Anno ſeptimo

Georgii III. Regis.

An Act for making navigable the River *Ouze*, from below *Widdington Ings*, at or near *Linton*, to the Junction of the Rivers *Swale* and *Ure*; and for making navigable the ſaid River *Swale*, from the ſaid Junction, to *Morton Bridge*, and alſo the Brook running from *Bedale*, into the River *Swale*, in the County of *York*.

WHEREAS by virtue and in purſuance of Two Acts of Parliament made, One in the Thirteenth Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for improving the Navigation of the River *Ouze*, in the County of *York*; and the other in the Fifth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for rendering more effectual an Act paſſed in the Thirteenth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for improving the Navigation of the River* Ouze, *in the County of* York; the Navigation of the ſaid River hath been improved above the City of York, unto Linton upon Ouze, in the ſaid County: And whereas the continuing

Preamble, reciting Acts 13 *Geo.* I. and 5 *Geo.* II.

the ſaid Navigation from below Widdington Ings, near Linton aforeſaid, to the Junction of the Rivers Swale and Ure, and from thence up or near the ſaid River Swale, to Topcliffe and Morton Bridge; and the making navigable the Brook, below the ſaid Bridge, to the Town of Bedale, in the County of York, will be of great 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, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Percy Wyndham Earl of Thomond, in the Kingdom of Ireland; the Right Honourable John Earl of Wandesford, in the Kingdom of Ireland; the Right Honourable Charles Lord Viſcount Fairfax, in the Kingdom of Ireland; the Right Honourable John Lord Viſcount Downe, in the Kingdom of Ireland; the Right Honourable William Lord Viſcount Gallway, in the Kingdom of Ireland; the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh; the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh; the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh; the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Hugh Percy, commonly called Earl Percy; the Right Honourable John Stewart, commonly called Lord Mount Stewart; the Right Honourable Thomas Belaſyſe, commonly called Lord Belaſyſe; the Honourable Chriſtopher Dawnay, the Honourable Marmaduke Langdale, the Honourable Thomas Robinſon, the Honourable Robert Lane, the Honourable George Carey, the Honourable Frederick Robinſon, George Perrott, One of the Barons of his Majeſty's Court of Exchequer; Sir George Armytage, the Reverend Sir William Anderſon, Sir Griffith Boynton, Sir Job Brooke, Sir Alexander Bannerman, Sir George Caley, Sir Lawrence Dundas, Sir John Eden, Sir William Foulis, Sir Henry Charles Frankland, Sir John Goodricke, Sir Belingham Graham, Sir Robert Hildyard, Sir John Ingilby, Sir James Long, Sir James Lowther, Sir Henry Lawſon, Sir William Milner, Sir William Lowther, Sir Ralph Milbank, Sir William Pennyman, Sir John Pennington, Sir William Robinſon, Sir Thomas Robinſon, Sir George Savile, Sir Brian Stapylton, Sir Savile Slingſby, Sir Mamaduke Aſty Wyvill, Sir John Webb, Baronets; Sir Fletcher Norton Knight, Sir Clifton Winteringham Knight, D. D. William Aiſlabie,

Commiſſioners for the *Linton* Lock.

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bie, Charles Allanſon, Cuthbert Allanſon Clerk, John Arderne, John Agar, William Agar of Langwith, William Agar of York, Seth Agar of York, John Allanſon of Littlethorpe, John Allanſon of York, John Allanſon junior, John Aiſlabie, William Aſkwith, Benjamin Atkinſon, Codrington Bethell, Montagu Brook, Ralph Bell, Ralph Bell junior, Peter Bell, John Wood Boynton, Francis Boynton, Simon Butterwick, Richard Burton, Samuel Brooke, Jeremiah Dixon, Thomas Deniſon, Henry Woodhouſe Diſney, William Ingram, Samuel Kerſhaw D. D. John Murgatroyd Clerk, Robert Ramſden, John Smyth, Peregrine Wentworth, Thomas Wilſon, Henry Zouch Clerk, John Bower, Robert Bower, Henry Bower, Francis Blackburne Clerk, Archdeacon of Cleveland; Robert Bewlay, Robert Bewlay junior, Francis Barlow, Thomas Barlow, John Burton M. D. Robert Burton, Thomas Barſtow, Thomas Barſtow junior, William Brooks, Francis Bacon, William Berdmore Clerk, Reſidentiary of York; Tomlinſon Bunting, Hewley Baines Clerk, William Baines, Richard Bayne, William Bayne, John Blake Clerk, Thomas Bowes, Richard Bowes, Thomas Bond, Joſeph Bridges Clerk, Richard Barnard Clerk, Stephen Buckle, Edward Bracken Clerk, Miles Barne, Philip Bendlowes, William Beckwith, Woodifield Beckwith, John Bartlett, Ralph Bourchier M. D. William Bland, Samuel Brooke, Thomas Beckett, Joſeph Butler, Thomas Bramley, Robert Belt, Chriſtopher Spencer Brearey Clerk, Nathaniel Cholmley, William Cholmley, Francis Cholmeley, Chriſtopher Crowe, George Crowe, Robert Cuſt, Thomas Cuſt of North Allerton, Thomas Cuſt of Danby Hill, Stephen Croft, Stephen Croft junior, Sheldon Craddock, Job Staunton Charlton, Jacob Coſtobadie Clerk, Henry Chaytor, Henry Chaytor junior, William Chaytor, Peter Conſett, Thomas Cowling, Thomas Cordley, Thomas Collins Clerk, James Collins, James Collins junior, Edward Carter, Francis Crosfield, Charles Cowper Clerk, Reſidentiary of York; Charles Cowper junior, Clerk, William Cooper Clerk, William Cornforth, Thomas Cornforth, Richard Chapman, William Chapman, Thomas Chadwick, John Clough, Edward Clough, John Cloſe, Thomas Cautley Clerk, William Clarke, Thomas Clarke, Oliver Coghill, Euſtace Caſs, Thomas Caſs, Thomas Comber Clerk, William Comber Clerk, John Coates Clerk, William Coates, Richard Cordukes Clerk, Richard Calvert, Thomas Duncombe, Charles Duncombe, Henry Duncombe, William Danby, Thomas Dundas, Matthew Dodſworth, William Danby junior, John Dalton, Charles Dalton Clerk, John

Dealtry M. D. John Dealtery Clerk, William Daviſon Clerk, William Dawſon, Anthony Dawſon, Jerom Dring, John Delafont, William Driffield, Henry Brewſter Darley, John Dent Clerk, John Dale Clerk, Gregory Elſley of Mount Saint John, Gregory Elſley of Brompton, Gregory Elſley Clerk, Giles Earle, George Eſkricke, George Ewbank, George Ewbank junior, Henry Egerton Clerk, William Edmund, Lewis Ettij Clerk, Thomas Eeles, Thomas Frankland a Vice Admiral, Frederick Frankland, Laton Frewen, Marmaduke Fothergill, Alexander Fothergill, Thomas Fairfax, Robert Fairfax, Richard Fenton, John Fountayne D. D. Dean of York, Robert Raikes Fulthorpe, Richard Farrer, John Fogg D. D. William Foſter Clerk, Chriſtopher Fell, Bernard Foord, Roger Gale, Roger Henry Gale, Thomas Gill, John Grimſton, John Graves, Henry Goodricke Clerk, John Grey Clerk, Roger Gee, Chriſtopher Goulton, Henry Goddard M. D. Thomas Gurnell, Richard Garland, Chriſtopher Gregg, William Herring D. D. Dean of Saint Aſaph; John Hardcaſtle, William Hardcaſtle, Leonard Hartley, George Hartley, Leonard Hartley junior, John Harriſon, John Hutton, John Hutton junior, Henry Hewgill Clerk, James Hobſon, Edmund Hodſhon Clerk, D'Arcy Hildyard, Peter Hammond, George Hammond, Peter Hammond junior, Jeremiah Hutchinſon, George Hutchinſon of Maunby, Ralph Hutchinſon, Thomas Hutchinſon, William Hutchinſon, Timothy Hutchinſon, John Harland, William Hinde, Richard Hinde, Alexander Hunter M. D. William Hill, Thomas Hill, William Hodſhon, Joſiah Hotham, John Hotham, Matthew Hornſey, Edward Heber, John Huggate, Henry Hird Clerk, Robert Harper junior, Atkinſon Houlden, John Hudſon, Thomas Heaviſed, Marmaduke Hodgſon, Thomas Heddon, Peter Handley, Peter Johnſon, Robert Jubb, Henry Jubb, William Tuffnell Jolliff, John Jackſon, George Iveſon, John Iveſon, Edmund Jennings, Thomas Kilvington M. D. Henry Kilvington, Richard Kitchingman Clerk, Thomas Kitchingman, John Kitching, John Kenion, John Key, Edwin Laſcelles, Daniel Laſcelles, Edward Laſcelles, William Lawrence, William Law, Francis Lofthouſe, Ralph Lodge, Samuel Lunn, Thomas Lund, John Philips Lee, John Liſter, Thomas Lamplugh Clerk, George Laſcelles, Boynton Langley, Edward Montagu, Bacon Morritt, John Sawrey Morritt, Chriſtopher Morritt, Thomas Mauliverer, John Milbank, Mark Milbank, William Martin, Henry Maſterman, Henry Maſterman junior, William Maſterman, Philemon March Clerk, Thomas Maſon,

Maſon, William Maſon Clerk, Precentor of York; Thomas Marſitt, Thomas Marſitt junior, John Mayer, William Meeke, Bernard Metcalfe, Thomas Moſley Clerk, Timothy Mortimer, Thomas Moon Clerk, John Michael Meſſenger, Meſſenger Clerk, Moiſes Clerk, William Norton, Fletcher Norton, Edward Norton, Captain William Norton, Thomas Norcliffe, Thomas Nelſon Clerk, John Nesfield Clerk, Fountayne Wentworth Oſbaldeſton, Charles Oxley, Chriſtopher Oldfield, Joſhua Oldfield, John Owram, Henry Peirſe, Edward Place Clerk, Marwood Place Clerk, Edward Place Clerk, Dean of Middleham; Thomas Place of Green Hammerton; Lionel Place, John Pratt, James Pennyman, George Powlet, Edward Purchas, Robert Pigott Clerk, John Preſton Clerk, William Preſton, John Parſons, George Palmes, Samuel Peacock, William Peacock, William Preſt, Thomas Payler, Joſeph Pearſon, Thomas Robinſon, William Robinſon, Thomas Raper, John Raper of Bedale, William Raper of Bedale, John Raper of York, Henry Raper, John Raper of Sinderby, Cuthbert Redſhaw, Caleb Redſhaw, Henry Reveley, Richard Richardſon, William Richardſon M. D. Thomas Richardſon, James Richardſon, William Read, John Reed, Charles Radcliffe, Dudley Rockett Clerk, Arthur Ricard, John Robinſon, Roger Robinſon, James Rowe, Chriſtopher Rockliffe, Edward Kidſdale, William Reynard, John Raikes Clerk, James Shuttleworth, Thomas Stapleton, Miles Stapleton, Henry Stapleton, Leonard Smelt, Matthew Chitty Saint Quintin, William Saint Quintin, Simon Scroope, Turner Straubenzie, Charles Slingſby, Thomas Slingſby, William Standiſh, Francis Smyth, Francis Smyth junior, John Strangwayes, Henry Strangwayes, William Stainforth, William Stainforth junior, John Stapleton Clerk, John Hall Stevenſon, Francis Stephenſon, William Stables, Swainſton M. D. Zachery Suger Clerk, Thomas Schaak, Thomas Swann of Bedale, Thomas Swann of York, John Swann, William Siddall, William Stockdale Clerk, Thomas Salvin, Miles Staveley, Robert Shepherd, Francis Shipphard, Edward Squire, William Squire, Marmaduke Sidgſwick, Laurence Sterne, Charles Turner, Roger Talbot, William Turner, William Thornton, Thomas Thornton, John Thompſon, Harry Thompſon, Beilby Thompſon, Richard Thompſon, Richard Thompſon Clerk, Leonard Thompſon, Henry Thompſon, Edward Thompſon, George Thompſon, William Thompſon, Charles Tancred, Francis Topham LL. D. John Taylor, Edward Thwing, Edward Topham, Francis Thornborough, John Talbot Clerk, Francis Trapps, Leonard

Leonard Terry, Henry Tennant, Robert Thiſtlethwaite Clerk, John Telford, John Telford junior, John Tanfield, William Weddell, Charles Weddell, Thomas Weddell, Francis Wanley D. D. Dean of Ripon; Andrew Wilkinſon, Charles Wilkinſon, Andrew Wilkinſon junior, James Wilkinſon Clerk, James Wilkinſon junior, Henry Willoughby, James Willoughby Clerk, Chriſtopher Wilkinſon junior, Thomas Worſley, James Worſley Clerk, John Waſtell, Henry Waſtell Clerk, Richard Wilſon of Leeds, Richard Wilſon of Pontefract, Childers Walbanke, John White, John Winn Clerk, Robert Ward, Hale Wyvill, John Wright, Henry Waite, Iſaac Webſter junior, John Weatherill, Thomas Stubbs Walker, John Warcupp Clerk, Iſaac Wilſon Clerk, Samuel Waud, Richard Wood, Chriſtopher Wharton, Samuel Wormald, John Wakefield, Alexander Winch, William Wanley, Iſaac William, Captain Webſter, Nathaniel Wetherell D. D. Robert Wenſley, William Wailes, Francis White, John Winde Clerk, Thomas Yorke, John Yorke, Thomas Yorke junior, Charles Yarburgh, John Yarker, Luke Yarker, Ralph Yoward, the Lord Mayor and Recorder for the City of York, for the time being; the Mayor and Recorder for the Borough of Ripon, for the time being; the Dean of York for the time being, and the Maſter of Univerſity College in Oxford for the time being, ſhall be, and they and their Succeſſors, to be elected in Manner herein after-mentioned, are hereby appointed Commiſſioners for putting in Execution this Act, and the Powers hereby given, ſo far as the ſame relates to the ſaid Navigation from below Widdington Ings, near Linton aforeſaid, to the Junction of the ſaid Rivers Swale and Ure; and for erecting, making, and maintaining, a Dam, Cut, and Lock, in, upon, and over, or at the Side of, the River Ouze near Linton aforeſaid; and for building a Toll-houſe and other Conveniencies near the ſame; and for making, compleating, and maintaining, all ſuch other Works as may be neceſſary for improving the ſaid Navigation to the Junction of the ſaid Rivers.

