Anno ſeptimo

Georgii III. Regis.

An Act for making navigable the River *Ure*, from its Junction with the River *Swale*, to the Borough of *Ripon*, in the County of *York*.

WHEREAS, by improving and extending the Navigation of the River Ure, from the Junction of the Rivers Ure and Swale, up the ſaid River Ure, where the ſame is adapted for that Purpoſe, and in other Places, by making navigable Cuts or Canals to the Borough of Ripon, in the County of York, for the Navigation of Boats, Barges, Lighters, and other Veſſels, a more ſafe and expeditious Communication will be opened up and down the ſaid River, and Cuts or Canals from and to the Cities of London and York, the Town of Kingſton upon Hull, and other Parts of this Kingdom, and will be of Utility to the Publick: 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, Preamble.

Commissioners Names.

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable John Earl of Wandesford in the Kingdom of Ireland, the Right Honourable the Lord Viscount Downe in the Kingdom of Ireland, the Honourable Robert Lane, Sir Bellingham Graham, Sir John Ingilby, Sir William Robinson, Sir George Savile, Sir Savil Slingsby, Sir Bryan Stapylton, Sir Thomas Tancred, Sir Cecil Wray, Sir Marmaduke Wyvill, Baronets; Sir Fletcher Norton Knight, William Aislabie, Charles Allanson, John Aislabie, Henry Athorpe, Edward Ayrton, William Atkwith, John Allanson, Henry Atkinson, Cuthbert Allanson Clerk, Richard Bayne, Ralph Bell the younger, John Wood Boynton, Peter Bell, Philip Bendlowes, Thomas Barstow, John Bartlett, Robert Bewlay, John Burton D. D. Mathew Beckwith, Christopher Brathwaite, William Bayne, Christopher Benson, Thomas Bramley, John Brathwaite, Nathaniel Cholmley, Stephen Croft, Peter Conset, James Collins, Edward Carter, Charles Cooper Clerk, Thomas Collins Clerk, George Charnock, William Chambers, Samuel Coates, William Danby, Henry Duncombe, William Danby the younger, Anthony Dawson, John Dalton, John Delafont, the Dean of Ripon for the time being, Heneage Dering D. D. John Dealtry D. D. John Dering, Christopher Driffield, Clerks; Giles Earle of Benningbrough, Frederick Frankland, Benjamin Farrand, John Fogg D. D. John Fountayne D. D. Dean of York, Henry Goodrick, John Grey, Clerks; Richard Grainge, William Grimston, John Grimston, Christopher Gregg, Mann Horsefield, Atkinson Holden, John Hardcastle, Robert Harper the younger, William Hinde, George Hassell, Henry Herd Clerk, John Hutchinson, Richard Hinde, Thomas Heavised, Marmaduke Hodgson, Thomas Horner, Peter Horner, John Hunton, Peter Handley, William Tuffinell Jolliff, Peter Johnson, Edmund Jennings, Robert Jubb, John Iveson, Thomas Kilvington D. D. Thomas Kitchingman, Henry Kirkby, Edwin Lascelles, William Lawrence, Daniel Lascelles, Edward Lascelles, John Lister, Samuel Lunn, William Lamplugh Clerk, Thomas Lamplugh Clerk, Bacon Morritt, William Meeke, John Miers, George Ewbank the younger, Moises Clerk, Vicar of Kirkby-Malzeard; William Norton, Edward Norton, Captain William Norton, Charles Oxley, Lyonel Place, Edward Place Clerk, Thomas Preston, John Pickersgill, the Mayor of Ripon for the time being, William Robinson, Danson Roundell, Charles Radcliffe, William Richardson D. D. Edward Ridsdale the younger, William Reynard, William Robinson,

ſon, John Rakes Clerk, Charles Slingſby, William Stables, Miles Staveley, William Stainforth, Thomas Slingſby, John Storzaker, Philip Sands, William Turner, William Thornton, Charles Turner, Roger Talbot, Francis Topham, John Thompſon, Davis Toplady, John Tanfield, Thomas Thornton, Richard Thompſon Clerk, John Terry, William Thompſon, John Talbot Clerk, Robert Thiſtlethwaite Clerk, John Upton, William Weddell, Andrew Wilkinſon, William Wilberforce, Alexander Wynch, Richard Wood, William Wanley, Bouchier Walker, Francis Wanley D. D. Gilbert Waugh M. D. Francis White, Robert Wetherill, Thomas Yorke, and John Yorke, ſhall be, and they and their Succeſſors, to be elected in manner herein after mentioned, are hereby appointed Commiſſioners for improving, extending, and continuing, the ſaid Navigation up the ſaid River Ure, from the Junction of the ſaid Rivers Ure and Swale; and for making, compleating, and maintaining, the ſaid navigable Cuts or Canals paſſable for Barges, Boats, Lighters, and other Veſſels, unto, in, through, and over, a Place called Bondgate Green, at or near unto the ſaid Borough of Ripon; and alſo for putting in Execution all other the Powers in and by this Act given; and the ſaid Commiſſioners and their Succeſſors, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by Writing or Writings under their Hands and Seals, nominate or appoint their Agents, Officers, Workmen, and Servants, ſhall be, and are hereby authorized and impowered to make and keep navigable and paſſable for Barges, Boats, Lighters, and other Veſſels, the ſaid River Ure, and Cuts or Canals; and for that Purpoſe to cleanſe, ſcour, open, deepen, enlarge, alter, turn, or ſtraiten, the ſame, or any Part or Parts thereof, and any other Streams, Brooks, or Watercourſes, which do come or may be brought into, or may communicate therewith; and to dig, cut, or raiſe the Banks of the ſaid River Ure, and Cuts or Canals, and of any other the Streams, Brooks, or Watercourſes aforeſaid, for bringing Water into the ſaid River Ure, and Cuts or Canals, or any of them, and to make ſuch new Cuts, Canals, Trenches, or Paſſages for Water, in, upon, or through, the Lands or Grounds which the ſaid Locks and Cuts or Canals, and other Works, are hereby authorized or intended to be made; and alſo to make ſuch Reſervoir or Reſervoirs, and to vary or alter the ſame, from time to time, as ſhall be neceſſary for the Purpoſes of the ſaid Cuts

Their Power.

or Canals, for the more conveniently supplying the same with Water; and for the Purposes aforesaid, the said Commissioners, their Successors, Agents, Officers, Servants, and Workmen, are hereby authorized and impowered, in, upon, or through, the Lands and Grounds of or belonging to the King's Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever, as the said Commissioners, or any Five or more of them, shall direct or appoint, to enter, and to bore, dig, cut, trench, sough, remove, and lay Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, except as herein after is excepted, which may be dug or got in making the said Cuts or Canals, and other Works, or any of them, or which may hinder, prevent, or obstruct the making, using, compleating, extending, and maintaining, the same, or any of them; and for making, using, compleating, extending, and maintaining, of such Trenches, Passages, Gutters, and Watercourses, as shall be necessary and proper to convey Water to and from the said Cuts or Canals, or any of them, according to the Tenor and Purport of this Act; and also to make, build, erect, and set up, in, upon, or over, the said River Ure, and intended Cuts or Canals, or any of them, or upon Lands adjoining or near unto the same, or any of them respectively, such and so many Dams, Sluices, Locks, Weirs, Pens for Water, Bridges, Tunnels, Aqueducts, Stanks, Reservoirs, Drains, Wharfs, Quays, Landing-places, Warehouses, Watch-houses, Weigh-beams, Cranes, and other Erections or Buildings, Works, Ways, and Conveniencies, as and where the said Commissioners, or any Five or more of them, shall think requisite and convenient for the Purposes of the said intended Navigation; and also, from time to time, to pull down, alter, repair, and amend, the same, or any Part thereof; and to make, widen, or enlarge, any Bridges, Roads, Ways, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, or other Conveniences, as well for the carrying and conveying of Goods, Commodities, and other Things, to or from the said River Ure, and Cuts or Canals, or any of them, as for carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, widening, enlarging, repairing, or amending, the said Works of, and belonging to, the said Navigation, or any Part thereof; and also to place, lay, work, manufacture, and remove

remove the ſaid Materials on the Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall or are intended to be made, erected, repaired, or done; and alſo to make, maintain, repair, and alter, any Fences or Paſſages over, under, or through, the ſaid Locks, and Cuts or Canals, or any of them, or the Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Gutters, Watercourſes, and Sluices, reſpectively, which ſhall communicate therewith, or with the ſaid River Ure, or any Part thereof; and alſo to make, ſet up, and appoint, ſuch Towing-paths, Banks, and Ways, convenient for towing, haling, or drawing, with Men, Horſes, or otherwiſe, of Boats, Barges, Lighters, or other Veſſels, paſſing in, through, or upon, the ſaid River Ure, Locks, and Cuts or Canals, as the ſaid Commiſſioners, or any Five or more of them, ſhall think convenient; and alſo to dig, take, and carry away, Soil, Clay, Gravel, or Stone, or any other Materials, proper, requiſite, and convenient, for carrying on and continuing the ſaid Works and Undertakings in or from any Grounds, Pits, or Stone Quarries, of any Perſon or Perſons adjoining, lying near, contiguous, or convenient, thereto, (not being Ground whereon any Houſe ſtands, or any Garden, Yard, Park, Paddock, planted Walk, or Avenue to any Houſe, or Lawn incloſed or adjoining to a Manſion Houſe) and to conſtruct, erect, and keep in repair, Arches and other Works in, upon, and acroſs, any Rivers or Brooks, for the making, uſing, maintaining, and repairing, the ſaid Locks, and Cuts or Canals, or any of them, and the Towing-paths on the Sides thereof, and of the ſaid River Ure, or any of them; and alſo to conſtruct, erect, make, and do all other Matters and Things which the ſaid Commiſſioners, or any Five or more of them, ſhall think neceſſary and convenient, for making, effecting, extending, preſerving, improving, compleating, and uſing, the ſaid Navigation, in purſuance of and according to the true Intent and Meaning of this Act; they the ſaid Commiſſioners, and their Servants, Agents, and Workmen, doing or cauſing to be done as little Damage as may be in the Premiſſes, and making Satisfaction, in Manner herein after mentioned, to the Owners and Occupiers of, and Perſons intereſted in, any Mills, Weirs, Lands, Tenements, Pits, Stone Quarries, or Hereditaments reſpectively, for all Damages to be ſuſtained by the Owners or Occupiers of ſuch Mills, Weirs, Lands, Tenements, Pits, Stone Quarries, or Hereditaments,

Waters,

Waters, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed, wrought, diverted, or prejudiced, 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 Commissioners, and their Servants, Officers, Agents, and Workmen, and all other Persons whatsoever, for what they, or any of them, shall do or cause to be done by virtue of the Powers hereby granted.

