executed as aforesaid, shall be binding and conclusive on all Parties interested.

Commissioners and Trustees to summon Witnesses and examine them on Oath.

CV. And be it further enacted, That the said Trustees for the said Foss Navigation Company, and the said Commissioners for the said Drainage, shall and they are hereby respectively authorized and impowered, under their Hands and Seals, to summon all and every such Person

or

or Persons as shall be thought necessary to appear and be examined as Witnesses before them respectively, touching any Matters or Things in Question by virtue of this Act, and to administer an Oath to the Person or Persons so summoned, requiring him, her, or them to speak the Truth concerning the Premises; and if any Person or Persons so summoned as aforesaid to give Evidence, shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in such Summons for that Purpose, (not being less than Fourteen Days after the Delivery of the said Summons, nor further distant than Five Miles from the Line of the said Navigation), or appearing shall refuse to be sworn or give Evidence before the said Trustees or Commissioners, as the Case may happen to be, every Person so offending, having no reasonable Excuse, to be allowed by the said Trustees or Commissioners, shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Recovery of Drainage Tax.

CVI. And be it further enacted, That if any Owner or Occupier of any of the said Lands and Grounds drained or improved as aforesaid, shall refuse or neglect to pay such Drainage Tax or Sum of Money as shall be charged upon his said Land by the said Commissioners as aforesaid, within Thirty Days next after the Time or Times appointed for the Payment thereof, it shall be lawful for any Person or Persons, by virtue of a Warrant to him or them directed, under the Hands and Seals of the said Foss Navigation Company, (which Warrant the said Company are hereby impowered to grant as Occasion shall require), to levy the Sum or Sums so taxed or charged by Distress and Sale of the Goods and Chattels of such Person or Persons making Default as aforesaid, wherever the same shall be found, and also of any Goods and Chattels which shall be found on the Lands and Premises in respect whereof such Sum or Sums of Money shall be so assessed and charged; and if such Lands and Premises shall at any Time hereafter be untenanted or unoccupied, or no sufficient Distress can be found for levying the said Drainage Tax or Sum of Money charged upon his said Land as aforesaid, that then the said Lands and Premises shall remain a Security for the Payment of the same, and the said Foss Navigation Company, in such Case, shall, after Default of Payment for Six Calendar Months, (having First given Three Calendar Months Notice in Writing to such Owner or his Agent, or left the same at his, her, or their usual Place of Abode), and they are hereby authorized and impowered to let the said Lands and Premises from

Year to Year, at the best Rent that can be procured for the same, and to take the Rents and Profits thereof, until the said Drainage Tax and Sums of Money charged upon such Lands as aforesaid, and all Arrears thereof, and all Expences occasioned by the Non-payment thereof, shall be fully paid and satisfied; and the Residue, if any, shall be paid into the Hands of the Treasurer to the said Foss Navigation Company, and by him paid to the Owner or Owners of such Lands, or his, her, or their Agent, when demanded.

Tenants to pay Drainage Tax, and deduct the same out of their Rents.

CVII. And be it further enacted, That the said Drainage Taxes to be charged or assessed by virtue of this Act, shall be paid by the Tenants at Rack Rent of the Lands charged with the same respectively, and such Tenants shall and may retain and deduct the same out of the Rents payable by them respectively to the Owners of such Lands; but all Persons holding Lands under any Bishop's Lease, College, Church, or other Lease, not at Rack Rent, shall pay the whole Taxes in respect of the Lands so taxed, and shall not be entitled to any Deduction out of their Rents in respect thereof.

Penalty on Persons obstructing the Works.

CVIII. And be it further enacted, That if any Person shall wilfully and maliciously do any Act, Matter, or Thing to obstruct, hinder, or prevent the carrying on, completing, or maintaining the said Navigation or Drainage, or any Works hereby authorized to be made, every Person so offending shall forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, or shall be committed to the House of Correction of the said North Riding, or the City of York, for any Time not exceeding One Calendar Month, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Recovery of Fines and Forfeitures.