Commiſſioners for *Swale* and *Bedale* Brook.

And be it further enacted by the Authority aforeſaid, That the Right Honourable Percy Wyndham Earl of Thomond, in the Kingdom of Ireland; the Right Honourable John Earl of Wandeſford, in the Kingdom of Ireland; the Right Honourable Charles Lord Viſcount Fairfax, in the Kingdom of Ireland; the Right Honourable John Lord Viſcount Downe, in the Kingdom of Ireland; the Right Honourable William Lord Viſcount Gallway,

Gallway, in the Kingdom of Ireland; the Right Honourable George Cavendiſh, commonly called Lord George Cavendiſh; the Right Honourable Frederick Cavendiſh, commonly called Lord Frederick Cavendiſh; the Right Honourable John Cavendiſh, commonly called Lord John Cavendiſh; the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Hugh Percy, commonly called Earl Percy; the Right Honourable John Stewart, commonly called Lord Mount Stewart; the Right Honourable Thomas Belaſyſe, commonly called Lord Belaſyſe; the Honourable Chriſtopher Dawnay, the Honourable Marmaduke Langdale, the Honourable Thomas Robinſon, the Honourable Robert Lane, the Honourable George Carey, the Honourable Frederick Robinſon, George Perrott, One of the Barons of his Majeſty's Court of Exchequer; Sir George Armytage, Sir Job Brooke, Sir Alexander Bannerman, Sir George Caley, Sir Lawrence Dundas, Sir John Eden, Sir William Foulis, Sir Henry Charles Frankland, Sir Belingham Graham, Sir Robert Hildyard, Sir James Long, Sir James Lowther, Sir Henry Lawſon, Sir Ralph Milbank, Sir William Pennyman, Sir John Pennington, Sir William Robinſon, Sir Thomas Robinſon, Sir George Savile, Sir Brian Stapylton, Sir Savile Slingſby, Sir Marmaduke Aſty Wyvill, Sir John Webb, Baronets; Sir Fletcher Norton Knight, Sir Clifton Wintringham Knight, M. D. William Aiſlabie, Charles Allanſon, Cuthbert Allanſon Clerk, John Arderne, John Arderne junior, James Addiſon Clerk, James Allan of Leyburn, James Allan of Snazeholme, Richard Atkinſon, Codrington Bethell, Montagu Brooke, Ralph Bell, Ralph Bell junior, Peter Bell, Simon Butterwick, John Bower, Robert Bower, Henry Bower, Francis Blackburne Clerk, Archdeacon of Cleveland; Robert Bewlay, Robert Bewlay junior, Robert Burton, Thomas Barſtow, Thomas Barſtow junior, Francis Bacon, William Berdmore Clerk, Reſidentiary of York; Tomlinſon Bunting, William Baines, Richard Bowes, Miles Barne, Philip Bendlowes, Woodifield Beckwith, John Bartlett, William Bland, Thomas Beckett, Joſeph Butler, Thomas Bramley, William Brown, John Bywell, Brunknell Clerk, George Bell, John Booth, John Buckton, Francis Buckle, John Beezon, Robert Biſhoprick, Nathaniel Cholmley, William Cholmley, Francis Cholmley, Chriſtopher Crowe, George Crowe, Robert Cuſt, Thomas Cuſt of North Allerton, Thomas Cuſt of Danby Hill, Stephen Croft, Stephen Croft junior, Sheldon Craddock, Job Staunton Charlton, Jacob Coſtobadie Clerk, Henry Chaytor, Henry Chaytor junior,

William Chaytor, Peter Conſett, Thomas Cowling, Thomas Cordley, Thomas Collins Clerk, James Collins, James Collins junior, Edward Carter, Francis Crosfield, Charles Cowper Clerk, Reſidentiary of York; Charles Cowper junior, Clerk; William Cooper Clerk, William Cornforth, Thomas Cornforth, Richard Chapman, William Chapman, John Clough, Edward Clough, John Cloſe, William Clarke, Thomas Clarke, Oliver Coghill, Euſtace Caſs, Thomas Caſs, William Coates, Richard Calvert, William Wingle Carr, Anthony Cooper, Thomas Coopland, Crawford of Weſt Layton, Thomas Duncombe, Charles Duncombe, Henry Duncombe, William Danby, Thomas Dundas, Matthew Dodſworth, William Danby junior, John Dalton, Charles Dalton Clerk, John Dealtry LL. D. William Daviſon Clerk, William Dawſon, Jerom Dring, William Driffield, John Dent Clerk, John Dale Clerk, John Dupont Clerk, George Dinſdale, Daggett of Kirkby Wiſke, Timothy Dickinſon Clerk, Frederick Dodſworth Clerk, Matthew Dixon, Gregory Elſley of Mount Saint John, Gregory Elſley of Brompton, Gregory Elſley Clerk, Giles Earle, George Ewbank, George Ewbank junior, William Edmund, Thomas Eeles, Thomas Elliot, Edward Elliot, Layton Etherington Clerk, Vice Admiral Thomas Frankland, Frederick Frankland, Laton Frewen, Marmaduke Fothergill, Alexander Fothergill, Thomas Fairfax, Richard Fenton, John Fountayne D. D. Dean of York; Robert Raikes Fulthorpe, Chriſtopher Fell, Thomas Forſter, Chriſtopher Forſter, John Fawdington, William Frankland, Francis Firby Fothergill, Roger Gale, Roger Henry Gale, Thomas Gill, John Graves, John Grey Clerk, Roger Gee, Chriſtopher Goulton, Henry Goddard LL. D. Thomas Gurnell, Richard Garland, Ambroſe Grey, John Hardcaſtle, William Hardcaſtle, Leonard Hartley, George Hartley, Leonard Hartley junior, John Harriſon, John Hutton, John Hutton junior, Henry Hewgill Clerk, Edmund Hodſhon Clerk, D'arcy Hildyard, Peter Hammond, Peter Hammond junior, George Hammond, Jeremiah Hutchinſon, George Hutchinſon of Maunby, Ralph Hutchinſon, Thomas Hutchinſon, Timothy Hutchinſon, William Hill, Thomas Hill, William Hodſhon, Matthew Hornſey, John Huggate, Thomas Heddon, John Hopper, Thomas Harriſon Clerk, Peter Johnſon, William Tuffnel Jolliff, John Jackſon, William Janſon, Thomas Kilvington LL. D. Henry Kilvington, Richard Kitchingman Clerk, Thomas Kitchingman, John Kitching, Charles Kitching, Thomas Kay Clerk, Edwin Laſcelles, Daniel Laſcelles, Edward Laſcelles, William Lawrence,

rence, William Law, Ralph Lodge, Thomas Lamplugh Clerk, George Laſcelles, Boynton Langley, Theophilus Lindſey Clerk, Samuel Lindſey, Edward Liſter, Edward Montagu, Bacon Morritt, John Sawrey Morritt, Chriſtopher Morritt, Thomas Mauliverer, John Milbank, Mark Milbank, William Martin, William Maſterman, Philemon March Clerk, Thomas Maſon, William Maſon Clerk, Precentor of York; Henry Moors, Thomas Marſitt junior, George Metcalfe, Bernard Metcalfe, Timothy Mortimer, Thomas Moon Clerk, Moiſes Clerk, Thomas Maude, Thomas Metcalfe Clerk, John Metcalfe, William Marwood, Thomas Morley, Richard Morley, William Norton, Fletcher Norton, Edward Norton, Captain William Norton, Thomas Nelſon Clerk, John Nesfield, John Noble Clerk, Fountayne Wentworth Oſbaldeſton, Henry Peirſe, Edward Place Clerk, Marwood Place Clerk, Edward Place Clerk, Dean of Middleham; Thomas Place of Green Hammerton, Lionel Place, Thomas Place of Middleham, John Pratt, James Pennyman, George Powlet, Edward Purchas, Robert Pigott Clerk, William Preſton, Samuel Peacock, William Peacock, William Preſt, Joſeph Pearſon, Chriſtopher Pickering, William Parker, Robert Piper Clerk, John Pulleyn, Thomas Robinſon, William Robinſon, Amos Robinſon, Roger Robinſon, John Robinſon, Matthew Robinſon, Thomas Raper, John Raper of Bedale, William Raper of Bedale, John Raper of York, John Raper of Sindersby, William Raper of Ainderby Quernhow, Cuthbert Redſhaw, Caleb Redſhaw, Henry Reveley, William Richardſon, M. D. Thomas Richardſon, John Read, Chriſtopher Rockliffe, John Raikes Clerk, George Raper, Thomas Robſon, Raper of Holme, William Rockliffe, James Shuttleworth, Thomas Stapleton, Miles Stapleton, Leonard Smelt, Simon Scroope, Turner Straubenzie, William Standiſh, Francis Smyth, Francis Smyth junior, John Strangwayes, Henry Strangwayes, John Stapleton Clerk, John Hall Stevenſon, William Stables, Thomas Swann of Bedale, Thomas Swann of York, John Swann, Thomas Salvin, Miles Staveley, Robert Shepherd, Francis Shipphard, Edward Squire, William Squire, Marmaduke Sedgſwick, Robert Strickland Clerk, Richard Seymour, George Stenny, Edmund Smith, William Turner, Charles Turner, Roger Talbot, John Thompſon, Henry Thompſon, Beilby Thompſon, Henry Thompſon, Edward Thompſon, Charles Tancred, Francis Topham LL.D. Edward Topham, Francis Thornborough, John Talbot Clerk, Francis Trapps, Henry Tennant, Robert Thiſtlethwaite

thwaite Clerk, John Tanfield, William Tindale, William Weddell, Charles Weddell, Thomas Weddell, Francis Wanley D.D. Dean of Ripon, Andrew Wilkinſon, Charles Wilkinſon, Andrew Wilkinſon junior, James Wilkinſon, Thomas Worſley, James Worſley Clerk, John Waſtell, Henry Waſtell Clerk, Childers Walbanke, John White, John Wynn Clerk, Robert Ward, John Weatherill, Thomas Stubbs Walker, John Warcupp Clerk, Iſaac Wilſon Clerk, Iſaac William, Captain Webſter, Robert Wenſley, William Wailes, John Winde Clerk, Williamſon Clerk, Chriſtopher Watſon, Alexander Whaley, John Watſon, William Whitelock, John Wardell, John Wright of Bolton, Daniel Watſon Clerk, William Whytehead, Thomas Wilkinſon, Thomas Yorke, John Yorke, Thomas Yorke junior, John Yarker, Luke Yarker, and the Dean of York for the time being, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Commiſſioners for putting in Execution this Act, and the Powers hereby given, ſo far as the ſame relates to the ſaid Navigation from the Junction of the ſaid Rivers Swale and Ure, up the ſaid River Swale to Morton Bridge, and up the ſaid Brook to Bedale aforeſaid; and for erecting, making, and maintaining Dams, Cuts, Locks, and Canals, in, upon, and over, or at the Side of the ſaid River Swale above the ſaid Junction to Morton Bridge, and in, upon, and over, or at the Side of the ſaid Brook; and for building the Toll-houſes and other Conveniencies near any ſuch Locks; and for making, compleating, and maintaining all ſuch other Works as may be neceſſary for improving the ſaid Navigation above the ſaid Junction.