Lands may be entered for making Surveys.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any of them, their Agents, Officers, Servants, and Workmen, from time to time, and at all Times hereafter, to enter upon the Lands or Grounds of the several Persons, Bodies Politick, Corporate, or Collegiate, near unto the said River Ure, and in or through which the said Dams, Locks, Weirs, Cuts, or Canals, Warehouses, Watch-houses, Roads, Ways, and other Works, hereby authorized or intended to be made, in order to survey and take Levels of the same, and to set out and ascertain such Parts thereof, as the said Commissioners, or any Five or more of them, shall think necessary or proper for the making such Dams, Locks, Weirs, Cuts, or Canals, Warehouses, Watch-houses, Ways, Paths, and Passages, and improving and extending the Navigation of the said River Ure, and other the Matters and Conveniencies aforesaid; such Commissioners, their Agents, Officers, Servants, and Workmen, making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands or Grounds for the time being, in case the same shall exceed the Sum of One Shilling.

Regulations with respect to Places on the North Side, and also to certain Places on the South Side, of the River *Ure*.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to impower or authorize the said Commissioners, or any of them, or their Agents, Officers, Servants, or Workmen, to make, set up, appoint, or make use of, any Towing-path or Paths, Banks or Ways, for towing, haling, or drawing, of Boats or other Vessels on the North Side of the said River Ure, by or near unto the Mansion-houses, Gardens, or Plantations, of or belonging to Sir Thomas Tancred Baronet, and William Weddell Esquire, or either of them; or to erect any Dam, Lock, or Staith, upon the said River Ure, between the Junction thereof with the said River Swale and Milby Staith aforesaid; or to make any new Towing-path or Paths, Canal, or other Works, upon the South Side of the River Ure, between

tween the Junction of the ſaid Rivers and Borough Bridge; or that the Powers hereby granted ſhall extend, or be conſtrued to extend, to any Part of the River Ure, between the intended Cut at Milby Bank and the Mills at Borough Bridge; or that any Boat or Veſſel navigating the ſaid River Ure ſhall be ſubject to the Payment of any Duties, Rates, or Tolls, unleſs ſuch Veſſels or Boats ſhall paſs through any Lock or Locks to be erected by the Authority aforeſaid.

Provided alſo, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower or authorize the ſaid Commiſſioners, or any of them, or their Agents, Officers, Servants, or Workmen, to make, ſet up, appoint, or make uſe of, any Towing-path or Paths, Banks, or Ways, for towing, haling, or drawing, of Boats, Barges, Lighters, or other Veſſels, on the South Side of the ſaid River, from the Bridge at Borough Bridge to a Cloſe called Ploughman's Cloſe; nor extend, or be conſtrued to extend, to impower or authorize any Owner or Maſter of any Boat, Barge, Lighter, or Veſſel, or any of the Boatmen, Lightermen, Watermen, Crew, Paſſengers, or others, to moor, tie, faſten, or lay to, or put any Plank from or out of any ſuch Boat, Barge, Lighter, or other Veſſel, or to load or unload any Goods or Things therefrom, on the North Side of the ſaid River Ure, upon or againſt, or within the Diſtance of One hundred Yards above or below the Gardens or Plantations of or belonging to the ſaid Sir Thomas Tancred at Branton; or upon or againſt, or within the Diſtance of One hundred Yards above or below the Gardens, Plantations, or Grounds, of the ſaid William Weddell in the Lordſhip of Newby; nor to impower or authorize any ſuch Owner or Maſter, Boatman, Lighterman, Waterman, Crew, Paſſengers, or others, to land or come on Shore at, upon, or againſt, or within the Diſtance of the reſpective Places aforeſaid, on the North Side of the ſame River: And in caſe any Perſon or Perſons ſhall offend in any of the ſaid Particulars, he, ſhe, or they, ſo offending, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the ſaid Ridings or Liberty reſpectively, upon the Oath of One or more Witneſs or Witneſſes, ſhall forfeit and pay to the Informer or Informers, the Sum of Ten Shillings; and in Default thereof, the Perſon or Perſons ſo offending ſhall, by Warrant or Warrants of ſuch Juſtice or Juſtices, be ſent to the Penalty.

Common Gaol or Houſe of Correction, there to be kept to hard Labour for ſuch Time as ſuch Juſtice or Juſtices ſhall direct, not exceeding One Month: And in caſe any Damage ſhall be ſuſtained by the reſpective Owner or Occupier, or Owners or Occupiers, of the Gardens, Plantations, or Grounds, whereon any Treſpaſs ſhall from time to time be done or committed; then, and in every ſuch Caſe, the Owner or Maſter, or Owners or Maſters, or Perſons having the Charge of any ſuch Boat, Barge, Lighter, or other Veſſel, ſhall be, and is and are hereby made anſwerable for the ſame, to be recovered by Action or Actions, in the Name or Names, and for the Uſe of the Party or Parties injured thereby, in any of his Majeſty's Courts of Record at Weſtminſter, in the like Manner, as Damages for wilful Treſpaſſes are recovered according to the Laws of this Realm; and if found guilty, or Judgement ſhall be given againſt him or them upon Demurrer or by Default, the Plaintiff or Plaintiffs ſhall not only recover his, her, or their, Damages thereby ſuſtained, but alſo Double Coſts of Suit.

Maſters of Boats liable to Damages.

Saving to the Duke of *Newcaſtle*.

Provided alſo, and be it enacted by the Authority aforeſaid, That the Mouth of the Cut or Canal intended to be made for Boats, Barges, and other Veſſels, to be navigated upon, and paſs by, a certain Mill Dam acroſs the ſaid River Ure, at or near unto Borough Bridge Mill, the Property of the Moſt Noble Thomas Holles, Duke of Newcaſtle, ſhall be made Sixty Yards at leaſt above the ſaid Mill Dam, and the Works belonging to the ſame; and that nothing in this Act contained ſhall prejudice any Right that the ſaid Thomas Holles, Duke of Newcaſtle, hath to lay Timber or other Materials for the repairing of the ſaid Mill Dam upon the Grounds between the ſaid River Ure, and the ſaid intended Cut or Canal.

Commiſſioners may contract for the Purchaſe of Lands, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall be, and they are hereby impowered to agree with the Owners or Proprietors of, or Perſons intereſted in, any Lands, Tenements, or Hereditaments, which they the ſaid Commiſſioners, or any Five or more of them, ſhall judge neceſſary or proper, to be cut, digged, altered, removed, or uſed, for the Purpoſes of this Act; and it ſhall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of

of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeized, poſſeſſed of, or intereſted in, their own Right, and to and for every other Perſon or Perſons whomſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in, any ſuch Lands or Grounds, to contract for, ſell, and convey, unto the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall nominate or appoint, for the Uſe of the ſaid Navigation, all or any Part of ſuch Lands or Grounds: And where, by making the ſaid Locks, Cuts, or Canals, Ways, Paths, and Paſſages, or any of them, the Property of any Land Owner or Land Owners, ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient; it ſhall and may be lawful to and for ſuch Bodies Politic, Corporate, and Collegiate, and other ſuch Land Owners, by and with the Conſent of the ſaid Commiſſioners, or any Five or more of them, to be teſtified by any Writing or Writings to be by them ſealed and delivered in the Preſence of, and atteſted by, Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or to convey in exchange in lieu of other Lands, all or any Part of ſuch Lands or Grounds through which the ſaid intended Cuts or Canals, Locks, Ways, Paths, and Paſſages, or any of them, ſhall be made, to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money or other Equivalent, as to the ſaid Commiſſioners, or any Five or more of them, 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 whatſoever; any Law, Statute, Uſage, or Cuſtom, to the contrary thereof in any wiſe notwithſtanding: And all Bodies Politic, Corporate, and Collegiate, and all Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for what he, ſhe, they, or any of them, ſhall reſpectively do by virtue of, or in purſuance of, this Act; and that all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, (other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land Owners) ſo to be made as aforeſaid, ſhall, out of the Monies ariſing by the Tolls and Duties herein after mentioned, or out of the

Monies

Monies that ſhall be borrowed upon the Credit thereof, be inrolled by the Clerk of the Peace of the Liberty of Ripon; and true Copies thereof ſhall be allowed to be good Evidence in all Courts whatſoever; for which Inrollment and Copies, the ſaid Clerk of the Peace ſhall have and receive the Sum of Two Pence for every Seventy two Words, and ſo in Proportion for any greater or leſſer Number of Words, and no more.

For preſerving Copyhold Rights.

Provided always, and be it enacted by the Authority aforeſaid, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands which are of the Nature of Copyhold, ſhall be executed and compleated by Surrender thereof, in the reſpective Courts of the Manors whereof ſuch Lands are held, according to the Cuſtom of the ſaid Manor reſpectively.