CIX. And be it further enacted, That all Fines, Penalties, or Forfeitures inflicted by this Act, or by any Bye Laws or Constitutions made by the said Foss Navigation Company by virtue of this Act, the levying and recovering whereof is not herein-before particularly directed, shall be levied and recovered by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said North Riding of the County of York, or One or more Justice or Justices of the Peace for the City of York (as the Case may be); which said Justice or Justices is and are hereby authorized, within the Limits of their respective Jurisdictions, to hear and examine Witnesses upon Oath, and determine the same, and may, according to his or their Discretion, mitigate any Fine or Forfeiture herein-before allowed to be inflicted; and all such respective Fines, Forfeitures, and Penalties by this Act imposed and inflicted, (the Ap-

plication whereof is not herein-before particularly directed), shall be paid into the Hands of the Treasurer to the said Foss Navigation Company, and shall be applied and disposed of for the Use of the said Company.

Power for the Magistrates of *York* to act as Justices.

CX. Provided always, and be it further enacted, That the Mayor, Recorder, City Council, and Aldermen of the said City of York, being Justices of the Peace in and for the said City, are hereby respectively impowered to act as Justices of the Peace, within the Limits of the said City, in the Execution of this Act, notwithstanding their being, in their Corporate Capacity, Part of the said Foss Navigation Company, except in such Cases where they shall be otherwise interested than in their Corporate Capacity.

Punishment of Persons destroying the Works.

CXI. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, or Drainage of the said Lands, break, throw down, damage, or destroy any Banks or other Works to be erected or made by virtue of this Act, such Person or Persons 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 or Persons shall be tried and convicted, shall and hereby have Power and Authority to cause such Person or Persons to be punished in like Manner as Felons are directed to be punished by the Laws and 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.

Form of Conviction.

CXII. And be it further enacted, That all and every the Justices of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect, as the Case shall happen; (videlicet);

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be.*] Given under my Hand and Seal, the Day and Year aforesaid.

The Works not to be subject to any Commission of Sewers.

CXIII. Provided always, and be it further enacted, That all the said Lands and Grounds taken and used, and all the Works and Engines done and erected thereon, for the Purpose of the said Navigation and Drainage, and also

also all Sewers, Drains, Watercourses, Cloughs, and other Matters and Things whatsoever relating to the said Works, shall not be subject to the Controul, Direction, Survey, Order, or Jurisdiction of any Commission of Sewers, any Law or Statute to the contrary notwithstanding.

Distress not to be deemed unlawful for Want of Form.

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

Appeal.

CXV. Provided always, and be it further enacted, That any Person thinking himself or herself aggrieved by any Order or Judgement made or given in pursuance of this Act, or any Bye Law, or Order of the said Foss Navigation Company, or by the Order or Determination of any Justice or Justices of the Peace, or by the Order or Determination of any of the said Trustees, or of the said Commissioners of Drainage, or by any other Order, Act, Matter, or Thing done or executed in pursuance of this Act, (except in such Cases where the final Determination is herein-before directed), may, within Six Calendar Months after such Order, Matter or Thing, shall have been made, done, or executed, and Notice given, every such Person may complain to the Justices of the Peace at their General Quarter Sessions to be held in and for the North Riding of the County of York, or at the Guildhall of and in the City of York (where the Cause of Complaint shall arise), and not elsewhere; and the said Justices shall, in a summary Way, either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for the said Riding or City (as the Case may be), and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been received or levied in pursuance of this Act, or of any such Bye Law, Order, or Determination as aforesaid, and may also order such further Satisfaction to the Party or Parties injured, as they shall think reasonable.

Limitation of Actions.

CXVI. And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against

against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein-before given or granted, every such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards, and shall be laid and brought in the Riding or City where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

The Rights of Lords of Manors preserved.

CXVII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prejudice, lessen, or defeat the Right or Rights of any Lord or Lords of any Manor or Manors, or other Person or Persons, of, in, or to any Royalties, Seigniories, Fisheries, Courts, Franchises, or Privileges whatsoever, so as the Exercise of any such Rights or Privileges shall not interfere with or interrupt the Execution of this Act; but that the same may be held and enjoyed by such Lord or Lords, or other Person or Persons whomsoever, in as full, ample, and beneficial Manner, to all Intents and Purposes, as they or any of them ought, might, or could have held and enjoyed the same in case this Act had not been made.

Publick Act.

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

FINIS.