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 reſpective Powers or Authorities hereby given to him or them (other than the Power of adminiſtering the Oath following to One another, which they hereby reſpectively have Power to adminiſter) ſhall take the following Oath; videlicet,

Commiſſioners Oath.

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 for making navigable the River *Ouze*, from below *Widdington Ings*, near *Linton*, to the Junction of the Rivers *Swale* and

and *Ure*; and for making navigable the ſaid River *Swale*, from the ſaid Junction to *Morton Bridge*; and alſo the Brook running from *Bedale* into the River *Swale*, in the County of *York*, ſo far as the ſame relates to the Navigation for which I am a Commiſſioner.

So help me GOD.

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

Qualification of Commiſſioners.

Provided always, and be it further enacted, That no Perſon or Perſons ſhall act as a Commiſſioner or Commiſſioners without having firſt taken the ſaid Oath; nor unleſs ſuch Commiſſioner or Commiſſioners ſhall be reſpectively ſeiſed of, or intitled, at the Time of ſuch Acting, to an Eſtate of Lands, Tenements, or Hereditaments, in Poſſeſſion for his own Life, or the Life of another Perſon, of the yearly Value of One hundred Pounds; or ſhall be Heir Apparent to ſome Perſon or Perſons having an Eſtate of the yearly Value of Three hundred Pounds; or be poſſeſſed of, or intitled to, a Perſonal Eſtate of the Value of Two thouſand 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 at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, or 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.

Penalty on acting if not qualified.

Commiſſioners not to act where intereſted.

Provided alſo, That no Commiſſioner ſhall act in any Caſe relating to the Purchaſe of any Lands, Tenements, or Hereditaments, or ſettling and adjuſting any Damages, where he ſhall be perſonally intereſted.

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 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.

Commissioners not to hold 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 of 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 or interested 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, &c. of Commissioners, 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, it shall and may be lawful for the remaining Commissioners, or any Seven or more of them respectively, by Writing under their Hands and Seals, to appoint One other Person in the room of such Commissioner so dying or refusing to act; 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, or in such other publick Manner as the said respective Commissioners, or any Five or more of them, shall direct or appoint, Ten Days at least before the Meeting for such Election.

First Meeting of the Commissioners.

And be it further enacted by the Authority aforesaid, That the Commissioners for the said Navigation from below Widdington Ings to the Junction of the Swale and Ure, or any Five or more of them, shall meet, on the Twenty first Day after the Day of the passing of this Act, at the George Inn, or some other Publick House, at Green Hammerton, and shall proceed to the Execution of this Act, so far as the same relates to the said Navigation; and the said Commissioners, or any Five or more of them, assembled at such First Meeting, shall and may then, and from time to time afterwards, adjourn and hold their Meetings at such Place and Places as shall be most convenient for putting in Execution the Powers of this Act, so far as the same relates to the said Navigation: And that the Commissioners for the said Navigation of the River Swale and Bedale Brook, or any Five or more of them, shall meet, on the Twenty eighth Day after the Day of the passing of this Act, at the

the Angel Inn, or ſome other Publick Houſe, in Topcliffe, and ſhall then proceed to the Execution of this Act; and the ſaid Commiſſioners, or any Five or more of them, aſſembled at ſuch Firſt Meeting, may then adjourn and hold their Second Meeting at Bedale, on ſuch Day, and at ſuch Houſe, as they ſhall appoint; and the ſaid Commiſſioners, or any Five or more of them, aſſembled at ſuch Second Meeting, may adjourn and hold their Third Meeting at Helperby, on ſuch Day, and at ſuch Houſe, as they ſhall appoint; and that the Commiſſioners, or any Five or more of them, may adjourn and hold their ſubſequent Meetings at ſuch Place or Places as they ſhall think proper for putting in Execution the Powers of this Act, ſo far as the ſame relates to the Navigation of the Swale and Bedale Brook, and ſo as no Three Meetings ſucceſſively be held at the ſame Place, unleſs it ſhould be thought neceſſary for inſpecting the Works whilſt they are carrying on for the Uſe of the ſaid Navigation: But if at any Time a ſufficient Number of Commiſſioners for the ſaid reſpective Navigations 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 Fortnight, and be held at the ſame Place where ſuch laſt Meeting was appointed to be held; but the Clerk or Treaſurer to the ſaid reſpective Commiſſioners ſhall, in ſuch Caſes where a ſufficient Number of Commiſſioners ſhall not attend and adjourn as aforeſaid, cauſe Notice thereof to be inſerted in a York News-Paper, Seven Days at leaſt, of the Time and Place of holding every ſuch Meeting where no ſuch Adjournment is made; and at all their Meetings the reſpective Commiſſioners ſhall bear and defray their own Expences; but that all other Charges and Expences they, or any of them, ſhall or may be put unto by executing the Powers veſted in them reſpectively by this Act, ſhall be paid to them, and they ſhall reſpectively be indemnified againſt the ſame by and out of the Monies ariſing from the ſaid reſpective Navigations by virtue of this Act; and that no Commiſſioner ſhall be hereby impowered to do any Act, Matter, or Thing, in the Execution of this Act, but at a publick Meeting to be held in purſuance thereof, or in conſequence of ſome Order or Orders made at ſuch Meeting.

Method of adjourning.

Commiſſioners to bear their own Expences.

And be it further enacted, That the ſaid reſpective Commiſſioners and their Succeſſors, or ſuch other Perſon or Perſons as ſhall be by them, or any Five or more of

Their Power.

of them, by Writing or Writings under their reſpective Hands and Seals, nominated or appointed their Agents, Officers, Workmen, and Servants, ſhall be, and are hereby authorized and impowered to make and keep navigable and paſſable for Keels, Boats, Barges, Lighters, and other Veſſels, the ſaid Rivers, Brook, Cuts, or Canals reſpectively; 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 the ſame, or made to communicate therewith; and to dig, cut, or raiſe the Banks of the ſaid reſpective Rivers, Brook, Cuts, or Canals, and of any other the Streams, Brooks, or Watercourſes aforeſaid, for bringing Water into the ſaid Rivers, Brook, Cuts, or Canals; and to make ſuch new Cuts or Canals, Trenches, or Paſſages for Water, in, upon, or through, the Lands or Grounds adjoining or near the ſaid Rivers, Brook, or ſuch Streams or Watercourſes as aforeſaid; and alſo to make ſuch Reſervoirs as ſhall be neceſſary for the more conveniently ſupplying the Locks and Cuts or Canals with Water, as the ſaid reſpective Commiſſioners, and their Succeſſors, or any Five or more of them, ſhall think proper, for effecting the Purpoſes aforeſaid, be it in or upon the Ground or Soil of the King's moſt Excellent Majeſty, His Heirs, or Succeſſors, or of any other Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate whatſoever: And alſo to dig up, cut, remove, and take away, all Trees, Roots, Beds of Gravel or Sand, or any other Obſtructions or Impediments whatſoever, which may any way hinder or prevent the ſaid intended Navigations reſpectively, either in ſailing, haling, or towing of Keels, Boats, Barges, Lighters, or Veſſels, with Men, Horſes, or otherwiſe; and alſo to build, erect, ſet up, and make over or in the ſaid Rivers, Brook, Streams, Cuts, Canals, Trenches, and Watercourſes, or upon the Lands adjoining or near to the ſame, or any of them, ſuch and ſo many Dams, Locks, Bridges, Sluices, Weirs, Pens for Water, Tunnels, Stanks, Quays, Winches, and other Engines, Poſts, and Stoops, Landing-places, and Weighing-beams, for the Purpoſe of making and preſerving the ſaid Navigation reſpectively, and other Works and Conveniencies, as and where the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think fit; and from time to time, as often as ſhall be proper and convenient, to alter, repair, increaſe, enlarge, and amend the ſame: And alſo to make, amend,

amend, widen, turn, alter, or enlarge, any Ways, Paſſages, or other Conveniencies, for the carrying and conveying of Goods, Commodities, or other Things, to or from the ſaid Rivers, Brooks, Streams, Cuts, Canals, Trenches, or Watercourſes; and alſo to carry and convey in, over, and upon, any Lands or Grounds, all Sorts of Materials for making, perfecting, improving, and finiſhing, the ſaid Works and Navigations reſpectively, and for altering, repairing, and maintaining the ſame; and alſo to lay, work, and manufacture, the ſaid Materials on the Ground near to the Place or Places where the ſaid Works, or any of them, ſhall or are intended to be made, erected, or done; and alſo to amend, alter, or heighten, any Bridge or Bridges, Cuts, and Watercourſes, as may any wiſe hinder or obſtruct the ſaid intended Navigations reſpectively; and alſo to get, dig, take, and carry away, Soil, Clay, Gravel, or Stone, and other Materials, proper, requiſite, and convenient, for making, carrying on, altering, and continuing, the ſaid Works and Undertakings, in or from any Ground of any Perſon or Perſons adjoining or lying contiguous to the ſaid Rivers, Brook, Streams, Cuts, or Watercourſes (not being at this Time the Ground whereon a Houſe ſtands, or Garden, Yard, Park, Orchard, Paddock, planted Walk, or Avenue to a Houſe); and alſo to make, ſet out, appoint, fence off, maintain, and keep, Towing-paths, Banks, and Ways, convenient for towing and drawing with Men, Horſes, or otherwiſe, of Keels, Boats, Barges, Lighters, and other Veſſels, paſſing through and upon the ſaid Rivers, Brook, Cuts, or Canals, hereby intended to be made navigable, as the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think convenient; and alſo to do and perform all other Works, Matters, and Things, which the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall judge neceſſary or proper for carrying on, completing, and maintaining, the ſaid intended Navigations reſpectively, and for executing the Purpoſes of this Act; and to make Contracts with any Perſon or Perſons for performing any of the Works, Matters, or Things, that ſhall be thought neceſſary in the Execution of this Act; they the ſaid reſpective Commiſſioners, and their Servants, Agents, and Workmen, doing as little Damage as may be to and upon the Premiſſes, and making Satisfaction in manner herein after-mentioned, to the Owners and Occupiers of, and Perſons intereſted in, any Mills, Wears, Lands, Tenements, or Hereditaments

taments reſpectively, for all Damages to be ſuſtained by the Owners or Occupiers of ſuch Mills, Wears, Lands, Tenements, or Hereditaments, Waters, Watercourſes, or Brooks reſpectively, as ſhall be taken, uſed, removed, diverted, or prejudiced, in or by the Execution of all or any the Powers of this Act.

For compleating *Linton* Lock with Diligence.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners for putting in Execution ſo much of this Act as relates to the Navigation from below Widdington Ings, to the Junction of the Swale and Ure, ſhall, and they, or any Five or more of them, are hereby directed and required to build and compleat, or cauſe to be built and compleated, the ſaid Dam, Lock, and other Works, at or near Linton, as ſoon as conveniently may be.

Dimenſions of the *Linton* Lock.

Provided always, That the ſaid Lock ſhall be made and completed in ſuch a Manner and of ſuch Dimenſions at the leaſt ſo as to be able to contain Keels, Boats, Barges, Lighters, or other Veſſels, of the Length of Sixty Feet, and Fifteen Feet Four Inches in Breadth, and which draw Four Feet Water.

For raiſing Water at *Milby Staith*, to a certain Height.

Provided always, and be it enacted by the Authority aforeſaid, That the Dam intended to be erected in or acroſs the River Ouze near Linton aforeſaid, together with certain moveable Boards propoſed to be placed on the Top thereof, ſhall be of ſuch Height as to raiſe the Water up the Ure at Milby Staith to the Height of One Foot Nine Inches above the natural Surface of the Water there in the driеſt Seaſons.

And, to the End that the true and juſt Performance of the ſame may not depend upon the Uncertainty of the Surface of the Water, which is ſubject to Variation in every Seaſon; it is hereby declared, That in caſe the ſaid Dam at Linton ſhall always in the driеſt Seaſons raiſe the Surface of the Water to the Height of Eight Inches above the upper Surface of the Sell or Ground Timber whereon the front Piles or Pillars of Milby Staith did ſtand the Twenty ninth Day of December, One thouſand ſeven hundred and ſixty ſix, then, and in that Caſe, it is hereby declared, that the ſaid Commiſſioners for putting in Execution this Act, from below Widdington Ings to the Junction of the Swale and Ure, have performed their Duty according to the true Intent and Meaning of this Act: And to the End that the ſaid fixed Meaſure may not be varied by any Alteration of the ſaid Sell or Ground Timber, the ſaid Commiſſioners, or any Five or more of them, ſhall, as ſoon as may be after the paſſing of this Act, fix down a

ſubſtantial

substantial Pillar of Stone, with a Mark upon the same at Eight Inches above the Level of the said Sell, in such Place and Manner as to be as little as possible liable to Injury, and as near to Milby Staith on the opposite Side of the River Ure as may be: And in case it shall appear to the said Commissioners that any material Alteration shall have been made or happened to alter the Level of the said Ground Timber since the said Twenty ninth Day of December, One thousand seven hundred and sixty six, before the said Commissioners, or any Five or more of them, shall have erected the said Stone, with a durable Mark as aforesaid; and in case the said Commissioners, or any Five or more of them, shall not be able to ascertain how much that Alteration has amounted to, so as to enable them to fix the said Mark agreeable to the said Timber at the Time above mentioned; then, and in that Case only, the said Mark shall be fixed at the Depth of Nine Feet and Ten Inches below the Crown of the Mill Dam over the River Ure at Boroughbridge.