And it is hereby further enacted, That if ſuch Bodies Politic, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, who ſhall be ſo intereſted or intitled as aforeſaid, ſhall, for the Space of Twenty Days next after Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politic, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Tenements, or Hereditaments, or, in caſe of vacant Poſſeſſions, fixed upon ſome notorious Part of the Premiſſes intended to be cut, digged, altered, removed, or uſed as aforeſaid, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or any Five or more of them, or by reaſon of Abſence ſhall be prevented from treating touching the Matters aforeſaid (except ſuch Abſence ſhall be occaſioned by his or their neceſſary Attendance upon either Houſe of Parliament) or through Diſability by Nonage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement as ſhall be convenient for promoting the ſaid Navigation, and other Works aforeſaid, or ſhall not produce and evince a clear Title to the Premiſſes which they are or ſhall be in Poſſeſſion of, or to the Intereſt which they may claim therein; that then the ſaid Commiſſioners, or any Five or more of them, ſhall and may, by Writing under their Hands and Seals, determine and adjuſt what Sum or Sums of Money ſhall be paid by the ſaid Commiſſioners, either by annual Rent or Payment, or by a Sum of Money in groſs, to ſuch Bodies Politic, Corporate, or Collegiate, Perſon or Perſons reſpectively, who ſhall be

Commiſſioners to adjuſt how much ſhall be paid for Damages.

intitled

intitled or intereſted as aforeſaid, for the abſolute Purchaſe of the Lands or Grounds which ſhall be ſet out and aſcertained as aforeſaid, for making the ſaid Cuts or Canals, Dams, Locks, Ways, Paths, Paſſages, and other Works, or any Part thereof, and other the Purpoſes herein mentioned; and alſo to determine and adjuſt the Recompence to be made for any Damages which may or ſhall at any Time or Times whatſoever be ſuſtained by ſuch Bodies Politic, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, being Owners of, or intereſted in, any Mills, Weirs, Lands, Grounds, Tenements, or Hereditaments, for or by reaſon of the making, altering, repairing, or maintaining, the ſaid Cuts or Canals, Dams, Locks, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Paths, Paſſages, or Sluices, or any of them, or ſupplying the ſame or any of them with Water as aforeſaid; or by flowing, leaking, or ouzing of Water, over or through the Banks of the ſaid Cuts or Canals, Dams, Locks, Trenches, Sluices, Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Powers hereby given for conveying and communicating Water to or from the ſaid Cuts or Canals, Dams, Locks, or Sluices, or any of them; or by not cleanſing the ſame, or by turning or diverting any Streams of Water into the ſame, or by Reaſon or Means of the Execution of any of the Powers herein contained, by the ſaid Commiſſioners, or any of them, their Agents, Workmen, or Servants: And if any ſuch Body Politic, Corporate, or Collegiate, or other Perſon or Perſons ſo intereſted or intitled as aforeſaid, for and on his, her, or their Part or Parts, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, or any Five or more of them, which ſhall be made as aforeſaid, and ſhall refuſe to receive ſuch Purchaſe-money or annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid, upon due Tender thereof made, or Notice in Writing thereof given to the principal Officer or Officers of ſuch Body Politic, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands or Grounds, or with the Clerk of the Peace for the ſaid Liberty of Ripon, in the Caſes of vacant Poſſeſſions, when the Owners cannot be found, for the Space of Twenty Days next after ſuch Notice; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Five

If Parties are diſſatisfied with the Determination of Commiſſioners,

Jury ſhall be impanelled to ſettle the Difference.

Five or more of them, ſhall, and they are hereby impowered and required, from time to time, to iſſue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the County of York; and in caſe ſuch Sheriff, or his Under Sheriff, ſhall happen to be intereſted in the Matter in Queſtion, then, to the Coroner or Coroners of the ſaid County, not intereſted as aforeſaid, commanding ſuch Sheriff or Coroner reſpectively, to impannel, ſummon, and return, a Jury of Twenty four ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, to appear before the ſaid Commiſſioners, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Nine nor more than Twenty Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to ſummon and call before them, all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners, or any Five or more of them, may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in Controverſy; which Jury (upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or any Five or more of them, and thoſe Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to adminiſter) ſhall inquire of, aſſeſs, and aſcertain, the Sum or Sums of Money, or annual Rent to be paid for the Purchaſe of ſuch Lands or Grounds, or the Recompence to be made for the Damages that may or ſhall be ſo ſuſtained as aforeſaid; and the ſaid Commiſſioners, or any Five or more of them, ſhall give Judgement for ſuch Purchaſe-monies, Rent, or Recompence ſo to be aſſeſſed; which ſaid Verdict and Judgement thereupon pronounced by the ſaid Commiſſioners, or any Five or more

Jurors may be challenged.

Witneſſes may be ſummoned, and examined upon Oath.

more of them, ſhall be binding and concluſive to all Intents and Purpoſes, againſt the King's Majeſty, His Heirs and Succeſſors, and againſt all Bodies Politic, Corporate, or Collegiate, and all other Perſons whomſoever.

Trustees may impoſe a Fine on Sheriff, &c. making Default in the Premiſſes.

Provided always, and be it enacted by the Authority aforeſaid, That if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Ten Pounds: And if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or appearing, ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing, ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending reſpectively, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, or any Five or more of them, ſhall, for every ſuch Offence, forfeit and pay any Sum, not exceeding Forty Shillings; to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the ſaid acting Commiſſioners, or any Five or more of them, by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo offending; rendering the Overplus to the Owner thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

Expences of the Jury how to be borne.

Provided alſo, and be it enacted by the Authority aforeſaid, That in all Caſes where a Verdict or Aſſeſſment ſhall be given or made for no more Monies, or a leſs Sum of Money, as a Recompence and Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Mills, Weirs, Lands, Grounds, Hereditaments, or Property, of any Perſon or Perſons whatſoever, than had been previouſly determined and adjuſted as aforeſaid, and offered by or on Behalf of the ſaid Commiſſioners, or any Five or more of them; that then all the Expences of ſummoning ſuch Jury, and of taking ſuch Inqueſt, ſhall be ſettled by the ſaid Commiſſioners, or any Five or more of them, and paid by the Perſon or Perſons with whom the ſaid Commiſſioners, or any Five or more of them, ſhall have ſuch Controverſy or Diſpute.

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

Provided alſo, and be it enacted by the Authority aforeſaid, That all and every Perſon and Perſons making Complaint, and requeſting ſuch Jury, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury as aforeſaid, firſt enter into a Bond with Two ſufficient Sureties

Sureties to the Treaſurer to the ſaid Commiſſioners for the time being, in the Penalty of Fifty Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe a Verdict ſhall be given for no more, or a leſs Sum, than had been offered by or on the Behalf of the ſaid Commiſſioners, or any Five or more of them, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damages aforeſaid.

Notice of Injuries to Commiſſioners, in what Time to be given.

Provided alſo, and be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall not, nor ſhall any of them, be obliged by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whatſoever, for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained by virtue of this Act, unleſs Application hath been, or ſhall be made in relation thereto, by or on Behalf of ſuch Perſon or Perſons, to the ſaid Commiſſioners, or Three of them, or to the 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.

Penalty on giving falſe Evidence.

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

Upon Payment or Tender of the Monies, Commiſſioners may enter, &c.

And be it further enacted by the Authority aforeſaid, That upon Payment of ſuch Sum or Sums of Money or annual Rent, as ſhall be contracted or agreed for between the Parties, or determined or adjuſted by the ſaid Commiſſioners, or any Five or more of them, or aſſeſſed by ſuch Juries in manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands or Grounds as aforeſaid, to the Proprietors thereof, or other Perſons intitled to receive ſuch Money or Rent reſpectively, or legal Tender thereof made to ſuch Proprietor or Proprietors thereof, or other Perſon or Perſons, or to the principal Officer or Officers of any ſuch Body Politic, Corporate, or Collegiate, or with the ſaid Clerk of the Peace in the Caſes of vacant Poſſeſſions as aforeſaid, at any Time after

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 Commiſſioners, or any Five or more of them, ſhall, by Writing under their Hands, appoint, for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Proprietors or Perſons reſpectively as aforeſaid; then, and in ſuch Caſe, ſuch Lands and Grounds reſpectively, and the Fee Simple and Inheritanee thereof, ſhall from thenceforth be veſted in, and become for ever the ſole Property of the ſaid Commiſſioners and their Succeſſors, to and for the Uſe of the ſaid Navigation, but to or for no other Uſe or Purpoſe whatſoever; and it ſhall and may be lawful to and for the ſaid Commiſſioners, their Agents, Workmen, and Servants, or any of them, immediately to enter upon the ſame, and to dig, cut, trench ſough, and remove Earth, Stone, Rubbiſh, Trees, Roots of Trees, and all other Obſtructions, for making, uſing, maintaining, and repairing the ſaid Dams, Locks, Cuts, or Canals, Sluices, and the Towing-paths on the Sides of the ſaid River Ure, and Cuts or Canals, Roads, Ways, Paths, and Paſſages, or any Part thereof, in or upon ſuch Lands, Tenements, or Hereditaments, for which ſuch Satisfaction ſhall be 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 the ſupporting and maintaining the ſame, as the ſaid Commiſſioners, or any Five or more of them, ſhall think requiſite; and to have, uſe, and enjoy the ſame, for the Purpoſe of the ſaid Navigation; and this Act ſhall be ſufficient to indemnify the ſaid Commiſſioners, and their Servants, Agents, and Workmen, for what they or any of them ſhall do by virtue of the Powers hereby granted.

Verdicts, &c. to be recorded.

And be it further enacted by the Authority aforeſaid, That the ſaid Verdict or Verdicts, and Judgement or Judgements, being firſt ſigned by Five or more of the Commiſſioners, who ſhall be preſent at the taking of ſuch Verdict or Verdicts, and pronouncing ſuch Judgement or Judgements reſpectively, ſhall be tranſmitted to, and kept by, the ſaid Clerk of the Peace amongſt the Records of the Quarter Seſſions of the Peace for the ſaid Liberty, and ſhall be deemed to be Records of ſuch Quarter Seſſions to all Intents and Purpoſes; and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, in the

ſame Manner as other Records of ſuch Quarter Seſſions; and all Perſons ſhall have Liberty to inſpect the ſame at all convenient Times, paying for each Inſpection the Sum of One Shilling; and to take Copies thereof without Stamps, paying for every Copy, not exceeding Seventy two Words, the Sum of Two Pence, and ſo in Proportion for any greater or leſſer Number of Words: And immediately on ſuch Payment, and Entry of ſuch Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, of ſuch of the ſaid Commiſſioners and Juries, all the Eſtate, Right, 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, in, to, and out of, the ſaid Lands, Tenements, Hereditaments, and Premiſſes, ſhall veſt in the ſaid Commiſſioners and their Succeſſors, and they ſhall be deemed in Law to be in the actual Seizin and Poſſeſſion thereof to all Intents and Purpoſes whatſoever; and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe ſuch Payment ſhall be made, but alſo ſhall extend to, and be deemed and conſtrued to, bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, in Reverſion or Remainder, againſt the Iſſue or Iſſues of ſuch Perſon and Perſons, and all and every other Perſon and Perſons whomſoever.

Purchaſe-money how to be laid out.