Lands to 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 respective Commissioners, or any Five or more of them, their Agents, Officers, Servants, or 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 Rivers and Brook, and in or through which the said Dams, Locks, Weirs, Cuts, or Canals, 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 respective Commissioners, or any Five or more of them, shall think necessary or proper for the making such Dams, Locks, Weirs, Cuts, or Canals, Ways, Paths, and Passages, and improving and extending the Navigation of the said respective Rivers, Brook, Cuts, or Canals, 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.

Towing Paths not to be made through the Gardens or Plantations at *Myton* or *Newby*.

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 appoint or make

use of any Towing-path, for towing, haling, or drawing, of Boats or Vessels by or through the Gardens or Plantations of Sir Brian Stapylton Baronet, at Myton, or by or through the Gardens or Plantations of Sir William Robinson Baronet, at Newby, on those Sides of the said River Swale where their Mansion houses do respectively stand.

Boatmen, &c. restrained from mooring against *Myton* or *Newby*.

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 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, 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 Brian Stapylton, at Myton, on that Side of the River Swale where his Mansion house now stands, or 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 William Robinson, at Newby, on that Side of the River where the Mansion-house of the said Sir William Robinson now stands; 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 that Side of the same River where the said Mansion-houses respectively stand, without the Consent of the Owner or Owners, or Occupier or Occupiers of the said Gardens or Plantations respectively, but so as not to prejudice the Navigation to be made by virtue of this Act: 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 credible 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 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

ers or Occupiers of the Gardens or Plantations 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 like Manner as Damages for wilful Treſpaſſes are recovered according to the Laws of this Realm; and if found guilty, or Judgement ſhall be againſt him or them upon Demurrer, or by Default, the Plaintiff or Plaintiffs ſhall not only recover his or their Damages thereby ſuſtained, but alſo Coſts of Suit.

Commiſſioners impowered to purchaſe Lands, and incapacitated Perſons to treat.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners, or any Seven or more of them, ſhall be and are hereby impowered to agree with the Owners or Proprietors of, or Perſons intereſted in, any Meſſuages, Mills, Weirs, Lands, Tenements, or Hereditaments, which they the ſaid reſpective Commiſſioners, or any Seven or more of them, ſhall judge neceſſary or proper to be cut, digged, altered, removed, or uſed, for the Purpoſes of the reſpective Navigations intended by this Act: And it ſhall and may be lawful for all Bodies Politick, 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 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 Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Meſſuages, Mills, Weirs, Lands, Tenements, or Hereditaments, either to demiſe or leaſe the ſame, or any Part thereof, for any Term or Number of Years, at a certain yearly Rent, or otherwiſe to contract for, ſell, and convey, unto the ſaid reſpective Commiſſioners, or any Seven or more of them, or to ſuch other Perſon or Perſons as the ſaid reſpective Commiſſioners, or any Seven or more of them, ſhall nominate or appoint, all or any Part of ſuch Meſſuages, Mills, Weirs, Lands, Tenements, or Hereditaments; and

where, by making the ſaid Dams, Locks, Cuts, or Canals, Ways, Paths, and Paſſages, or any of them, the Property of any Land Owner or Land Owners ſhall be ſeparated, ſo as to render the Occupation thereof inconvenient, it ſhall and may be lawful to and for ſuch Bodies Politick, Corporate, and Collegiate, and other ſuch Land Owners, 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 ſell and diſpoſe of, or to convey in Exchange in lieu of other Lands, all or any Part of ſuch Meſſuages, Mills, Lands, Tenements, or Hereditaments, through or near which the ſaid intended Dams, Locks, Cuts, or Canals, Ways, Paths, Paſſages, or other Works, or any of them, ſhall be made, to the ſaid reſpective Commiſſioners, or any Seven or more of them, or to any Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or other Equivalent, as the ſaid reſpective Commiſſioners, or any Seven or more of them, ſhall eſteem reaſonable; and alſo it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them reſpectively, or ſuch other Perſon or Perſons to whom ſuch Conveyance ſhall by any Writing or Writings to be by them in like Manner ſealed and delivered, to ſell and diſpoſe of, or to convey in Exchange, all or any Part of ſuch Meſſuages, Mills, Lands, Tenements, or Hereditaments, which they may purchaſe as aforeſaid; 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 Politick, Corporate, and Collegiate, and all Perſons whomſoever, ſo conveying or exchanging as aforeſaid, are hereby indemnified for what he, ſhe, or they, or any of them, ſhall reſpectively do by virtue or in purſuance of this Act; and that all ſuch Contracts, Agreements, Bargains, Sales, Leaſes, 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 reſpective Tolls and Duties herein after mentioned, or out of the Monies which ſhall be borrowed upon the Credit thereof reſpectively, be inrolled in the publick Regiſter Office kept at North Allerton, for regiſtering Deeds and Conveyances for the North Riding of the ſaid County; and true Copies thereof ſhall be allowed to be good Evidence in all Courts whatſoever; for which Inrollment and Copies,

the Regiſter of the ſaid Office ſhall have and receive the Sum of Two Pence for every Seventy two Words, and ſo in Proportion for a greater or leſſer Number of Words, and no more; and for every Inſpection or Peruſal thereof, One Shilling, and no more.

Concerning *Topcliffe* Mill.

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 the ſaid Commiſſioners for putting in Execution this Act, ſo far as the ſame relates to the Navigation of the River Swale and Bedale Brook, to remove a certain Mill or Dam belonging to the Right Honourable the Earl of Egremont, ſituate within the Manor of Topcliffe, without the Conſent of the ſaid Earl of Egremont, his Guardian or Guardians, Heirs or Aſſigns, firſt had in Writing; but in caſe the ſaid Commiſſioners, or any Seven or more of them, ſhall (firſt having had ſuch Conſent as aforeſaid) think it more adviſable at any Time to erect and build a Lock and Dam in any other Place within the Manor of Topcliffe than where the ſaid Dam now ſtands, then and in that Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authorized and impowered, if they think fit, and firſt having ſuch Conſent from the ſaid Earl of Egremont, his Guardian or Guardians, Heirs or Aſſigns, to purchaſe ſuch Quantity of Land and Ground as will be ſufficient for the ſaid Lock or Dam; and alſo for the Purpoſe of erecting a convenient and commodious Mill in the room of ſuch Mills ſo to be removed, and to ſell and convey ſuch Land and Ground as ſhall be neceſſary for the Purpoſe of erecting ſuch new Mill to the ſaid Earl of Egremont, his Guardian or Guardians, Heirs or Aſſigns, in ſuch and the ſame Manner, and under the ſame Powers and Authorities, as are in and by this Act given to the ſaid Commiſſioners for the Purchaſe of Lands and Grounds, or Sale thereof; and the ſaid Earl of Egremont, his Guardian or Guardians, Heirs or Aſſigns, ſhall have the ſame Powers and Authority, Privileges and Advantages, of working and enjoying the ſaid Mill ſo removed, as he or they is or are now poſſeſſed of and enjoy in the ſaid Mills called Topcliffe; any thing to the contrary thereof in any wiſe notwithſtanding; and that in caſe of any ſuch Removal, no other Mill ſhall at any Time after be built upon or within the Piece of Ground where the ſaid Topcliffe Mills now ſtand, on any Account or Pretence whatſoever.

Provided

Provided alſo, That the ſaid Commiſſioners, in caſe the ſaid Will and Dam be not removed as aforeſaid, ſhall not in any ways prejudice or damage the ſaid Will by any Works to be erected in purſuance of this Act; and in caſe any Prejudice or Damage ſhall be done to the ſaid Will, and the Commiſſioners ſhall not make Compenſation for ſuch Damage to the Satisfaction of the ſaid Earl of Egremont, his Guardian or Guardians, Heirs or Aſſigns, ſuch Damage and Compenſation ſhall be aſcertained by a Jury, to be impanelled, ſummoned, and returned, in the Manner directed by this Act; and ſuch Compenſation, when ſo aſcertained, ſhall and may be recovered of the ſaid Commiſſioners, or their Treaſurer, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter.

Reſervation of Rights.

Provided always, and be it enacted by the Authority aforeſaid, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands or Tenements, 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 Manors reſpectively; and ſhall remain and continue ſubject to ſuch and the ſame Fines, Rents, and Services, as are due and payable, or of Right accuſtomed, in ſuch and the ſame Manner as if this Act had not been made.

Upon Refuſal to treat,

And be it further enacted, That if ſuch Bodies Politick, Corporate, or Collegiate, Truſtee or Truſtees, 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 Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of ſuch Meſſuages, Mills, Lands, Tenements, or Hereditaments, intended to be cut, digged up, altered, removed, or uſed as aforeſaid, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid reſpective Commiſſioners, or any Seven or more of them, or by reaſon of Abſence or any other Impediment ſhall be prevented from treating touching the Matters 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 reſpective Commiſſioners, or any Seven or more of them, ſhall

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 reſpective Commiſſioners, either by Annual Rent or Payment, or by a Sum of Money in Groſs, to ſuch Bodies Politick, Corporate, or Collegiate, Truſtee or Truſtees, Perſon or Perſons reſpectively who ſhall be intitled or intereſted as aforeſaid, for the abſolute Purchaſe of the Meſſuages, Mills, Lands, or Grounds, which ſhall be ſet out and aſcertained as aforeſaid for making the ſaid Cuts or Canals, Dams, Locks, Ways, Paths, Paſſages, Sluices, 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 any Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, being Owners of, or intereſted in, any Meſſuages, Mills, Weirs, Lands, Grounds, Tenements, or Hereditaments, for or by reaſon of the making, repairing, or maintaining, the ſaid Cuts or Canals, Dams, Locks, Trenches, 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 and through the Banks of the ſaid Rivers, Brook, 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 Rivers, Brook, 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 reſpectively: And if any ſuch Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons, ſo intereſted as aforeſaid, for and on his, her, or their Part or Parts, ſhall be diſſatisfied with any Determination of the ſaid reſpective Commiſſioners, or any Seven or more of them, which ſhall be made as aforeſaid, and ſhall refuſe to receive ſuch Purchaſe-money, or any 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 Bodies Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or

Commiſſioners to adjuſt how much ſhall be paid for Damages.

If Parties refuſe to ſubmit to, or are diſſatisfied with, the Determination of Commiſſioners,

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 Messuages, Mills, Lands, or Grounds, for the Space of Twenty Days next after such Notice; then, and in every such Case, the said Commissioners, or any Seven or more of them, shall, and they are hereby respectively 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 impanel, 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 respective Commissioners, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Ten nor more than Twenty Days after such Warrant shall be served upon such 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 be speedily 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 Seven or more of them, are hereby respectively 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 Seven or more of them, may respectively order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter in Question; which Jury (upon their Oaths, to be administered by the said Commissioners, or any Two or more of them, and which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Two or more of them, are hereby respectively impowered to administer) shall enquire of, assess, and ascertain, the Sum or Sums of Money, or annual Rent, to be

Commissioners may issue their Warrant to Sheriff, &c. to impanel a Jury.

Jurors may be challenged.

Witnesses may be summoned, and examined upon Oath.

be paid for the Purchaſe of ſuch Meſſuages, Mills, Lands, or Grounds, or the Recompence to be made for the Damages that may or ſhall be ſuſtained as aforeſaid; and the ſaid Commiſſioners, or any Seven or more of them, ſhall reſpectively give Judgement for ſuch Purchaſe-monies, Rent, or Recompence, to be aſſeſſed by the ſaid Jury; which ſaid Verdict, and Judgement thereupon pronounced by the ſaid Commiſſioners, or any Seven or more of them, and the Value or Recompence ſo aſſeſſed (Notice in Writing being firſt given of their Meeting, at leaſt Six Days before ſuch Meeting, to the Parties concerned, or left at their Dwelling-houſes or uſual Places of Abode, or with the Tenant or Occupier of the Premiſſes at his or her uſual Place of Abode) ſhall be binding and concluſive to all Intents and Purpoſes, againſt the King's Majeſty, His Heirs, and Succeſſors, and againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever. Verdict of the Jury to be final.

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, for every ſuch Offence, ſhall forfeit the Sum of Five 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 Seven 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 Commiſſioners, or any Seven or more of them reſpectively, 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 Charges of ſuch Diſtreſs and Sale ſhall be deducted. Penalty on Default of Sheriff, &c.

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 or Satisfaction for any Lands, Grounds, or Hereditaments, or for any Damage to be done to any Mills, Weirs, Lands, Hereditaments, Expences of the Jury how to be borne.

reditaments, or Property of any Perſon or Perſons whatſoever, than had been previouſly determined and adjuſted as aforeſaid, and offered by and on Behalf of the ſaid reſpective Commiſſioners, or any Seven 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 Seven or more of them reſpectively, and paid by the Perſon or Perſons with whom the ſaid Commiſſioners, or any Seven or more of them reſpectively, ſhall have ſuch Controverſy or Diſpute.

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

Provided alſo, and be it enacted by the Authority aforeſaid, That all and every Perſon or 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 Bond, with Two ſufficient Sureties, to the Treaſurer to the ſaid Commiſſioners reſpectively 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 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 Seven or more of them reſpectively, 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, unleſs Application in Writing hath been, or ſhall be, made in relation thereto, by or on Behalf of ſuch Perſon or Perſons, to the reſpective Commiſſioners, or any Five of them, or to the Clerk or Treaſurer, within the Space of Three 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.

Penalties 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 reſpective Commiſſioners, or any of them, or any Juſtice or Juſtices of the Peace, ſhall and may be proſecuted for the ſame, and upon Conviction

viction 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.

Bodies Politick, &c. to have Satisfaction for future Damages.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, at any Time after the ſaid reſpective Commiſſioners, or any Perſon or Perſons employed or authorized by them, ſhall have begun to carry this Act into Execution for making the ſaid Rivers and Brook navigable, or ſhall have completed the ſame, ſhall happen to ſuſtain any Damages or Injury in his, her, or their Lands, Grounds, Mills, Weirs, Bridges, or Premiſſes, for which they ſhall have had no Recompence or Satisfaction, by any Act, Neglect, or Default, of the ſaid reſpective Commiſſioners, or of their Agents, Workmen, or Servants, or by reaſon of any Alteration which ſhall be made by them reſpectively on the ſaid Rivers, Cuts, Canals, or Works to be made by virtue of this Act; then, and in every ſuch Caſe, if the ſaid Commiſſioners, or any Seven or more of them reſpectively, and the Parties by whom ſuch Damages ſhall have been ſuſtained, ſhall not agree touching ſuch Damages, the reſpective Commiſſioners, or any Seven or more of them, ſhall inquire of and aſcertain ſuch Damages by a Jury to be impanelled and returned as aforeſaid, and give Judgement for the Party or Parties aggrieved, and record the ſame accordingly, in the very ſame Manner and Form, as the Damages and Recompences are hereby appointed to be aſſeſſed and adjudged for any Lands, Tenements, Hereditaments, Mills, Weirs, and Premiſſes, which ſhall be in any wiſe made uſe of, cut, or damnified, in making navigable the ſaid Rivers or Brook.

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 reſpective Commiſſioners, or any Seven or more of them, or aſſeſſed by ſuch Juries in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Meſſuages, Mills, 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 Politick, Corporate, or Collegiate, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed; or if he, ſhe, or they, cannot be

found, or ſhall refuſe to accept ſuch Money or Rent, then, upon Payment thereof, from time to time, to the Treaſurers of the ſaid Navigations reſpectively, or for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Proprietors or Perſons reſpectively intereſted as aforeſaid; then, and in ſuch Caſe, ſuch Meſſuages, Mills, Lands, and Grounds reſpectively, and the Fee-ſimple and Inheritance thereof, ſhall from thenceforth be veſted in, and become the ſole Property of, the ſaid Commiſſioners reſpectively, and their Succeſſors, to be applied or diſpoſed of for the Uſe or on the Account of the ſaid reſpective Navigations, but to or for no other Uſe or Purpoſe whatſoever: And it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners, their Agents, Workmen, and Servants, or any of them, immediately to enter upon the ſame, and to dig, cut, trench, 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 Rivers, Brook, Cuts, or Canals, Roads, Ways, Paths, 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 reſpective Navigations, and for the ſupporting and maintaining the ſame, as the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think requiſite, and to have, uſe, and enjoy the ſame, for the reſpective Purpoſes of the ſaid Navigations; and this Act ſhall be ſufficient to indemnify the ſaid reſpective Commiſſioners, and their Servants, Agents, and Workmen, for what they, or any of them, ſhall do by virtue of the Powers hereby granted.

Certain Damages not to be ſettled till the Works are finiſhed.

Provided always nevertheleſs, That as for and concerning all ſuch Damages, as ſhall be done by getting, leading, laying, or working any of the Materials to be from time to time made uſe of for the ſaid reſpective Navigations, the ſame ſhall be aſcertained and ſettled in Manner aforeſaid, and ſhall be paid as ſoon as conveniently may be after the finiſhing the Works for which ſuch Damages ſhall be occaſioned; any thing in this Act contained to the contrary thereof notwithſtanding.

Verdicts, &c. to be recorded by the Clerks of the Peace.

And be it further enacted by the Authority aforeſaid, That the ſaid Verdict or Verdicts, and Judgement or Judgements, being firſt ſigned by Seven or more of the Commiſſioners reſpectively, who ſhall be preſent at the

taking of ſuch Verdict or Verdicts, and pronouncing ſuch Judgement or Judgements reſpectively, ſhall be inrolled in the publick Regiſter Office kept at North Allerton, for regiſtering Deeds and other Conveyances for the North Riding of the County of York, or Liberty of Saint Peter of York reſpectively, as the Caſe ſhall require, and ſhall be deemed to be Records to all Intents and Purpoſes; and the ſame or true Copies thereof ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame at all convenient Times, paying for each Inſpection the Sum of One Shilling; and to take Copies thereof, paying for every Copy, not exceeding Seventy two Words, the Sum of Two Pence, and ſo in Proportion for a greater or leſſer Number of Words; and immediately on ſuch Payment, and Entry of ſuch Judgements, Sentences, Decrees, Orders, and other Proceedings, of ſuch of the ſaid reſpective 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 Meſſuages, Mills, Lands, Tenements, Hereditaments, and Premiſſes, ſhall veſt in the ſaid Commiſſioners reſpectively, and their Succeſſors; and they ſhall be deemed in Law to be in the actual Seiſin and Poſſeſſion thereof, to all Intents and Purpoſes whatſoever, as fully and effectually, as if every Perſon having an Eſtate in the Premiſſes had actually conveyed the ſame to them by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment with Livery and Seiſin, Fine and Recovery, or any other legal Conveyance whatſoever; and ſuch Payment 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, as effectually as a Fine and Recovery, or either of them, would do, if levied or ſuffered by the proper Parties, in due Form of Law.

How the Purchaſe-money for particular Lands is to be paid.

And be it further enacted by the Authority aforeſaid, That all Sums of Money which are to be paid to all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or

or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Ideots, Femes Covert, 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 Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees, Perſon or Perſons ſeiſed of Lands 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 Politick, 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 Meſſuages, 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 to any ſuch Uſes as ſhall be then exiſting and capable of taking Effect; the Expence 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 reſpective Commiſſioners, or any Seven 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 publick 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 reſpectively, or any Seven or more of them; and the Intereſt ariſing or to be produced from ſuch Funds or Securities, and alſo the annual Rent for ſuch Grounds, Tenements, or Hereditaments, where a Rent ſhall be fixed upon as aforeſaid, ſhall be a Rent-charge upon the reſpective Tolls and Duties hereby authorized to be taken by the ſaid reſpective Commiſſioners, or any Seven or more of them, and ſhall be paid to ſuch Perſon or Perſons reſpectively as would for the time being

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 ſettle the Proportion of the Money amongſt the Perſons intereſted.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, may, and are hereby reſpectively 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.

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 reſpective Commiſſioners, or any Seven 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 reſpective Commiſſioners, or any Seven 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.

Mortgagees to give Receipts.

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 of Time.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall, and they are hereby reſpectively 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 reſpective Tolls and Duties hereby impoſed, in Order and Courſe reſpectively, as ſuch Determinations ſhall be in Priority of Time.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners for putting in Execution ſo much of this Act as relates to the Navigation from below Widdington Ings to the Junction of Swale and Ure, or ſuch Perſon or Perſons as they, or any Seven 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, at the ſaid Lock, any Sum or Sums of Money as ſhall from time to time be aſcertained by the ſaid Commiſſioners, or any Seven or more of them, not exceeding the ſeveral Tolls, Rates, and Duties herein after mentioned; that is to ſay,

The Tolls at *Linton* Lock.

For every Ton of Coals, Cinders, Lime, and Lime Stone, Stone, Gravel, and Manure, carried and conveyed upon the ſaid River, Cuts, or Canals, from below Widdington Ings to the Junction of the Ure and Swale, the Sum of Four Pence; and ſo in Proportion for any greater or leſs Quantity than a Ton.

And for every Ton of Butter, or other Goods, Wares, Merchandizes, and Commodities, carried and conveyed upon the ſaid River, Cuts, or Canals, the Sum of Nine Pence; and ſo in Proportion for any greater or leſs Quantity than a Ton.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners for executing this Act, ſo far as the ſame relates to the Navigation of the ſaid River Swale and Bedale Brook, or ſuch Perſon or Perſons as they, or any Seven 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 from time to time be aſcertained by the ſaid Commiſſioners, or any Seven or more of them, not exceeding the ſeveral Tolls, Rates, and Duties herein after-mentioned; that is to ſay,

The Tolls on the *Swale* and *Bedale* Brook

For every Ton of Coals, Cinders, Lime, and Lime Stone, or other Stone, Slate, Gravel, or Manure,

carried or conveyed upon the ſaid River Swale, Brook, Cuts, or Canals, from the Junction of the Swale and Ure to Bedale, or from Bedale to the Junction of the Swale and Ure, the Sum of One Shilling and Ten Pence Halfpenny; and ſo in Proportion for a greater or leſs Quantity than a Ton.

And for every Ton of Butter, and all other Goods, Wares, Merchandizes, and Commodities whatſoever, not before ſpecified, carried or conveyed upon the ſaid River, Brook, Cuts, or Canals aforeſaid, for the whole Space or Diſtance aforeſaid, the Sum of Three Shillings and Nine Pence; and ſo in Proportion for a greater or leſs Quantity than a Ton.

And for every Ton of Coals, Lime, Cinders, Lime Stone, or other Stone, Slate, Gravel, or Manure, Goods, Wares, Merchandizes, and Commodities, carried or conveyed in or upon the ſaid River, Brook, Cuts, or Canals, for any leſs Space or Diſtance than as aforeſaid, any Sum or Sums not exceeding ſuch Proportion of the ſaid Tolls, Rates, and Duties, as ſuch Space or Diſtance ſhall bear to the ſaid Diſtance from the Junction of the Swale and Ure to Bedale, to be ſettled by the ſaid Commiſſioners, or any Seven or more of them.

Tolls to be levied by Diſtreſs and Sale.

And in caſe of Neglect, or Denial of Payment, on Demand, of ſuch Tolls, Rates, or Duties, the Collector or Collectors appointed by virtue of this Act, is and are hereby authorized and required to ſtop and detain any of the Goods, Wares, Merchandizes, and Commodities, or the Keels, Boats, or Veſſels, conveying the ſame; and in caſe ſuch Tolls ſhall not be paid within Five Days next after ſuch Detention made, it ſhall be lawful for the Collector or Collectors to ſell and diſpoſe of ſuch Goods, Wares, Merchandizes, Commodities, Keels, Boats, or Veſſels, rendering the Overplus (if any) to the Owners, after ſuch Tolls, Rates, and Duties, ſhall be ſatisfied and paid, together with all Charges in obtaining the ſame.

Allowing the *Swale* and *Bedale* Brook Commiſſioners to alter the Tolls.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners for the River Swale and Bedale Brook, or any Nine or more of them, aſſembled at any publick Meeting to be held for that Purpoſe, Fourteen Days Notice being firſt given of any Meeting for ſuch Purpoſe, in ſome or One of the publick News Papers printed at York; and alſo in ſome or One of the publick News-papers printed in the Town of Newcaſtle upon Tyne, and they are hereby authorized and impowered,

powered, if they ſhall ſee Occaſion, by Writing under their Hands and Seals, from time to time to vary, alter, and proportion, the Tolls to be paid for Goods carried or conveyed upon the ſaid River, Brook, Cuts, and Canals aforeſaid, or any Part thereof; and to order and direct ſuch Tolls, Rates, and Duties, to be paid at ſuch Places, and in ſuch Proportions, as they, or any Nine or more of them, ſhall judge moſt proper and convenient for the ſaid Navigation; provided that ſuch Tolls, Rates, and Duties, ſo varied, altered, and proportioned, do not exceed the Tolls, Rates, and Duties, hereby granted for the ſaid Navigation of the River Swale and Bedale Brook; and the ſaid Tolls, Rates, and Duties, ſo varied, altered, and proportioned, ſhall be demanded, recovered, received, and applied, in ſuch Manner as the Tolls, Rates, and Duties, are hereby directed to be demanded, recovered, received, and applied.