And be it further enacted by the Authority aforeſaid, That all Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Ideots, Feme Coverts, or other Ceſtuique Truſts, or any other Perſon or Perſons whoſe Lands are limited in ſtrict Settlement for the Purchaſe or Exchange of any Lands or Grounds aforeſaid, ſhall, in caſe the ſame exceed the Sum of Twenty Pounds, by ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees, Perſon or Perſons ſeized of Lands or Grounds ſo limited in Strict Settlement, be laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, and Hereditaments, in Fee Simple; and conveyed to, or to the Uſe of, ſuch Bodies Politic, Corporate, or Collegiate, Corporations

Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees; or to or for ſuch other Perſon or Perſons, and for ſuch Eſtates; and to, for, upon, and ſubject to, ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, for or in reſpect whereof ſuch Purchaſe Monies, or Monies received in Exchange, ſhall be paid as aforeſaid, were limited, ſettled, and aſſured, at the Time ſuch Purchaſe Monies, or Monies received in Exchange, were ſo agreed for, aſſeſſed, or aſcertained reſpectively as aforeſaid; or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect; the Expences of ſuch Conveyances and Settlements (other than thoſe which concern any Purchaſe or Exchange between any of the reſpective Land Owners as aforeſaid) to be paid by the ſaid Commiſſioners, or any Five or more of them, out of the Monies to ariſe by virtue of this Act: And, in the mean Time, and until ſuch Purchaſe and Purchaſes ſhall be made, the ſaid Monies ſhall be placed out in ſome of the Public Funds, or on Government or Real Securities, in the Names of Two or more Perſons, the One to be nominated by the Party or Parties intereſted therein, and the other by the ſaid Commiſſioners, or any Five or more of them; and the Intereſt ariſing, or to be produced, from ſuch Funds or Securities, and alſo the annual Rent for ſuch Lands, Grounds, Tenements, or Hereditaments, where a Rent ſhall be fixed upon as aforeſaid, ſhall be a Rent-charge upon the Tolls and Duties hereby authorized to be taken by the ſaid Commiſſioners, or any Five or more of them; and ſhall be paid to ſuch Perſon or Perſons reſpectively as would, for the time being, be intitled to the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

Commiſſioners to apportion the Money amongſt the Perſons intereſted.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and are hereby impowered to ſettle what Shares and Proportions of the Purchaſe Monies, or Recompence for Damages, which ſhall be ſo agreed for, determined, and adjuſted or aſſeſſed, in manner reſpectively as aforeſaid, ſhall be allowed to any Tenant or other Perſon having a particular Eſtate, Term, or Intereſt, in the Premiſſes, for his, her, or their reſpective Intereſts therein, except in ſuch Caſes where the ſame are hereby directed to be laid out and inveſted in the Purchaſe of Lands, Tenements, or Hereditaments.

And

Commiſſioners may pay the Money aſſeſſed to Mortgagees.

And be it further enacted by the Authority aforeſaid, That in caſe any of the Lands, in, through, or over, which the ſaid Locks, Cuts, or Canals, or any Part thereof, are intended to be made, ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, upon Application being made to them by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators; and the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and impowered to pay ſuch Sum or Sums of Money, after the ſame ſhall have been ſo agreed for, and adjuſted or aſſeſſed, in Manner as aforeſaid, for ſuch Lands in mortgage, in Part of the Principal Money that ſhall be due upon ſuch Mortgage or Mortgages, unto ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators.

Provided always, That upon Receipt of ſuch Sum or Sums, ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, ſhall acknowledge the Receipt of ſuch Sum or Sums of Money, by an Indorſement or Indorſements to be made upon the Back of ſuch Mortgage or Mortgages, and ſigned by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, in the Preſence of Two or more credible Witneſſes, in Satisfaction of ſo much of the Principal Money due upon ſuch Mortgage or Mortgages.

Damages to be paid in Courſe.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby authorized and impowered to pay all ſuch Sum or Sums of Money, at ſuch Times, and in ſuch Manner, as ſhall be aſſeſſed and awarded for Damages of any Kind, by virtue of this Act, out of the Tolls and Duties hereby impoſed, in Order and Courſe reſpectively, as ſuch Determinations ſhall be in Priority of Time.

Provided always, and be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, and each of them, before he or they take upon himſelf or themſelves the Execution of any of the Powers or Authorities hereby given to him or them (other than the adminiſtering the Oath following to one another, which they hereby reſpectively have Power to adminiſter to one another) ſhall take the Oath following; videlicet,

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I. *A. B.*

I *A. B.* do ſwear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Commiſſioner appointed in purſuance of an Act, intituled, *An Act for making navigable the River* Ure, *from its Junction with the River* Swale, *to the Borough of* Ripon, *in the County of* York. Commiſſioners Oath.

Which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby authorized and impowered to adminiſter at their Firſt Meeting, or at any other ſubſequent Meeting or Meetings in purſuance of this Act.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall act as a Commiſſioner or Commiſſioners, without having firſt taken the ſaid Oath (other than in adminiſtering the ſame) or in any Caſe where he or they reſpectively ſhall be in any wiſe directly or indirectly intereſted or concerned in the Matter or Matters in Queſtion; nor ſhall act in any of the Caſes before or herein after-mentioned, unleſs ſuch Commiſſioner or Commiſſioners ſhall be reſpectively ſeized of or intitled, at the Time of ſuch acting, to an Eſtate of Freehold, Copyhold, or Leaſehold, of Lands, Tenements, or Hereditaments, in Poſſeſſion, for his own Life, or the Life of another Perſon, of the yearly Value of Fifty Pounds; or ſhall be Heir Apparent to ſome Perſon or Perſons having an Eſtate of the yearly Value of One hundred and fifty Pounds; or be poſſeſſed of, or intitled to, a Perſonal Eſtate of the Value of One thouſand five hundred Pounds: And if any Perſon ſo made incapable to act for any of the Cauſes aforeſaid, ſhall nevertheleſs preſume to act contrary to the true Intent and Meaning of this Act; every ſuch Perſon ſhall forfeit the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform and ſue for the ſame; to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, for more than One Imparlance, ſhall be allowed; and upon ſuch Suit or Proſecution, the Proof of ſuch Qualification ſhall lie upon, and be made out by, every Commiſſioner ſo to be ſued or proſecuted. Qualification of Commiſſioners.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authorized and impowered, Once in every Commiſſioners may ſettle the Carriage of Goods.

Year, or oftener, to aſſeſs and rate the Prices of all Carriage whatſoever, to be brought or carried upon the ſaid intended Navigation, or any Part thereof, by any Maſter of any Boat or other Veſſel, and to cauſe ſuch Rates and Aſſeſſments ſo made, to be hung up in ſome public Place or Places where ſuch Maſters do come, from or to which all Perſons may reſort for Information; and that no ſuch Maſter of any Boat or other Veſſel ſhall, for the Freight or bringing of ſuch Goods, take above the Rates or Prices ſet thereupon, upon Pain of forfeiting, for every ſuch Offence, the Sum of Forty Shillings; to be levied by Warrant under the Hand and Seal, or Hands and Seals, of One or more of His Majeſty's Juſtices of the Peace for the City of York, the Weſt Riding or North Riding of the ſaid County, or of the ſaid Borough or Liberty of Ripon reſpectively, where ſuch Maſter ſhall reſide, or to where ſuch Goods ſhall be brought.

Commiſſioners may act as Juſtices;

And be it further enacted by the Authority aforeſaid, That any of the ſaid Commiſſioners who ſhall be in the Commiſſion of the Peace for the ſaid Weſt or North Ridings, the ſaid City of York, the ſaid Borough or Liberty of Ripon, or any of them, ſhall and may, and is hereby impowered to act as a Juſtice of the Peace in the Execution of this Act, notwithſtanding his being a Commiſſioner.

but not while they poſſeſs any Places of Profit.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons appointed or to be appointed a Commiſſioner by virtue of this Act, ſhall have or accept any Place of Profit ariſing out of the Tolls and Monies to be raiſed by virtue of this Act, ſuch Perſon, from and after his Acceptance of ſuch Place of Profit, and during the Time of his holding and enjoying the ſame, or during the Time of any Commiſſioner being concerned in Intereſt, in any Contract or Bargain made or to be made for any of the Purpoſes of this Act, ſhall be incapable of acting as a Commiſſioner under this Act.

On Death, or Refuſal of Commiſſioners to act, others to be choſen.

And be it further enacted by the Authority aforeſaid, That from time to time as any Commiſſioner ſhall die, or refuſe to act, or be diſqualified, it ſhall and may be lawful for the remaining Commiſſioners, or any Five or more of them, by Writing under their Hands and Seals, to appoint One other fit Perſon living in the ſaid County or City of York, and qualified as aforeſaid, in the Room of ſuch Commiſſioner ſo dying, refuſing to act, or being diſqualified; and every ſuch Perſon ſo appointed a Commiſſioner, ſhall, and he is hereby impowered, to act, to

all Intents and Purpoſes, in as full, large, and ample Manner, as if he had been named a Commiſſioner in this Act; but Notice of the Time and Place, and Intention, of Meeting for the Appointment of every ſuch new Commiſſioner or Commiſſioners, ſhall be firſt given in One of the York News Papers, and in ſuch other public Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall direct or appoint, Ten Days at leaſt before the Meeting for ſuch Election.

Commiſſioners to take the following Tolls.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any Five or more of them, by Writing under their Hands, ſhall nominate and appoint, from time to time, and at all Times hereafter, to aſk, demand, recover, and receive, any Sum or Sums of Money as ſhall be, from time to time, aſcertained by the ſaid Commiſſioners, or any Nine or more of them, not exceeding the ſeveral Tolls, Rates, and Duties, herein after-mentioned; that is to ſay,

The Tolls.

For every Chaldron of Coals, Cinders, and Lime, containing Thirty two Buſhels heaped Wincheſter Meaſure, carried and conveyed upon the ſaid River Ure, and Cuts or Canals, or any of them, the Sum of One Shilling and Six Pence; and ſo in Proportion for any greater or leſſer Quantity than a Chaldron.

And for every Ton of Bricks, Tiles, Stone, Slate, Turf, and Wood for Fire, carried and conveyed upon the ſaid River Ure, and Cuts or Canals, or any of them, the Sum of One Shilling and Six Pence; and ſo in Proportion for any greater or leſs Quantity than a Ton.

And for every Ton of Butter, Timber, Marble, and other Goods, Wares, Merchandize, and Commodities, carried and conveyed upon the ſaid River Ure, and Cuts or Canals, or any of them, the Sum of Three Shillings; and ſo in Proportion for any greater or leſs Quantity than a Ton.

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

Provided always, and be it further enacted by the Authority aforeſaid, That if any Coals, Cinders, Lime, Stone, or other Goods whatſoever, which ſhall be ſo carried or conveyed, ſhall remain in or upon any Warehouſe or Warehouſes, Wharf or Wharfs, which the ſaid Commiſſioners, or any Five or more of them, are, by virtue of this Act, impowered to erect for the Uſe of the ſaid Navigation, for above the Space of Twenty four Hours; then, and in ſuch Caſe, the Owner or Owners of ſuch Coals, Cinders, Lime, Stone, or other Goods,

ſhall

ſhall pay ſuch further Rates for the ſame, over and above the Rates herein before limited, as the ſaid Commiſſioners, or any Five or more of them, ſhall fix and aſcertain.