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 reſpective Commiſſioners, or any Nine or more of them, at any Time or Times, at a publick Meeting of the ſaid reſpective Commiſſioners to be held for that Purpoſe, to reduce or leſſen the ſaid reſpective Tolls, Rates, or Duties, hereby granted on each Navigation reſpectively, ſo as ſuch Reduction be with the Conſent of ſuch Perſon or Perſons who ſhall have advanced Two Thirds of the Money on the Credit of the ſaid Tolls, Rates, and Duties, or of the Perſon or Perſons who ſhall be intitled to Two Thirds of the Money thereby ſecured at the Time of ſuch Reduction; and afterwards, from time to time, to advance all or any of the ſaid Tolls, Rates, or Duties, ſo reduced or leſſened reſpectively, ſo as the ſame do not exceed the ſeveral and reſpective Tolls, Rates, and Duties, herein before granted; and that the ſaid Tolls, Rates, and Duties, ſo reduced and raiſed in Manner aforeſaid, ſhall be demanded, recovered, received, and applied, in ſuch Manner as the Tolls, Rates, and Duties, are hereby directed to be demanded, recovered, received, and applied.

Proviſo as to Goods for the Uſe of the Navigation.

Provided always, and it is hereby enacted, That no Tonage, 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, or other Works, for perfecting the ſaid

said Navigations respectively, or any Part thereof, or for Boats out upon Pleasure only.

Application of Tolls.

And be it further enacted by the Authority aforesaid, That all such Tolls, Rates, and Duties, are hereby vested in the said Commissioners respectively; 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, in discharging the Expences and Charges preparatory to and in the obtaining and passing of this Act; of which said Expences there shall be laid upon the Navigation from below Widdington Ings to the Junction of the Swale and Ure, as the Sum of Three thousand three hundred eighty three Pounds, and Five Shillings, bears to the Sum of Thirty two thousand five hundred forty three Pounds, and Nine Shillings; and afterwards shall be respectively applied for and towards improving, extending, making, continuing, compleating, and maintaining, the said respective Navigations, and carrying this Act, and the several Powers, Authorities, and Provisions, herein contained, into effectual Execution; and for and towards discharging and paying off the Principal Monies to be borrowed on the Credit of the respective Navigations, and the Interest thereof, from time to time, as the said respective Commissioners, or any Seven or more of them, shall think proper.

Officers may be appointed.

And be it further enacted by the Authority aforesaid, That the said respective Commissioners, or any Seven 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 on each respective Navigation; and also a Treasurer or Treasurers to receive all Monies arising by virtue of this Act respectively (such Treasurers and Collectors giving Security to the Satisfaction of the said respective Commissioners, or any Seven or more of them, for the due Execution of their respective Offices) and such Collector or 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 respectively collected or received, into the Hands of the said Treasurer or Treasurers of the respective Commissioners, at such Times, and in such Manner, as the said respective Commissioners, or any Seven or more of them, shall direct and appoint: And the said respective Commissioners, or any Seven or more of them, may also

appoint a Clerk or Clerks, and ſuch other Officers as they reſpectively ſhall think fit to employ in the Execution of this Act; and may allow to ſuch reſpective Treaſurers, Collectors, Clerks, and other Officers, ſuch Salaries or Recompence out of the Monies to be raiſed by virtue of this Act reſpectively, as they the ſaid reſpective Commiſſioners, or any Seven 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 reſpective Commiſſioners, or any Seven or more of them: And that the ſaid reſpective Commiſſioners, or any Seven 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 Two or more of the ſaid Commiſſioners are hereby reſpectively impowered to adminiſter) all or any of the ſaid reſpective Treaſurers, Collectors, Clerks, and all other Officers and Perſons employed in, or intruſted with, the Receipt or Expenditure of any of the Monies to be raiſed by virtue of this Act; and every Treaſurer, Collector, Clerk, and other Officer and Perſon employed or intruſted as aforeſaid, is hereby required to render to the ſaid reſpective Commiſſioners, or any Seven or more of them, a true, exact, and perfect Account, in Writing, Once at leaſt in every Year, and at ſuch and ſo many other intermediate Times, as the ſaid Commiſſioners, or any Seven or more of them, ſhall appoint, of all and every Sum and Sums of Money ſo by him reſpectively received or expended as aforeſaid: And in caſe any of ſuch reſpective 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 Balance of ſuch Account, according to the Orders and Directions of the ſaid reſpective Commiſſioners, or any Seven or more of them; it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the Riding, Liberty, or Place, as the Caſe ſhall be, by Warrant or Warrants under his or their Hands and Seals, to levy, 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 Balance 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 ſufficient Diſtreſs, by Warrant or Warrants under their Hands and Seals, to commit ſuch Perſon

who are to account.

or Perſons to the Common Gaol for 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, her, or their Hands, to the ſaid reſpective Commiſſioners, or any Seven or more of them, or according to their Appointment, or ſhall have compounded for the ſame with the ſaid reſpective Commiſſioners, or any Seven or more of them, and paid ſuch Compoſition-monies to the ſaid reſpective Commiſſioners, or any Seven or more of them, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint; which Compoſition the ſaid Commiſſioners, or any Seven or more of them, at any Meeting aſſembled, are hereby reſpectively impowered to make; or ſuch Commiſſioners, or any Seven 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 Officers reſpectively.

For borrowing Money for the *Linton* Lock.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners for executing this Act, ſo far as the ſame relates to the ſaid Navigation below Widdington Ings, to the Junction of the Swale and Ure, or any Seven or more of them, at any Meeting to be held in purſuance of this Act (Notice being firſt given of the Intention of ſuch Meeting in a York News Paper, Fourteen Days before ſuch Meeting) from time to time, to borrow and take up any Sum or Sums of Money on the Credit of the Tolls, Rates, and Duties, ariſing on the ſaid Navigation; and for that Purpoſe to aſſign over the ſaid Tolls, Rates, and Duties, ariſing from the ſaid Navigation, or any Part thereof (the Coſts and 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, 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:

The Aſſignment of the *Linton* Lock.

BY virtue of an Act for making navigable the River *Ouze*, from below *Widdington Ings*, near *Linton*, to the Junction of the Rivers *Swale* and *Ure*; and for making navigable the ſaid River *Swale*, from the ſaid Junction to *Morton Bridge*, and alſo the Brook running from *Bedale* into the ſaid River *Swale*, in the County of *York*; We, Seven of the Commiſſioners appointed to put in Execution ſo much of the ſaid Act as relates to the Navigation from below *Widdington Ings*, to the Junction of the *Swale* and *Ure*, 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 Navigation, as the ſaid 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

The borrowing Money for the *Swale* and *Bedale* Brook.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Commiſſioners, appointed to put in Execution ſo much of this Act as relates to the ſaid Navigation of the River Swale and Bedale Brook, or any Seven or more of them, at any Meeting to be held in purſuance of this Act (Notice being firſt given of the Intention of ſuch Meeting in a York News Paper Fourteen Days before ſuch Meeting) from time to time, to borrow and take up any Sum or Sums of Money on the Credit of the Tolls, Rates, and Duties, ariſing on the ſaid Navigation, and to aſſign over the Tolls, Rates, and Duties, ariſing from the Navigation of the ſaid River and Brook, by virtue of this Act, or any Part thereof (the Coſts and 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, 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

BY virtue of an Act for making navigable the River *Ouze*, from below *Widdington Ings*, near *Linton*, to the Junction of the River *Swale* and *Ure*; and for making navigable the ſaid River *Swale*, from the ſaid Junction to *Morton Bridge*; and alſo the Brook running from *Bedale* into the River *Swale*, in the County of *York*; We, Seven of the Commiſſioners appointed to put in Execution ſo much of the ſaid Act as relates to the Navigation of the River *Swale* and *Bedale Brook*, 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, from the ſaid Navigation up the ſaid Junction, as the ſaid 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

Form of Aſſignment.

And all and every Perſon or Perſons, to whom the ſaid reſpective Commiſſioners, or any Seven 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 by virtue of this Act, between the Times of advancing the ſaid Money and compleating the Works of the ſaid Navigations reſpectively, and from and after the ſame ſhall be ſo compleated, ſhall be equally intitled to their Proportions of the ſaid reſpective Tolls, Rates, and Duties, ariſing from the reſpective Navigations, according to the reſpective Sums in ſuch Aſſignments reſpectively mentioned to be advanced, to ſecure the Re-payment thereof with Intereſt as aforeſaid, without any Preference by reaſon of Priority of Aſſignment; and the Money ſo borrowed ſhall be applied in ſuch Manner as the Tolls, Rates, and Duties, are in and by this Act 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 the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid reſpective 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 Aſſignments ſhall be made as

Application of Money to be borrowed.

Aſſignments may be tranſferred.

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:

I Do transfer the within 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 reſpective Book or Books to be kept for the entering the Memorial of the ſaid reſpective original Aſſignments; for which the ſaid reſpective Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum as the ſaid reſpective Commiſſioners, or any Seven 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 Aſſignment, to make void, releaſe, or diſcharge, the ſame, or any Monies thereby due, or any Part thereof.

Aſſignments to be entered in a Book.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners, or any Nine or more of them, if they ſhall think it more adviſeable, to treat, contract, and agree, with any Perſon or Perſons, for the Purchaſe of an Annuity for Life, ſo as the Rate or Rates for any ſuch Annuity or Annuities for the ſingle Life of any One Perſon, do not exceed Seven Pounds per Centum per Annum, and proportionably for any greater or leſſer Sum; ſuch Annuity or Annuities to be charged on the ſaid reſpective Tolls, Rates, and Duties.

For borrowing Money on Annuities for Life.

And

And it is hereby further enacted and declared by the Authority aforeſaid, That if any Collector or Receiver of the Rates and Duties granted or made payable by this Act, ſhall at any Time or Times, directly or indirectly aſk, demand, or receive Tolls or Duties of or for any Goods, Wares, Merchandizes, or any other Things, any Sum or Sums of Money whatſoever, over and above the Rates and Duties herein before mentioned, or that ſhall be aſcertained by the ſaid reſpective Commiſſioners, or any Seven or more of them, to be received; every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Twenty Pounds, to be recovered by the Party aggrieved, or any other Perſon that will inform or ſue for the ſame. Penalty on Collectors, &c. demanding more than preſcribed.

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 Keel, Boat, Barge, Lighter, or other Veſſel, through any Lock upon the ſaid Rivers, Brook, Cuts, or Canals, or any of them, ſhall ſuffer the Water to remain in ſuch Lock longer than is neceſſary for his Keel, Boat, Barge, Lighter, or Veſſel, to paſs through any ſuch Lock, and ſhall not, in coming down the ſaid Rivers, Brook, 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 Keel, Boat, Lighter, or Veſſel, into any ſuch 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 Rivers, Brook, Cuts, or Canals, or any of them, ſhall not, as ſoon as he or they ſhall have paſſed with his or their Keel, 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, unleſs there ſhall be then a Keel, Boat, Barge, Lighter, or Veſſel, within Two hundred Yards of the ſaid Lock coming down the ſaid Rivers, Brook, Cuts, or Canals, or any of them; 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 Rivers, Brook, Cuts, or Canals, or any of them, and ſhall not 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 Riding or Liberty where the Penalty for not ſhutting Lock-gates.

the ſaid Offence ſhall be committed, upon Oath of any One or more Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings; One Moiety of which Penalty ſhall be paid to the Informer or Informers; and in default of Payment thereof, the Perſon or Perſons ſo offending ſhall, by Warrant of ſuch Juſtice or Juſtices, be ſent to the Common Gaol or 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.

Maſters of Veſſels anſwerable for the Crew, &c.

And be it further enacted by the Authority aforeſaid, That the Owner or Maſter of any Keel, Boat, Barge, Lighter, or Veſſel, ſhall be, and is hereby made anſwerable for any Damage or Miſchief that ſhall be done by ſuch Keel, Boat, Barge, Lighter, or Veſſel, or by any of the Crew, Boatmen, Lightermen, or Watermen, belonging to any ſuch Keel, Boat, Barge, Lighter, or Veſſel, to 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 Rivers, Brook, 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 Keel, 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, Keel, 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 Keel, 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 Keel, Boat, Barge, Lighter, or 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 Keel, 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

ſuch Keel, Boat, Barge, Lighter, or other Veſſel, ſhall not at all Times have the Owner's Name put on the Outſides of his Keel, 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 Pounds.

Managers of Veſſels obſtructing the Paſſage, how puniſhable.