Duties may be leſſened and raiſed.

And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, at any Time or Times at a publick Meeting of the ſaid Commiſſioners to be held for that Purpoſe, to reduce or leſſen the ſaid Rates and Duties hereby granted, or any of them, ſo as ſuch Reduction be with the Conſent of, or be no Prejudice to, the Perſons who ſhall have advanced any Money on the Credit of the ſaid Rates and Duties, or the Perſons who ſhall be intitled to the Money thereby ſecured at the Time of ſuch Reduction; and afterwards, from time to time, to advance all or any of the ſaid Rates or Duties ſo leſſened, ſo as the ſame do not exceed the ſeveral and reſpective Rates and Duties herein before granted; and that the ſaid Rates and Duties ſo reduced and raiſed in Manner aforeſaid, ſhall be demanded, recovered, received, and applied, in the Manner as the Rates and Duties herein before granted are directed to be demanded, recovered, received, and applied.

Commiſſioners Remedy for Rates and Duties.

And be it further enacted by the Authority aforeſaid, That in caſe of Refuſal, Neglect, or Denial, of Payment, on Demand, of the Tolls, Rates, and Duties, above-mentioned, or any Part thereof, the ſaid Commiſſioners, or any Five or more of them, in the Name of their Treaſurer or Clerk, ſhall and may ſue for the ſame by Action of Debt, or upon the Caſe, in any Court of Record; or it ſhall or may be lawful for the Collector or Collectors of ſuch Tolls, Rates, and Duties, to ſtop, detain, or make ſtay, any Goods or Veſſels, for which the ſaid Tolls, Rates, and Duties, ought to be paid, until he or they ſhall be ſatisfied and paid the ſame.

Proviſo.

Provided always, and it is hereby enacted, That no Tonnage Tolls, Rates, or Duties, ſhall be due, paid, or demanded, for any Timber, Stones, Bricks, Lime, or other Materials, to be uſed for the making or repairing of any of the Dams, Weirs, Pens, Locks, Sluices, Cuts, or Canals, Warehouſes, Watch-houſes, or other Works, for perfecting the ſaid Navigation, or any Part thereof.

Application of Tolls.

And be it further enacted by the Authority aforeſaid, That all ſuch Tolls, Rates, and Duties, are veſted in the ſaid Commiſſioners; and that the Money ariſing from the ſaid Tolls, Rates, and Duties, or that ſhall be borrowed on the Credit thereof, ſhall be applied, in the Firſt Place,

Place, in diſcharging the Expences and Charges attending the obtaining and paſſing of this Act, and afterwards and ſubject thereto, ſhall be applied for and towards improving, extending, making, continuing, compleating, and maintaining, the ſaid Navigation, and carrying this Act, and the ſeveral Powers, Authorities, and Proviſions, herein contained, into effectual Execution.

Officers may be appointed,

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall be, and are hereby impowered, by Writing under their Hands, from time to time, to appoint ſuch Perſon or Perſons as they ſhall think fit, to be Collector or Collectors of the Tolls, Rates, or Duties, hereby granted or authorized to be taken; and alſo a Treaſurer or Treaſurers to receive all Monies ariſing by virtue of this Act (ſuch Treaſurers and Collectors giving Security to the Satisfaction of the ſaid Commiſſioners, or any Five or more of them, for the due Execution of their reſpective Offices) and ſuch Collector and Collectors, and all other Perſons who ſhall receive any Money by virtue of this Act, ſhall, from time to time, pay over all the Monies ſo collected or received into the Hands of the ſaid Treaſurer or Treaſurers, at ſuch Times, and in ſuch Manner, as the ſaid Commiſſioners, or any Five or more of them, ſhall direct and appoint: And the ſaid Commiſſioners, or any Five or more of them, may alſo appoint a Clerk or Clerks, and ſuch other Officers as they ſhall think fit to employ in the Execution of this Act; and may allow to ſuch Treaſurers, Collectors, Clerks, and other Officers, ſuch Salaries or Recompence out of the Monies to be raiſed by virtue of this Act, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable; and all ſuch Officers ſhall be, from time to time, removed at the Will and Pleaſure of the ſaid Commiſſioners, or any Five or more of them: And that the ſaid Commiſſioners, or any Five or more of them, ſhall and may, from time to time, at ſuch Time and Times as they ſhall think proper, ſummon before them, and, if they think fit, examine, upon Oath, (which Oath any One or more of the ſaid Commiſſioners is hereby impowered to adminiſter) all or any of the ſaid Treaſurers, Collectors, Clerks, and all other Officers and Perſons, employed in, or intruſted with, the Receipt or Expenditure of all or any of the Monies to be raiſed by virtue of this Act; and every ſuch Treaſurer, Collector, Clerk, and other Officer and Perſon, employed or intruſted as aforeſaid, is hereby required to render to the ſaid Commiſſioners, or any Five or more of them, a true, exact, and

who are to account.

perfect, Account, in Writing, of all and every Sum and Sums of Money ſo by him reſpectively received or expended as aforeſaid: And in caſe any of ſuch Treaſurers, Collectors, Clerks, or other Officers or Perſons, ſo employed or intruſted, ſhall be found in Arrear, or refuſe to account, or to pay the Money due upon the Ballance of ſuch Account, according to the Orders and Directions of the ſaid Commiſſioners, or any Five or more of them; it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, by Warrant or Warrants under their Hands and Seals, to levey by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo found in Arrear or refuſing to account, or pay the Money due upon the Ballance of ſuch Account, ſuch Sum or Sums of Money as he or they ſhall be required to account for, or as ſhall be found due upon the Ballance of his or their Account or Accounts; and for want of a ſufficient Diſtreſs, it ſhall be lawful for ſuch Commiſſioners, or any Five or more of them, by like Warrant or Warrants under their Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol of the County of York, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account, and paid ſuch Monies as ſhall appear to be remaining in his or their Hands to the ſaid Commiſſioners, or any Five or more of them, or according to their Appointment; or ſhall have compounded for the ſame with the ſaid Commiſſioners, or any Five or more of them, and paid ſuch Compoſition-monies to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Five or more of them, at any Meeting aſſembled, are hereby impowered to make; or ſuch Commiſſioners, or any Five or more of them, may, and are hereby impowered to, bring, or cauſe to be brought, any Action or Actions in their own Names, or in the Name of any One or more of them, againſt any ſuch Officer or Perſon ſo refuſing, neglecting, or making Default as aforeſaid, for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Perſon reſpectively.

Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held in purſuance of this Act, from time to time, to aſſign over the Tolls, Rates, and Duties, ariſing by virtue of this Act, or any Part thereof (the Coſts and Charges

Charges of aſſigning the ſame to be paid out of ſuch Tolls, Rates, or Duties) as a Security for any Sum or Sums of Money to be borrowed, with Intereſt not exceeding Five Pounds per Centum per Annum, to ſuch Perſon or Perſons, or their Truſtee or Truſtees, who ſhall advance the ſame, by the following Words of Aſſignment under their Hands, or by any other Words for that Purpoſe:

BY virtue of an Act made in the Seventh Year of the Reign of His Majeſty King *George* the Third, for making navigable the River *Ure* from its Junction with the River *Swale*, to the Borough of *Ripon*, in the County of *York*; We of the Commiſſioners do aſſign unto *A. B.* his Executors, Adminiſtrators, or Aſſigns, in Conſideration of the Sum of from this Day of in the Year of our Lord until the ſaid Sum of with Intereſt, at the Rate of *per Centum per Annum*, ſhall be repaid, ſuch Proportion of all the Tolls, Rates, and Duties, ariſing by virtue of the ſaid Act, as the Sum of ſhall bear to the whole Sum advanced on the Credit of the ſame. Dated this Day of in the Year of our Lord

And all and every Perſon or Perſons, to whom the ſaid Commiſſioners, or any Five or more of them, ſhall at any Time make ſuch Aſſignment or Aſſignments, ſhall, from ſuch Time, receive Intereſt as aforeſaid out of the Money to be raiſed as aforeſaid, during the Time the ſaid Navigation ſhall be making, and until the ſame ſhall be compleated; and from and after the compleating thereof, ſhall be equally intitled to their Proportion of the ſaid Tolls, Rates, and Duties, according to the reſpective Sums in ſuch Aſſignment mentioned to be advanced, to ſecure the Repayment thereof with Intereſt as aforeſaid, without any Preference by reaſon of Priority of Aſſignment, or on any other Account whatſoever; and the Money ſo borrowed ſhall be applied in the firſt Place in diſcharging the Expences incurred in, and in relation to, the obtaining of this Act; and afterwards in ſuch Manner as the Tolls, Rates, and Duties, are directed to be applied, and to no other Uſe or Purpoſe; and Entries or Memorials of every ſuch Aſſignment or Aſſignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by

Application of Monies.

Aſſignments to be entered in a Book.

by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Commiſſioners, which ſaid Book or Books ſhall and may be peruſed at all ſeaſonable Times by all Perſons whomſoever, without Fee or Reward; and all and every Perſon or Perſons, to whom any ſuch Aſſignment or Aſſignment ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from time to time, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal Monies and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, by indorſing on the Back of ſuch Security, before One credible Witneſs, the following Words, or Words to the like Effect:

Aſſignments may be transferred.

I Do transfer the within written Aſſignment, with all my Right and Title to the Principal Monies thereby ſecured, and to all the Intereſt now due, to *C. D.* his Executors, Adminiſtrators, or Aſſigns. Dated this Day of in the Year of our Lord

Witneſs *G. H.* *A. B.*

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers; who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the Memorials of the ſaid original Aſſignments, for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, not exceeding the Sum of One Shilling; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and ſuch Aſſignees may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignments, to make void, releaſe, or diſcharge, the ſame, or any Monies thereby due, or any Part thereof.

Penalty for not ſhutting Lock-gates.

And it is hereby further declared and enacted by the Authority aforeſaid, That if any Boatman, or Perſon having the Care of or paſſing with any Boat, Barge, Lighter, or other Veſſel, through any Lock to be made upon the ſaid River Ure, and Cuts or Canals, or any of them, ſhall ſuffer the Water to remain in ſuch Lock longer

longer than is neceſſary for his Boat, Barge, Lighter, or Veſſel, to paſs through any ſuch Lock, and ſhall not, in coming down the ſaid River Ure, and Cuts or Canals, or any of them, 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 his or their Boat, Lighter, or Veſſel, into the ſaid Lock, ſhall not ſhut the upper Gates before he or they ſhall draw the Cloughs of the lower Gates thereof; or in going up the ſaid River Ure, and Cuts or Canals, or any of them, ſhall not, as ſoon as he or they ſhall have paſſed with his or their Boat, Lighter, or Veſſel, out of the ſaid Lock, ſhut the upper Gates of the ſaid Lock, and afterwards draw the Cloughs of the lower Gates of the ſaid Lock; or if any Perſon or Perſons ſhall open any Gate or Gates in the Haling-ways, for the paſſing of Men or Horſes haling any Boat, Barge, Lighter, or other Veſſel, up or down the ſaid River Ure, and Cuts or Canals, or any of them, and ſhall not, with convenient Speed, ſhut ſuch Gate or Gates after the ſaid Men or Horſes ſhall have paſſed through the ſame; every Perſon offending in any of theſe Particulars, and being convicted thereof before One or more Juſtice or Juſtices of the Peace for the ſaid Ridings or Liberty reſpectively, upon Oath of any One or more Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings; and in default of Payment thereof, the Perſon or Perſons ſo offending ſhall, by Warrant of ſuch Juſtice or Juſtices, be ſent to the Houſe of Correction for ſuch Riding or Liberty reſpectively, there to be kept to hard Labour for ſuch Time as ſuch Juſtice or Juſtices of the Peace ſhall direct, not exceeding Two Months; One Moiety of which Penalty ſhall be paid to the Informer or Informers.

Maſters of Veſſels anſwerable for the Crew, &c.

And be it further enacted by the Authority aforeſaid, That the Owner or Maſter of every Boat, Barge, Lighter, or Veſſel, ſhall be, and is hereby made anſwerable for any Damage or Miſchief that ſhall be done by ſuch Boat, Barge, Lighter, or Veſſel, or by any of the Crew, Boatmen, Lightermen, or Watermen, belonging to any ſuch Boat, Barge, Lighter, or Veſſel, or any of the Weirs, Locks, Dams, Bridges, or other Works, which ſhall be made or maintained by virtue of this Act; or for any Treſpaſs done to the Owner or Occupier of any Lands, Grounds, or Tenements, adjoining to the ſaid River Ure, and Cuts or Canals, or any of them, as aforeſaid; or by drawing or leaving the Water running

through any Clough or Cloughs, in any of the said Locks or Cuts, when such Boat, Barge, Lighter, or Vessel, shall have passed through the same, contrary to the Tenor, Purport, and true Meaning of this Act; and such Owner or Master of any such Boat, Barge, Lighter, or Vessel, shall and may be sued for the same, as if such Trespass or Damage had been done or committed by himself; and if such Owner, Master, or Person, having the Charge of or belonging to any such Boat, Barge, Lighter, or Vessel, shall be found guilty, or Judgement shall be given against him upon Demurrer or by Default, the Plaintiff or Plaintiffs shall not only recover his or their Damages thereby sustained, but also his, her, or their full Costs of Suit.

Owners Names to be marked on their Vessels.

And be it further enacted by the Authority aforesaid, That every Owner, Master, or Person, having the Charge of any such Boat, Barge, Lighter, or other Vessel, shall cause the Name of the Owner to be set in large White Capital Letters in some conspicuous Place, on each of the Outsides of every such Boat, Barge, Lighter, or other Vessel, higher than the same shall sink into the Water when loaded; and if the Owner, Master, or Person, having the Charge of any such Boat, Barge, Lighter, or other Vessel, shall not at all Times have the Owner's Names put on the Outsides of his Boat, Barge, Lighter, or other Vessel, as aforesaid, every such Master, Owner, or Person, having the Charge thereof, shall, for every such Neglect or Default, forfeit and pay the Sum of Five Shillings.

Managers of Vessels obstructing the Passage, how punishable.

And be it further enacted, That if any Person, having the Care and Management of any Boat, Barge, Lighter, or other Vessel, shall put or lay such Boat, Barge, Lighter, or Vessel, in any Part of the said River Ure, and Cuts or Canals, or any of them, so as to obstruct the Passage of any other Boat, Barge, Lighter, or Vessel, or hinder the opening or shutting of any of the said Locks, and shall not, with all convenient Speed, upon Request made, remove such Boat, Barge, Lighter, or other Vessel, he shall, for every such Offence, forfeit the Sum of Five Shillings for every Hour such Boat, Barge, Lighter, or Vessel, shall continue to obstruct such Passage, or prevent the opening or shutting of any Lock as aforesaid; and it shall be lawful for the Agents or Servants of the said Commissioners, or any of them, to cause any such Boat, Barge, Lighter, or Vessel, to be unloaded, if necessary, and to be removed in such Manner as shall be proper for avoiding any Obstruction in the Navigation, and in the Use of such Locks,

Locks, and to detain ſuch Boat, Barge, Lighter, or Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal are diſcharged, paid, and ſatisfied.

Boats ſunk, t be weighed immediately.

And be it further enacted by the Authority aforeſaid, That if any Boat, Barge, Lighter, or other Veſſel, ſhall happen to be ſunk in the ſaid River Ure, and Cuts or Canals, or any of them, and that the Owner or Perſon having the Charge, Command, or Rule thereof, do not, without Loſs of Time, weigh or draw up the ſame again, and hall the ſame out of the Way of other Veſſels paſſing and repaſſing upon the ſaid intended Navigation; it ſhall and may be lawful to and for the Agents and Servants of the ſaid Commiſſioners, to cauſe ſuch Boat, Barge, Lighter, or other Veſſel, to be weighed or drawn up, and to detain and keep the ſame till Payment be made of all Expences occaſioned thereby: And if Payment be not made in Twenty one Days after ſuch Boat, Barge, Lighter, or other Veſſel, be drawn up; then, and in ſuch Caſe, it ſhall and may be lawful to and for ſuch Agents or Servants, to cauſe Sale to be made thereof, for reimburſing the ſaid Expences and other incident Charges, returning the Overplus (if any be) to the Owner or Maſter of the ſaid Barge, Boat, Lighter, or Veſſel.

Proper Places to be made for Boats to turn or lie in for others to paſs.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby required, in ſuch Parts of the ſaid navigable Cuts or Canals as ſhall not be of a ſufficient Breadth for admitting a Boat or Veſſel to turn about or lie, or Two Boats or other Veſſels to paſs each other, to open, cut, or make proper Spaces or Places in the Lands adjoining thereto, at convenient Diſtances from each other, for turning, lying, or paſſing, of ſuch Boats or Veſſels; and that the ſaid Boats or other Veſſels, ſailing or being haled or navigated upon the ſaid Cuts or Canals, or any of them, ſhall, upon meeting any other Boat or Veſſel, ſtop at, or go back to, and lie in, ſuch Spaces or Places, in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, under their Hands and Seals, ſhall direct or appoint.

Boats to be meaſured, and Tonnage marked.

And be it further enacted by the Authority aforeſaid, That the ſaid Agents or Servants ſhall and may, and they are hereby authorized and impowered, to meaſure all and every or any of the ſaid Boats, Barges, Lighters, or Veſſels, by putting Weights into the ſame for that Purpoſe; and to ſet Figures or Marks at each

End of such Boat, Barge, Lighter, or Vessel, on the Outside thereof, shewing how much, or how far, every Ton Weight of Loading which shall be put into such Boat, Barge, Lighter, or Vessel, will sink the same into Water, and from time to time may remeasure every such Boat, Barge, Lighter, or Vessel, and to mark again such Boats, Barges, Lighters, or Vessels, as aforesaid; and if the Owner or Owners, Master or Masters, Person or Persons, having the Charge of any such Boat, Barge, Lighter, or Vessel, shall refuse, hinder, or obstruct, the weighing, measuring, or marking, of any such Boat, Barge, Lighter, or Vessel, as aforesaid, every Person so refusing, hindering, or obstructing, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds; and if any such Owner or Owners, Master or Masters, Person or Persons, shall alter, deface, remove, erase, or destroy, any such Mark or Marks, Figure or Figures, or shall suffer the same to be altered, defaced, removed, erased, or destroyed; every such Owner or Owners, Master or Masters, or Person or Persons, so offending, shall forfeit and pay for every such Offence, the Sum of Five Pounds.

Penalty on Refusal.

And, for preventing the throwing down or damaging any of the Works which shall be erected or made in pursuance of this Act, be it enacted by the Authority aforesaid, That if any Person or Persons, shall wilfully and maliciously, and to the Prejudice of the said intended Navigation, break, throw down, damage, or destroy, any Banks or other Works to be erected or made for the Purpose aforesaid, whereby the Water shall be so much spent and wasted, as thereby to hinder or prevent the said intended Navigation, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent, the carrying on, compleating, supporting, and maintaining, the said intended Navigation, such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Courts by and before whom such Person or Persons shall be tried, shall, and hereby have Power and Authority to transport every such Felon for the Space of Seven Years, to some of His Majesty's Colonies or Plantations Abroad, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Damaging the Works, Felony.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall maliciously or wantonly open, or cause to be opened, any Lock or Clough belonging to the said Navigation, or shall suffer any Boat,

Penalty upon Persons maliciously or wantonly drawing of Cloughs, &c.

Boat, Barge, Lighter, or Vessel, to be moored unto, or to lye under, any of the Bridges in the said River Ure, and Cuts or Canals, or any of them; or shall leave the Water running through any of the Cloughs, after any Boat, Barge, Lighter, or Vessel, shall have passed any Lock belonging to the said intended Navigation; or if any Person or Persons shall draw, or cause to be drawn, any Clough or Cloughs, in the Lock-gates on the said River Ure, and Cuts or Canals, or any of them, so as to mispend or waste the Water of the said River Ure, and Cuts or Canals, or any of them, to the Prejudice of the said intended Navigation; every such Person or Persons, offending in any of the said Particulars, and being thereof convicted before One or more Justice or Justices of the Peace for the said Ridings or Liberty respectively, upon the Oath of One or more Witness or Witnesses, shall forfeit and pay the Sum of Forty Shillings; and in Default of Payment thereof, the Person or Persons so offending, shall, by Warrant or Warrants of such Justice or Justices, be sent to the House of Correction, there to be kept to hard Labour, for such Time as such Justice or Justices shall direct, not exceeding Two Months.

40 *s.* Penalty for obstructing the Navigation.