And be it further enacted, That if any Perſon having the Care and Management of any Keel, Boat, Barge, Lighter, or other Veſſel, ſhall put or lay ſuch Keel, Boat, Barge, Lighter, or Veſſel, in any Part of the ſaid Rivers, Brook, 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, immediately upon Requeſt made, remove ſuch Keel, Boat, Barge, Lighter, or other Veſſel; he ſhall, for every ſuch Offence, forfeit the Sum of Ten Shillings for every Hour ſuch Boat, Keel, Barge, Lighter, or Veſſel, ſhall ſo 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 reſpective Commiſſioners, or any of them, to cauſe any ſuch Keel, 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 ſaid reſpective Navigations, and to detain ſuch Keel, 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, to be weighed up immediately.

And be it further enacted by the Authority aforeſaid, That if any Keel, Boat, Barge, Lighter, or other Veſſel, ſhall happen to be ſunk in the ſaid Rivers, Brook, 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 haſe the ſame out of the Way of other Veſſels paſſing and repaſſing upon the ſaid reſpective Navigations; it ſhall and may be lawful to and for the Agents or Servants of the ſaid reſpective Commiſſioners, to cauſe ſuch Keel, Boat, Barge, Lighter, or other Veſſel, to be weighed or drawn up, and to detain and keep the ſame until Payment be made of all Expences occaſioned thereby: And if Payment be not made in Twenty Days after ſuch Keel, Boat, Barge, Lighter, or other Veſſel, be drawn up; then, and in ſuch Caſe, it ſhall and may be lawful to

and for such respective Agents or Servants to cause Sale to be made thereof, for reimbursing the said Expences or other incident Charges, returning the Overplus (if any be) to the Owner or Master of the said Keel, Boat, Barge, Lighter, or other Vessel.

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

And be it further enacted by the Authority aforesaid, That the said respective Commissioners, or any Five or more of them, shall and may, and they are hereby required, in such Parts of the said respective Navigations, navigable Cuts or Canals, as shall not be of a sufficient Breadth for admitting a Keel, Boat, or Vessel, to turn about, to lie in, Two Keels, 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 Keels, Boats, or Vessels; and that the said Keels, Boats, or other Vessels sailing, or being haled or navigated upon the said Cuts, Canals, or any of them, shall, upon meeting any other Keel, 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, shall respectively 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 to the said respective Commissioners shall and may, and they are hereby authorized and impowered, to measure all and every or any of the said Keels, Boats, Barges, Lighters, or Vessels, by putting Weights into the same for that Purpose; and set Figures or Marks at each End of such Keel, 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 Keel, Boat, Barge, Lighter, or Vessel, will sink the same into the Water, and, from time to time, may remeasure every such Keel, 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 Keel, Boat, Barge, Lighter, or Vessel, shall refuse, hinder, or obstruct, the weighing, measuring, or marking, of any such Keel, 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

Penalty on Refusal.

be

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.

Damaging the Works, Felony.

And, for the 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 reſpective Navigations, break, throw down, damage, or deſtroy, any Banks, or other Works, to be erected or made for the Purpoſes aforeſaid, whereby the Water ſhall be ſo much ſpent and waſted, as thereby to hinder or prevent the ſaid reſpective Navigations, or do any other wilful Hurt or Miſchief, to obſtruct, hinder, or prevent the carrying on, compleating, ſupporting, and maintaining the ſaid reſpective Navigations, ſuch Perſon or Perſons ſhall be adjudged guilty of Felony; and every ſuch Perſon ſhall be ſubject and liable to the like Pains and Penalties in caſe 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 any ſuch Felon for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

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

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall maliciouſly or wantonly open, or cauſe to be opened, any Lock or Clough belonging to the ſaid reſpective Navigations, or ſhall ſuffer any Keel, Boat, Barge, Lighter, or Veſſel, to be moored unto, or to lie under any of the Bridges in the ſaid Rivers, Brook, Cuts, and Canals, or any of them, or ſhall leave the Water running through any of the Cloughs, after any Keel, Boat, Barge, Lighter, or Veſſel, ſhall have paſſed any Lock belonging to the ſaid reſpective Navigations; or if any Perſon or Perſons ſhall draw, or cauſe to be drawn, any Clough or Cloughs, in the Lock-gates on the ſaid Rivers, Brook, Cuts, and Canals, or any of them, ſo as to miſ-ſpend or waſte the Water of the ſaid Rivers, Brook, Cuts, and Canals, or any of them, to the Prejudice of the ſaid reſpective Navigations; 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 ſuch Riding 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

by Warrant or Warrants of ſuch Juſtice or Juſtices, be ſent to the 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 Two Months.

Penalty on Miller opening or ſhutting Cloughs after Notice.

And be it enacted by the Authority aforeſaid, That if any Owner, Occupier, or Miller, of any Mill or Mills, do or ſhall, upon reaſonable Requeſt made, and Twenty four Hours Notice given, upon Payment or Tender of ſuch Recompence or Satisfaction as is herein after-mentioned to him or them made by the ſaid reſpective Commiſſioners, or any Five or more of them, or any other Perſon or Perſons employed as their Clerk or Agent, neglect or refuſe either to draw up or open, or to ſhut or to put down any Clough or Cloughs, or any Sluice or Sluices which ſhall be neceſſary to be opened or ſhut reſpectively, for making and effecting the ſaid reſpective Navigations, and the Works requiſite for that Purpoſe, and for altering and repairing the ſame; every Perſon ſo offending, and being thereof lawfully convicted as aforeſaid, ſhall for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds.

Recompence to be made to Millers.

And be it alſo enacted and declared, That the Owners or Occupiers of any ſuch Mill or Mills ſhall and may in ſuch Caſe lawfully demand, have, and receive, and there ſhall become due and payable to him or them, as a Recompence and Compenſation for ſuch drawing up, or opening, or putting down, or ſhutting, ſuch Clough or Cloughs reſpectively, the Sum of One Shilling for every Hour that any Wheel of any ſuch Mill ſhall, by that Means, or on that Occaſion only, be ſtopped or hindered from working, and ſo in Proportion for any longer or leſs Time that ſuch Stoppage or Hinderance ſhall continue.

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 reſpective Navigations, or other Perſon employed by him, her, or them, ſhall, in the Judgement and Opinion of any Five or more of the ſaid reſpective 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 reſpective Navigations ſhall be interrupted or obſtructed, impeded or prevented, and not ſhew ſufficient Cauſe, to be allowed by the ſaid reſpective Commiſſioners, or any Five or more of them, 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.

Penalty on Millers waſting the Water.

And be it further enacted, That if any Owner or Occupier, or Miller, of any Mill, within the Limits of the ſaid reſpective Navigations, ſhall wilfully ſtop or ſtang, or cauſe to be ſtopped or ſtanged, any Wheel or Wheels of any ſuch Mill, ſo as to let the Water paſs or run waſte through the Sluices or Flood-gates of ſuch Mill or Mills, while the Mill is not working, with a Deſign to obſtruct or prevent the Paſſage of Keels, Boats, Barges, Lighters, or other Veſſels, upon the ſaid Rivers, Brook, Cuts, or Canals; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds.

Maſters of Veſſels to give an Account of their Loadings.

And, for the more eaſy collecting the Tolls, Rates, and Duties, hereby made payable, be it further enacted by the Authority aforeſaid, That every Maſter, or other Perſon or Perſons, having the Command of any Keel, Boat, Barge, Lighter, or other Veſſel, paſſing on the ſaid Rivers, Brook, 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 Perſon or Perſons as ſhall, from time to time, be nominated and appointed by the ſaid reſpective Commiſſioners, or any Five or more of them, for that Purpoſe, or to collect ſuch reſpective 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, and Merchandize, and other Commodities and Things, which ſhall be in, or belong to, ſuch Keel, 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 Keel, Boat, Barge, Lighter, or other Veſſel, within the Limits of the ſaid reſpective Navigations, 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 Keel, 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

having Charge of any Keel, 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 Keel, 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, or 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, 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 Keel, Boat, Barge, Lighter, or other Veſſel, or the Owner of ſuch Goods, Wares, and Merchandizes, ſo weighed, meaſured, or gauged, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging thereof: All which ſaid Coſts and Charges, upon Refuſal of Payment thereof, upon Demand, ſhall and may be recovered, as the reſpective 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, Owner, or Perſon having the Charge of ſuch Keel, Boat, Barge, Lighter, or other Veſſel, or to the Owners or Owner 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 the ſaid Ridings or Liberty reſpectively, rendering the Overplus to the Owner or Owners thereof, after ſuch Diſtreſs and Sale made, if any be: And the ſaid reſpective Commiſſioners, or any Five or more of them, may, if they think fit, out of the Money to be raiſed from the Tolls, Rates, and Duties, reſpectively charged by or by virtue of this Act, reimburſe the ſaid reſpective Collectors the Monies ſo paid by or levied upon them reſpectively for the Detention of any ſuch Keel, Barge, Boat, or Veſſel.

Navigation not ſubject to Commiſſioners of Sewers.

And be it further enacted by the Authority aforeſaid, That the ſaid Rivers, Brook, 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 reſpective 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 up 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 the Uſe of the Occupiers of the Lands, Tenements, and Hereditaments, thereunto adjoining, to make them convenient Paſſages to come to and from their reſpective Lands for the Uſe and Occupation of the ſame.

Fords and Highways to be preſerved.

Provided alſo, and be it enacted, That if the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall think proper, to cauſe the ſaid Rivers, Brook, Cuts, or Canals, to be deepened in any Part or Parts, ſo as to render any uſual and common Fords in Highways dangerous or unpaſſable; in every ſuch Caſe, the ſaid reſpective Commiſſioners, or any Seven or more of them, ſhall cauſe a ſufficient Ferry Boat or Boats, Bridge or Bridges, to be made, or ſuch other Conveniencies as the ſaid reſpective Commiſſioners, or any Seven or more of them, ſhall judge proper, where ſuch Fords now are, or as near thereto as conveniently may be; and ſhall from time to time maintain and keep the ſaid

Ferry

Ferry Boats or Bridges, or Conveniencies, in Repair; and in case of a Ferry Boat, provide a proper Boatman or Boatmen to accommodate gratis all Passengers, Horses, Cattle, and Carriages, having Occasion to pass over or through the same, at all such Times as the same Fords have been usually passable.

Works vested in Commissioners.

And be it further enacted by the Authority aforesaid, That the Right and Property of the several Dams, Locks, Cloughs, and other Works to be made use of for the said respective Navigations, and of the Materials of which the same shall consist, and also all Materials which shall actually be got or collected to be made use of in such Works, shall be, and they are hereby vested in the said respective Commissioners; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any One or more Action or Actions, in the Name of their respective Treasurer or Clerk, or to prefer, or order the preferring of Indictments, against any Person or Persons who shall injure or disturb the said respective Commissioners in the Possession thereof.

Navigation exempt from Taxes.

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

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 Rivers, Brooks, Cuts, or Canals, hereby intended to be made navigable, or any of them, or any Cuts made for or into, or communicating with, the same, whereby the said respective Navigations may be injured; 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, by Warrant from the said Justice, be sent to the House of Correction, to be kept to hard Labour for such Time as such Justice of the Peace shall direct, not exceeding Two Months.

Satisfaction for future Damages.

And whereas the Lands or Hereditaments near or adjoining to the said Rivers or Brook, may be overflowed, or otherwise injured, by reason of making the same navigable, be it therefore enacted by the Authority aforesaid, That if, at any Time hereafter, any Person or Persons shall sustain any Loss or Damage, either on account of overflowing their Lands, or any Loss or Damage in his or their Lands, Mills, Bridges, Hereditaments, or Property,

Property, either by raiſing the Water to be uſed in the ſaid reſpective Navigations, or by or on account of turning, diverting, or lowering the Streams thereof, or of any Water running into or out of the ſame, or by turning or diverting any other Streams or Brooks that ſhall be brought into the ſame, or upon any other Account whatſoever relating to the ſaid reſpective Navigations, or by not keeping in conſtant Repair, the ſaid Works, or any of them, or by any Act, Neglect, or Default, of any of the Workmen employed in or about any of the Works belonging to the ſaid reſpective Navigations, where no Recompence or Satisfaction is directed to be made by this Act; all and every ſuch Perſon and Perſons, who ſhall have ſuſtained any Loſs or Damage as aforeſaid, may apply to the ſaid reſpective Commiſſioners, or any Seven or more of them, who are hereby impowered from time to time, and at all Times, to ſettle and agree with ſuch Perſon or Perſons, and award ſuch Recompence and Satisfaction to be made for the ſame to the Perſon or Perſons injured or aggrieved, as they ſhall judge fit and reaſonable, by the ſame Ways and Means, and in ſuch Manner, as the other Damages herein mentioned are provided for; and in caſe it ſhall happen that the Perſon or Perſons making ſuch Complaint ſhall be diſſatisfied with ſuch Recompence and Satisfaction as the ſaid reſpective Commiſſioners ſhall award, that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners, or any Seven or more of them, and they are hereby required, upon Requeſt in Writing made to them by the Perſon or Perſons ſo aggrieved or injured as aforeſaid, to cauſe a Jury to be ſummoned, impanelled, and ſworn, in Manner aforeſaid; and the Jury ſo returned, ſhall inquire how far the ſaid reſpective Commiſſioners, or their Agents or Servants, have any ways occaſioned ſuch Damage, and ſhall aſſeſs ſuch Damage as ſhall appear to them to be reaſonable in that Behalf, and ſhall give Judgement for the ſaid reſpective Commiſſioners, or any Seven of them, to pay to the Party or Parties injured or aggrieved, by a certain Day to be appointed by the ſaid Jury, the Monies ſo aſſeſſed, with or without Coſts (ſuch Coſts to be aſſeſſed by the ſaid Jury) and in caſe the ſaid reſpective Commiſſioners, or any Seven of them, ſhall not make ſuch Payment within the Time to be appointed by the ſaid Jury as aforeſaid, the ſame ſhall and may be recovered in the like Manner as other Damages directed to be aſſeſſed by this Act are to be recovered.