And it is hereby further enacted and declared, That if any Owner, Occupier, or Miller, of any Mill or Mills, within the Limits of the said intended Navigation, or other Person employed by him, her, or them, shall, in the Judgement and Opinion of any Five or more of the Commissioners, wittingly or wilfully do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby or by Means whereof the said intended Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause, to be allowed by the said Commissioners, or any Five or more of them, so assembled, for so doing; every such Owner, Occupier, or Miller, or other Person whatsoever, shall, for every such Act, Matter, or Thing, forfeit and pay such Sum and Sums of Money as the said Commissioners, or any Five or more of them, shall order, decree, or award, not exceeding Forty Shillings for each Offence.

Masters of Vessels to give an Account of their Loadings.

And, for the more easy collecting the Rates and Duties hereby made payable, be it further enacted by the Authority aforesaid, That every Master, or other Person, having the Command of any Boat, Barge, Lighter, or other Vessel, passing on the said River Ure, and Cuts or Canals, intended to be made navigable as aforesaid, shall make and give a just, true, and perfect, Report or Account, in Writing, signed by himself, unto such Per-

son or Persons as shall, from time to time, be nominated and appointed by the said Commissioners, or any Five or more of them, for that Purpose, or to collect such Rates and Duties as aforesaid, and at such Place or Places as shall be assigned and appointed for the Attendance of such Person or Persons, Collector or Collectors, for that Purpose, of the Quantity, Quality, and Weight, of such Goods, Wares, Merchandize, and other Commodities and Things, which shall be in, or belong to, such Boat, Barge, Lighter, or other Vessel; and also of the Quantity, Quality, and Weight, of such Goods as shall have been discharged or taken out of such Boat, Barge, Lighter, or other Vessel, within the Limits of the said intended Navigation, before their Arrival at the Place where such Account or Report is to be made and given: And in Failure of making or giving such Account or Report, or in case of his or their making or giving a false Account or Report; every such Master, or other Person, having the Command of such Boat, Barge, Lighter, or other Vessel, shall forfeit the Sum of Five Pounds for every such Offence.

Collectors may weigh, measure, or gauge, Goods in dispute.

And be it also further enacted by the Authority aforesaid, That if any Dispute or Difference shall arise between the Collectors of the Rates and Duties made payable by this Act, and the Owner, Master, or Person, having Charge of any Boat, Barge, Lighter, or other Vessel, or the Owner of any Goods, Wares, and Merchandizes, or other Things chargeable with, or liable to, the Payment of any of the said Rates and Duties, concerning the Weight and Quantity of the same; it shall and may be lawful to and for such Collector to stop and detain any such Boat, Barge, Lighter, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandizes, or other Things, as shall be in any Vessel or Vessels, where and when any Dispute shall arise: And in case such Goods, Wares, and Merchandizes, and other Things, shall, upon such weighing, measuring, or gauging, appear to be as much in Weight or Quantity as, or of greater Weight or Quantity than, such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as, or more Money than, was demanded by the Collector before the weighing, measuring, or gauging, of such Goods, Wares, and Merchandizes, or other Things; then, and in such Case, the Master or Owner of such Boat, Barge, Lighter, or other Vessel,

or

or the Owners of ſuch Goods, Wares, and Merchandizes, ſo weighed, meaſured, or gauged, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, or gauging thereof; all which ſaid Coſts and Charges, upon Refuſal of Payment thereof, on Demand, ſhall and may be recovered, as the Rates and Duties made payable in and by this preſent Act are appointed to be recovered: But in caſe ſuch Goods, Wares, and Merchandizes, or other Things, ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of no greater Weight or Quantity than the Maſter or Owner declared the ſame to be before the weighing, meaſuring, or gauging, thereof; then, and in ſuch Caſe, ſuch Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, or gauging; and ſhall alſo pay to the Maſter or Perſon having the Charge of ſuch Boat, Barge, Lighter, or other Veſſel, or to the Owner or Owners of ſuch Goods, Wares, and Merchandizes, One Shilling for every Hour that ſuch Boat, Barge, Lighter, or other Veſſel, ſhall be detained, by occaſion of ſuch weighing, meaſuring, or gauging, and ſo in proportion for any greater or leſs Time than an Hour; and in Default of immediate Payment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Collector, by Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace for One of the ſaid Ridings or Liberty reſpectively, rendering the Overplus to the Owner or Owners thereof, after ſuch Diſtreſs and Sale made, if any be.

Navigation not ſubject to Commiſſioners for Sewers.

And be it further enacted by the Authority aforeſaid, That the ſaid River Ure, and Cuts or Canals, or any of them, ſhall not be under the Survey or Order of any Commiſſioners of Sewers, nor ſubject to a Commiſſion of Sewers, or any Law or Statute made for Sewers; any Law or Statute to the contrary in any wiſe notwithſtanding.

Commiſſioners to make Bridges, &c. where needful;

Provided always, and be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, at any public Meeting, ſhall and may cauſe to be made, ſet up, and, from time to time, maintained and kept in Repair, convenient Gates, Bridges, Paſſages, and Stiles, in and over all or any of the Ditches and Fences in the Towing-paths, Haling-paths, and Ways, to be ſet out for the Purpoſes of this Act, where the ſame ſhall reſpectively be wanting; and alſo ſufficient Bridges, with proper Battlements, or Poſts and Rails, on each Side, over the new Cuts or Canals, Trenches and Paſſages, for Water where neceſſary,

for

for the Use of the Occupiers of the Lands, Tenements, and Hereditaments, thereunto adjoining, to make them convenient Passages to come to and from their Lands, for the Use and Occupation of the same: And also, that if the said Commissioners, or any Five or more of them, find it necessary to make any Dam, Weir, or Pen, in or over the said River Ure, near unto a Place called Westwick Wath, where there is now a common or usual Ford or Highway through the same, so as such Ford or Highway shall thereby be rendered impassable or dangerous; then, and in such Case, the said Commissioners, or any Five or more of them, shall cause the said Ford or Highway to be well and sufficiently repaired, and rendered safe and passable, (except in the Times of Floods) and shall, from time to time, maintain and keep the said Ford or Highway in good and sufficient Repair, for the Convenience of all Persons having Occasion to pass through or over the same; or that the said Commissioners, or any Five or more of them, shall and may keep, or cause to be kept, a good Boat and an able Boatman, at or near the said Ford, to carry over, without Fee or Reward, all Persons having Occasion to pass over the same.

and keep the Ford at *Westwick* in Repair.

Navigation exempt from Taxes.

And be it also further enacted and declared, That the said Tolls, Rates and Duties, shall, at all Times hereafter, be exempted from the Payment of any Cares, Rates, Assessments, or Impositions whatsoever; any Law or Statute to the contrary notwithstanding.

10 *s.* Penalty on throwing Ballast, *&c.* into the Navigation.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or Dirt, into any Part of the said River Ure, and Cuts or Canals hereby intended to be made navigable, or any of them, or any Cuts made for or into, or to communicate with, the same; every Person so offending, and being convicted thereof before any Justice of the Peace for the said Ridings or Liberty respectively, upon the Oath of One or more Witness or Witnesses, shall forfeit the Sum of Ten Shillings.

Commissioners to raise Banks in Proportion to the Height of the Dams.

And be it further enacted by the Authority aforesaid, That if the said Commissioners, or any Person or Persons authorized or employed by them, by making or raising any Weir or Dam, or otherwise, raise the Water of the said River Ure, by this Act to be made navigable, above the ancient or usual Height of such Water, whereby the adjacent Lands and Grounds may be more liable to be overflowed or damaged than they have anciently or usually been; then the said Commissioners, or any

Five or more of them, ſhall, and they are hereby required, to cauſe the Banks thereof to be proportionably raiſed and ſtrengthened, ſo that the new Banks ſhall be able and ſufficient to contain the Water at ſuch their raiſed Height, as the old Banks were to contain the Water at their ancient and uſual Height; and alſo ſhall, from time to time, maintain and repair the ſaid Banks ſo to be raiſed in purſuance of this Act, when and as often as Occaſion ſhall require.

Drains to be made.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, to make, or cauſe to be made, ſuch Arches, Tunnels, Drains, or other Paſſages, over, under, or into, the ſaid River Ure, Locks, and Cuts or Canals, hereby authorized to be made, as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining or lying near unto the ſaid River Ure, Locks, and Cuts or Canals, or any of them, without obſtructing or impounding the ſame.

Watering Places to be provided.

And be it further enacted by the Authority aforeſaid, That where, by making any of the ſaid navigable Cuts or Canals, the Cattle which were uſed to be kept in the adjacent Grounds, ſhall be deprived of their uſual Watering Places; that then the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, to make, or cauſe to be made, proper and convenient Watering Places for Cattle in the Lands adjoining to the ſaid Cuts or Canals, in every ſuch Ground where Cattle were heretofore accuſtomed to drink and water as aforeſaid, and to ſupply the ſame with Water from ſuch Cuts or Canals, if neceſſary.

Navigation to be free.

And it is hereby further enacted by the Authority aforeſaid, That when and as ſoon as the ſaid River Ure, and Cuts or Canals herein before mentioned, ſhall be made navigable, then, and from thenceforth, the ſaid River Ure, and Cuts or Canals, ſhall be a free Navigation; and that all the King's Liege People whatſoever ſhall and may have, and lawfully enjoy, free Paſſage along, in, through, or upon, the ſaid Navigation hereby intended to be made, with and for Barges, Boats, Lighters, and other Veſſels; and alſo the Uſe of the Towing or Haling-paths, and all other neceſſary and convenient Liberties for navigating the ſame, without any Let, Hindrance, or Obſtruction, from any Perſon or Perſons whatſoever; ſubject nevertheleſs to the Payment of ſuch Rates and Duties as, by the Tenor and true Meaning of this Act, are or ought to be paid to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to collect the ſame.

20*l.* Penalty for ſtanging of Mill Wheels.

And it is hereby further enacted by the Authority aforeſaid, That if any Owner, Occupier, or Miller of any Mill, within the Limits of the ſaid intended Navigation, ſhall ſtop or ſtang, or cauſe, or wittingly or willingly ſuffer to be ſtopped or ſtanged, any Wheel or Wheels of any ſuch Mill, ſo as to let the Water paſs or run waſte through any of the Sluices or Flood-gates of or belonging to ſuch Mill, while the Wheel or Wheels of ſuch Mill is or are not working, and thereby obſtruct, prevent, or delay, the Paſſage of any Boat, Barge, Lighter, or other Veſſel, up or down the ſaid River Ure, and Cuts or Canals, or any of them; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Commiſſioners and others to be paid their Coſts ſuſtained in Actions.

Provided always, and be it enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners, or any Five or more of them, ſhall bring, or cauſe to be brought, any Action or Actions in their own Names, or in the Name of any One or more of them, or in the Name or Names of the Treaſurer or Treaſurers to the ſaid Commiſſioners, againſt any ſuch Officer or other Perſon or Perſons; and if, upon any Trial or Trials that ſhall be had thereupon, the Jury or Juries ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance by or with the Conſent of the ſaid Commiſſioners, or any Seven or more of them; or if, upon any Demurrer or Demurrers, Judgement ſhall be given for the Defendant or Defendants; or if, upon any Trial or Trials that ſhall be had thereupon, the Jury or Juries ſhall find for the Plaintiff or Plaintiffs, but ſuch Plaintiff or Plaintiffs ſhall not recover and receive of ſuch Defendant or Defendants his or their full Coſts of Suit; then, and in any of the Caſes aforeſaid, ſuch Plaintiff or Plaintiffs ſhall be paid all ſuch Coſts, Charges, Damages, and Expences, that he or they ſhall or may have paid, ſuſtained, or been put unto, and not by him or them recovered und received as aforeſaid, in or by proſecuting ſuch Action or Actions, out of the ſaid Tolls, Rates, and Duties, hereby granted, or out of the Money ſo to be borrowed as aforeſaid.

First Meeting of the Commiſſioners.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet on the Fourteenth Day after the Day of paſſing this Act, and ſhall then proceed to the Execution of this Act; and the ſaid Commiſſioners, or any Five or more of them, ſhall hold One General Meeting on the Firſt Tueſday in June, in each Year, in the ſaid

Town of Ripon; and the ſaid Commiſſioners, or any Five or more of them, aſſembled at ſuch Firſt Meeting, and at every General Meeting, may then, and from time to time afterwards, at any intermediate Times of the Year, adjourn and hold their Meetings at ſuch Place or Places as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper, for putting in Execution the Authorities of this Act: And if at any Time a ſufficient Number of Commiſſioners ſhall not attend, to adjourn; then, and in every ſuch Caſe, and from time to time afterwards, as often as ſuch Caſe ſhall ſo happen, the Meeting appointed to be there held, ſhall be deemed adjourned till that Day Seven-night, and be there held at the ſame Place where ſuch Meeting was appointed to be held; but the Clerk or Treaſurer to the ſaid Commiſſioners, ſhall cauſe Notice in Writing of all Meetings to be affixed upon the Market Croſs in Ripon aforeſaid, Six Days at leaſt before every ſuch Meeting is held; and at all their Meetings the Commiſſioners ſhall bear and defray their own Expences.

Method of adjourning.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, at any of their Meetings (of which Meetings Ten Days Notice in Writing ſhall be affixed upon the Market Croſs in Ripon aforeſaid, ſhall, from time to time, have full Power and Authority, by any Writing or Writings under their Hands and Seals, to make ſuch Bye-laws, Orders, and Conſtitutions, for the good and orderly uſing of the ſaid Navigation, and for the well governing of the Watermen, Boatmen, Carriagemen, and Labourers, who ſhall convey Goods upon, to, or from any Part thereof, and to appoint Committees to inſpect and ſettle the Accounts, direct the Works, and controul the Officers and Servants employed in purſuance of this Act; and in ſuch Bye-Laws, Orders, and Conſtitutions, may impoſe upon all Perſons offending againſt the ſame, ſuch Fines and Forfeitures as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper, ſo as no ſuch Fine or Forfeiture ſhall exceed the Sum of Five Pounds on any One Perſon, for any One Offence; which Bye-laws, Orders, and Conſtitutions, ſhall be binding to, and obſerved by all Parties, and ſhall be ſufficient to juſtify all Perſons who ſhall act in purſuance thereof; and ſuch Fines and Forfeitures ſhall be recovered in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered.

Commiſſioners may make Bye-laws, and impoſe Fines.

And it is hereby further enacted and declared, That all the pecuniary Penalties and Forfeitures, inflicted and

Recovery and Diſpoſal of Penalties not before provided for.

and made payable by this Act, except in ſuch Caſes wherein it is hereby otherwiſe ordered, directed, and provided, ſhall be recovered by Diſtreſs and Sale of the Offenders Goods and Chattles, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals of any Juſtice or Juſtices of the Peace for the ſaid reſpective Ridings, City, or Liberty; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for any ſuch Juſtice or Juſtices to commit ſuch Offender or Offenders to the Common Gaol of the ſaid County, or to the Houſe of Correction for the ſaid Ridings or Liberty reſpectively, there to remain without Bail or Mainprize, for any Space not exceeding Three Months; and all ſuch Penalties and Forfeitures, or ſuch Parts thereof, as are not herein before directed to be applied, ſhall be paid into the Hands of the Treaſurer to the ſaid Commiſſioners, to be applied for the Purpoſes of this Act.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted, That all Perſons who ſhall think themſelves aggrieved by the Order or Judgement of any Juſtice or Juſtices of the Peace, upon account of any Offence committed or ſuppoſed to be committed againſt this Act, may appeal to the Juſtices of the Peace for the ſaid Weſt Riding, North Riding, City, or Liberty reſpectively, as the Caſe ſhall happen, at their next General or Quarter Seſſions; the Perſon or Perſons ſo appealing, giving Security to the Satisfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be aſcertained by the ſaid General or Quarter Seſſions, in caſe ſuch Order or Judgement ſhall be affirmed; and the Juſtices in the ſaid General or Quarter Seſſions are hereby authorized and required to hear and determine ſuch Appeal, and to make Order therein, and to award ſuch Coſts as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removable by any Writ of Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere.

Proceedings not to be quaſhed for want of Form.

Provided nevertheleſs, and be it further enacted, That no Order or other Proceedings to be made or had by or before any Juſtice of the Peace, in relation to the Premiſſes, ſhall be quaſhed or vacated for want of Form only.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforeſaid, That Accounts of all Monies which ſhall be received, raiſed, and borrowed, by virtue of this Act, and of the Expenditure of ſuch Monies reſpectively; and alſo of all Debts, Contracts, Orders, and Proceedings of the ſaid Commiſſioners,

Commissioners, or any of them, in Execution of, or relating to, this Act, shall be from time to time regularly and fairly entered in Books to be kept for that Purpose; and such Entries being signed by any Five or more of the said Commissioners, or by the Clerk to the said Commissioners, shall be deemed Originals, and shall be admitted to be read in Evidence in all Courts whatsoever.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Commissioner or Commissioners for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching any Power or Authority hereby vested in such Commissioner or Commissioners, Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

Reservation of Rights.

Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for the Owners and Occupiers of any Lands or Tenements adjoining to the said River Ure and navigable Cuts or Canals, or any of them, to use any Pleasure Boat or Boats upon the same, without the Hindrance or Interruption of the said Commissioners, their Successors, or any of them, and without paying any of the Rates or Duties aforesaid; so as such Pleasure Boat or Boats is or are not used for carrying Coals, Stone, Slate, Wood, or any other Goods, Wares, or Merchandizes, charged or chargeable with any of the Duties by this Act granted and made payable; and the Lord or Lords of the respective Manors, or any other Person whatsoever, shall have full Liberty to fish, fowl, and exercise all other Royalties on the said River Ure and navigable Cuts or Canals, to which they are now legally intitled; any thing herein contained to the contrary notwithstanding; so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free Use of the said intended Navigation.

Lords of Manors, &c. may build Warehouses.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to obstruct or hinder the Lord or Lords of the Manor or Manors, or the Owner or Owners of any Lands or Grounds lying upon or near the Banks of the said River Ure, or of any Lands or Grounds through

which the ſaid Cuts ſhall be made, from making or erecting any Warehouſes, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs, upon the Banks of the ſaid River Ure, or Cuts, in and upon their own Lands, Waſtes or Grounds, ſo that the erecting or uſing of ſuch Warehouſes, Cranes, or Wharfs, do not obſtruct or prejudice the ſaid Navigation, or any of the Powers given by this Act; and all Rates, Dues, and Duties, that ſhall be paid for the Uſe and Benefit of the ſame Warehouſes, Weigh-beams, Cranes, Quays, Landing-places, and Wharfs reſpectively, ſhall be, and the ſame are hereby veſted in ſuch Lord or Lords of ſuch Manor or Manors, or the Owner or Owners of ſuch Lands, Waſtes, and Grounds reſpectively, who ſhall make or erect any ſuch Warehouſes, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs, upon his, her, or their Lands, Waſtes, or Grounds, lying upon the ſaid River Ure, or Cuts, ſo that no more than the Sum of Three Pence per Ton ſhall be demanded or taken for the Wharfage of ſuch Goods or other Things, unleſs ſuch Goods or other Things ſhall remain on ſuch Wharf for more than Six Days.

Warrants by whom to be executed.

And be it further enacted by the Authority aforeſaid, That all and every Warrant and Warrants, that ſhall or may be granted by any Perſon or Perſons enabled or impowered to grant the ſame, under or by virtue of this Act, ſhall and may be directed to the Conſtable, Headborough, or other Officer, of the Townſhip, Pariſh, or Place, where the Offender or Offenders ſhall live, reſide, or inhabit; which Conſtable, Headborough, or other Officer is hereby authorized and required to execute the ſame.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any thing to be done in purſuance of this Act, or in relation to the Matters herein contained, every ſuch Action and Suit ſhall be brought and commenced within the Space of Six Calendar Months, next after the doing the Matter or Thing for which ſuch Action or Suit ſhall be ſo brought or commenced, and not afterwards, and ſhall be brought, laid, and tried in the County of York, and not elſewhere; and the Defendant or Defendants in all ſuch Actions and Suits may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing was done in purſuance of this Act: And if the ſame ſhall appear to have been ſo done, or if any

General Iſſue.

ſuch Action or Suit ſhall not be commenced within the Time before limited, or ſhall be laid or brought in any other County; then, and in either or any of ſuch Caſes, the Jury or Juries ſhall find for the Defendant or Defendants: And if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared; or if, upon a Demurrer or Demurrers, Judgement ſhall be given for the Defendant or Defendants; then, and in either or any of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, upon Affidavit made, or Certificate of the Judge before whom ſuch Cauſe ſhall be tried, that ſuch Suit was proſecuted againſt ſuch Defendant or Defendants for Matters contained in this Act, and ſhall have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have for his and their Coſts of Suit in other Caſes by Law. Treble Coſts.

And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, and taken to be, a Public Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame. Public Act.

FINIS.