Limitation as to Time.

Provided always, That no Perſon or Perſons whatſoever ſhall be intitled to Satisfaction for any Damage, nor ſhall the ſaid reſpective Commiſſioners, or any of them, be obliged to take Notice of any Application relating thereto, unleſs the Complaint of ſuch Damages ſhall be made within the Space of Three Calendar Months next after ſuch Damages ſhall have been ſuſtained.

Parties to enter into a Bond before Jury ſummoned.

Provided alſo, That no Jury ſhall be ſummoned upon any ſuch Requeſt of the Perſon or Perſons, Party or Parties, ſeeking a Recompence for any Injury or Damages happening as aforeſaid, until the Party or Parties making the ſame ſhall have entered into a Bond, with Two ſufficient Sureties, to the ſaid reſpective Commiſſioners, or any Five or more of them, in the Penalty of Fifty Pounds, for proſecuting ſuch Complaint, and to pay for the ſummoning ſuch Jury, and the Coſts and Charges of taking ſuch Inqueſt, the ſame to be aſſeſſed and ſettled by the ſaid Jury, in caſe a Verdict ſhall be given for no more or for leſs Money than ſhall have been offered by or on Behalf of the ſaid Commiſſioners, before the ſummoning of any ſuch Jury, as a Recompence for the Damage ſo complained of.

Drains to be made.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective 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 or under, or into, the ſaid Rivers, Brooks, Locks, 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 Rivers, Brook, Locks, Cuts, or Canals, or any of them, without obſtructing or impeding the ſame.

Where Cattle are deprived of Watering-places, others to be made.

And be it further enacted by the Authority aforeſaid, That where, by making any of the ſaid reſpective Navigations, the Cattle which were uſed to be kept in the adjacent Grounds ſhall be deprived of their uſual Watering-places; that then the ſaid reſpective 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 Rivers, Brook, Cuts, or Canals, in every ſuch Ground where Cattle were heretofore accuſtomed to have Watering-places as aforeſaid, and to ſupply the ſame with Water from ſuch Cuts or Canals, if neceſſary.

And

And it is hereby further enacted by the Authority aforeſaid, That when and as ſoon as the ſaid Rivers, Brook, Cuts, or Canals, herein before mentioned, ſhall be made navigable, then, and from thenceforth, the ſaid Rivers, Brook, Cuts, or Canals, ſhall reſpectively be a free Navigation; and that all People whatſoever ſhall and may have, and lawfully enjoy, free Paſſage along, in, through, or upon, the ſaid reſpective Navigations, with and for Keels, 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 reſpective Tolls, Rates, and Duties, as, by the Tenor and Meaning of this Act, are or ought to be paid to the ſaid reſpective Commiſſioners, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint to collect the ſame. Navigation to be free.

Provided always, and be it enacted by the Authority aforeſaid, That nothing herein, or in the ſaid Acts of the Thirteenth Year of the Reign of his late Majeſty King George the Firſt, or the Fifth Year of the Reign of his late Majeſty King George the Second, contained, or either of them, ſhall extend, or ſhall be adjudged, deemed, or taken, to extend, in any wiſe whatſoever, to authorize or impower the Truſtees or Commiſſioners nominated and appointed in and by virtue of the ſaid Acts, to hinder, prejudice, interfere, or meddle, with the Navigation of the ſaid River Ouze from Two Miles below Linton aforeſaid, to the Junction of the Rivers Swale and Ure, or with any of the Dams, Locks, or other Works, made, or to be made, upon the ſaid River Ouze from below Widdington Ings aforeſaid, or with the Tolls, Rates, or Duties, hereby granted; but that from and after the paſſing of this Act, the ſame ſhall be ſubject only to the Controul, Direction, Survey, Orders, and Juriſdiction, of the Commiſſioners herein named for the ſaid Navigation below the ſaid Junction; and not to the Controul, Direction, Survey, and Order, or Juriſdiction, of the Truſtees or Commiſſioners of the ſaid recited Acts; any thing in the ſaid Acts to the contrary notwithſtanding. Truſtees in the former Acts not to interfere in this Navigation.

Provided always, and be it enacted by the Authority aforeſaid, That nothing herein contained is intended, or ſhall extend, or be conſtrued, to leſſen, prejudice, impeach, or affect, any antient cuſtomary Tolls or Dues which To ſave the Rights of the City of *York* to cuſtomary Tolls and Dues.

which by Preſcription or Royal Grant are legally and juſtly due and payable to the Mayor and Commonalty of the City of York, for or in reſpect of any Goods, Wares, or Merchandizes, which ſhall be brought in any Ship, Keel, or other Veſſel, to the City of York, up or down the River Ouze; but that the ſame ſhall and may, after the Paſſing of this Act, be demanded and recovered in the ſame Manner to all Intents and Purpoſes as if this Act had not been made.

Commiſſioners may make Bye-laws, and impoſe Fines.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Commiſſioners, or any Nine or more of them, at any of their Meetings (Notice being firſt given of the Intention of ſuch Meetings in a York News Paper, or ſuch other Publick Manner as the ſaid reſpective Commiſſioners, or any Nine or more of them, ſhall think proper, Fourteen Days before ſuch Meeting) ſhall, from time to time, have full Power and Authority to make Bye-laws, Orders, and Conſtitutions, touching the Dams, Locks, Cuts, Canals, Weirs, and other Works made or ſet up, or to be made, ſet up, or erected, as aforeſaid, for the preſerving, repairing, and keeping the ſame in Order, and for the good and orderly uſing of the ſaid reſpective Navigations, and for the well governing of the Keelmen, Bargemen, Watermen, and Boatmen, who ſhall convey or carry any Goods, Wares, or Merchandizes, on any Part of the ſaid Rivers, Brook, Cuts, or Canals; and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon the Breakers of ſuch Bye-laws, Orders, or Conſtitutions, as the ſaid reſpective Commiſſioners, or any Nine or more of them, ſhall think fit, ſo as no ſuch Fine or Forfeiture ſhall exceed the Sum of Five Pounds on any One Perſon for any One Offence; ſuch Fine and Forfeiture to be recovered in ſuch Manner as other Penalties and Forfeitures are by this Act directed to be levied; and which ſaid Bye-laws, Orders, and Conſtitutions, being put into Writing under the Hands and Seals of the ſaid reſpective Commiſſioners, or any Nine or more of them, ſhall be binding to, and be obſerved by, all Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, either in puniſhing ſuch Perſons as ſhall diſobey the ſame, or in levying any Penalty or Forfeiture thereby incurred: But any Perſon or Perſons thinking himſelf, herſelf, or themſelves, aggrieved by any Order or Judgement made or given by

Appeal therefrom.

or in purſuance of any ſuch Bye-law, Order, or Conſtitution, may, within Six Months after ſuch Order or Judgement ſhall be made or given, complain to the Juſtices of the Peace at their General or Quarter Seſſions to be held in and for the Riding, Diviſion, or Liberty, where ſuch Bye-law, Order, or Conſtitution, ſhall be ſo made, who ſhall in a ſummary Way either hear and determine the ſaid Complaint at ſuch General or Quarter Seſſions, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Seſſions of the Peace to be held for ſuch Riding, Diviſion, or Liberty; and, if they ſee Cauſe, mitigate or alter ſuch Forfeiture or Puniſhment, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Bye-law, Order, or Conſtitution; and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; but no Juſtice of the Peace ſhall act or vote in the Hearing or Determining of any ſuch Complaint, whoſe Hand and Seal as a Commiſſioner ſhall appear to have been ſet to the ſaid Bye-law, Order, or Conſtitution, which occaſioned ſuch Complaint.

Orders and Bye-laws to be recorded.

And be it further enacted, That all Bye-laws, Orders, Conſtitutions, and Proceedings, of the ſaid reſpective Commiſſioners in the Execution of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Bye-laws, Orders, Conſtitutions, and Proceedings, when entered, ſhall be ſigned by the ſaid reſpective Commiſſioners, or any Nine or more of them, and the Clerk or Clerks attending the ſaid reſpective Commiſſioners is and are hereby required to ſet his or their Name or Names as a Witneſs or Witneſſes thereto; and the ſaid Bye-laws, Orders, Conſtitutions, and Proceedings, ſo ſigned and atteſted, ſhall be deemed and taken to be original Bye-laws, Orders, Conſtitutions, and Proceedings, and ſhall and may be produced and read in Evidence in all Caſes of Appeal, Suits, Actions, or other Proceedings touching any Thing done in purſuance of this Act; and ſuch Book or Books ſhall and may be ſeen and peruſed at all ſeaſonable Times, without any Fee or Reward; and Copies thereof, or any Part, may be taken by any Perſon or Perſons, paying the ſaid Clerk or Clerks Two Pence for every Seventy two Words.

No Order to be revoked or altered without Conſent of 9 Commiſſioners.

Provided always, and be it enacted, That no Order which ſhall be made by the ſaid reſpective Commiſſioners, or any Nine or more of them, by virtue or under

der the Authority of this Act, at any of their Meetings, ſhall be altered, reverſed, annulled, or made void at any ſubſequent Meeting, unleſs Thirteen or more of the ſaid reſpective Commiſſioners be preſent at ſuch Meeting, and Nine of the Commiſſioners preſent be conſenting thereto, nor unleſs Fourteen Days Notice be firſt given in a York News Paper, or other Publick Manner as aforeſaid; in which ſaid Notice it ſhall be expreſſed what Order and Orders is or are intended to be altered or reverſed.

Proviſo. Provided alſo, and it is hereby enacted and declared, That nothing in this Act contained ſhall preſudice or impede the Navigation up any River or Brook running into the River Swale, between its Junction with the Ure and Morton Bridge, or extending the Navigation higher up the ſaid River Swale than Morton Bridge, ſo as the ſame be no Obſtruction to the Navigation of the ſaid River Swale.

Penalties and Forfeitures how to be recovered. And it is hereby further enacted and declared, That all the pecuniary Penalties and Forfeitures inflicted and made payable by this Act, except in ſuch Caſes wherein it is hereby otherwiſe ordered, directed, and provided, ſhall, in all Caſes where ſuch Penalties or Forfeitures do not exceed the Sum of Five Pounds, 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 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 of the ſaid Ridings or Liberty reſpectively, there to remain, without Bail or Mainprize, for any Space not exceeding Two 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 reſpective Commiſſioners, to be applied for the Purpoſes of the reſpective Navigations on account of which ſuch Penalties or Forfeitures were incurred; and that all ſuch Penalties or Forfeitures as exceed the Sum of Five Pounds, ſhall and may be recovered, with full Coſts of Suit, by any Perſon or Perſons who will ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, wherein

wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

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 Riding 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 Seſſion, 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 otherwiſe.

Orders not removable by *Certiorari*.

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 on each Navigation; and alſo of all Debts, Contracts, Orders, and Proceedings of the ſaid reſpective 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 reſpective Commiſſioners, or by the Clerk to the ſaid reſpective 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, Order, Information, 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 Rivers, Brook, Cuts, or Canals, to uſe any Pleaſure Boat or Boats upon the ſame, without the Hindrance or Interruption of the ſaid reſpective Commiſſioners, or their Succeſſors, or any of them, and without paying of the Rates or Duties aforeſaid; ſo as ſuch Pleaſure Boat or Boats is or are not uſed for carrying any 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 Rivers, Brook, 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 reſpective 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 Rivers or Brook, 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 Rivers, Brook, Cuts, or Canals, 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 reſpective Navigations, or any of the Powers given by this Act; and all Rates, Dues, and Duties, which 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

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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 Rivers, Brook, Cuts, or Canals, so that no more than the Sum of Six 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 Ten Days.

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 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 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 any 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.

General Issue.

Treble Costs.

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Public Act.

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.

FINIS.