Anno ſeptimo

Georgii III. Regis.

An Act for improving the Navigation of the River *Hull* and *Frodingham Beck*, from *Ake Beck Mouth*, to the Clough on the Eaſt Corner of *Fiſhholme*; and for extending the ſaid Navigation from the ſaid Clough, into or near the Town of *Great Driffield*, in the Eaſt Riding of the County of *York*.

WHEREAS the Navigation of the River Hull, from Ake Beck Mouth, to Emmotland, and from thence, by the Eaſt or Frodingham Beck, to the Clough on the Eaſt Corner of Fiſhholme, ſituate at the End of Fleet Dyke, is capable of being greatly improved; and the improving thereof, and extending the ſaid Navigation by the Fleet Dyke, or by any new Cuts or Canals, and by the King's River or Weſt Beck, or by any other River, Beck, Stream, or Watercourſe, by whatever Name or Names the ſame are called and known, from the ſaid Clough on the Eaſt Corner of Fiſhholme, through the Town of Brigham, to or near the Town of Wansforth, and from thence into or near the Town of Great Driffield, in the Eaſt Riding of the County of York, will be of great Benefit and Advantage to the Inhabitants of the ſaid Riding, and of publick Utility: But, as ſuch Navigation cannot be improved and extended without the Aid of Parliament; Preamble.

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 Sir George Savile, Sir Charles Kemeys Tynte, Sir Bellingham Graham, Sir Charles Hotham, Sir William Anderson, Sir John Pennington, Sir Griffith Boynton, Sir George Strickland, Sir Digby Legard, Baronets; Robert Ash, Richard Ayrton, Gentlemen; Francis Best, Thomas Browne, Hugh Bethell, William Bethell, Godfrey Bosville, Matthew Boynton, Ralph Bell, junior, Esquires; the Reverend Francis Best, Bonus, William Browne, Clerks; James Cook, Stephen Croft, Creyke, Esquires; the Reverend William Caley Clerk, Robert Cross, John Conyers, James Collins, Gentlemen; William Dennison, John Dealtry, Esquires; John Drinkrow, Henry Drinkrow junior, Gentlemen; Eaton Manwairing Ellerker Esquire, the Reverend George Etherington Clerk, Thomas Etherington Gentleman, Barnard Foord Esquire, the Reverend Foord Clerk, Robert Forge, James Farthing, Gentlemen; John Grimston, Robert Grimston, Esquires; John Hudson, Thomas Hassell, James Heblethwaite, Esquires; James Hudson, Thomas Hall, Randolphus Hewitt, John Hudson, Jonathan Harrison, Christopher Harrison, William Hill, Gentlemen; William Tuffnell Jolliffe Esquire, Richard Kirkby, John Kirkby, Richard Knowsley, Gentlemen; Boynton Langley, Savage Lloyd, Luke Lillingston, Ralph Lutton, Esquires; Christopher Laybourn, William Leyborn, William Langley, Gentlemen; Jonathan Midgley Esquire, Caleb Marshall, Thomas Martin, Gentlemen; James Newton, Thomas Norcliffe, Esquires; Simon Newlove, John Ness, William Ness, Gentlemen; Fountain Wentworth Osbaldeston Esquire, William Paul, Francis Peirson, Esquires; the Reverend Preston Clerk, William Paul junior, Gentleman; William Saint Quintin Esquire, William Rickinson, Henry Rousby, John Robinson, Esquires; William Strickland, Miles Smith, Esquires; the Reverend Markes Sykes D. D. the Reverend Swiney D. D. the Reverend Christopher Seymour Clerk, the Reverend Francis Topham D. L. the Reverend Richard Thompson, William Tyrwhitt, Clerks; Wakefield, William Wilberforce, William Wilberforce junior, Robert Wilberforce, Henry Willoughby, Joshua Wilson, Esquires; the Reverend John Whaley, Waddilove Vicar of Whitby, Clerks; Thomas Walker, Charles Witty, Thomas Wharram,

Commissioners Names.

ram, Gentlemen; and their Succeſſors, to be appointed in Manner herein after mentioned, ſhall be, and they are hereby appointed Commiſſioners, for improving and extending the ſaid Navigation, and for putting this Act in Execution: And the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to employ or contract with any Perſon or Perſons for the Performance of any Works they ſhall think neceſſary or proper to be done, for the improving, making, and extending, the ſaid Navigation; and the ſaid Commiſſioners, or any Seven or more of them, or the Perſon or Perſons employed or contracted with as aforeſaid, his or their Agents, Workmen, and Servants, is and are hereby authorized and impowered, from time to time, to open, cleanſe, ſcour, deepen, or enlarge, and to cut, remove, and take away, all Trees, Roots of Trees, Banks of Sand, Gravel, or Soil, and all other Obſtructions, to the improving and compleating the ſaid Navigation from Ake Beck Mouth, to the ſaid Clough on the Eaſt Corner of Fiſhholme; and for making and compleating the ſaid intended Navigation from the ſaid Clough by the ſaid Fleet Dyke, and through the Town of Brigham, to or near the Town of Wansforth, and from thence into or near the Town of Great Driffield aforeſaid, the ſaid Commiſſioners, or any Seven or more of them, or the Perſon or Perſons employed or contracted with as aforeſaid, his or their Agents, Workmen, and Servants, is and are hereby authorized and impowered, from time to time, to open, cleanſe, ſcour, deepen, enlarge, or ſtraighten, the ſaid Fleet Dyke, and the ſaid River called The King's River, or Weſt Beck; and any other River, Beck, Stream, or Watercourſe, by whatever Name or Names the ſame are called or known; and to make ſuch Paſſages for Water, from any Brooks, Becks, Streams, or Watercourſes, into the ſaid River, Beck, Stream, or Watercourſe, and to dig, cut, heighten, or ſtrengthen the Banks thereof, and to make ſuch new Cuts or Trenches, and to widen and deepen any Cuts or Trenches already made, as well for the Navigation of Boats and other Veſſels, as for the more convenient, eaſy, and better Execution of this Act; and to make ſuch Gutters or Drains, as may be proper or neceſſary to prevent any Damage to any Lands by the oozing or flowing of Water out of the ſaid River, Cuts, Trenches, Paſſages, Brooks, Streams, or Watercourſes; and alſo to erect, or make in or acroſs the ſaid River, Cuts, Trenches, Paſſages, Brooks, Streams, and Watercourſes, or upon the Lands adjoining or near

Their Power.

to the ſame, ſuch and ſo many Bridges, Sluices, Staunches, Locks, Floodgates, Weirs, Dams, Pens for Water, Wharfs, Warehouſes, Quays, Winches, Landing-places, Fences, Weigh-beams, Cranes, Engines, and other Works, and from time to time, to repair, maintain, enlarge, contract, alter, or remove, all or any ſuch Works, or any Part thereof, and from time to time to make, widen, enlarge, turn, or alter, ſuch Ways and Paſſages, for the conveying of Goods to and from the ſaid River, Cuts, and Trenches, and to carry and convey in, upon, or over any Lands, all Sorts of Materials for erecting, maintaining, enlarging, or altering, any ſuch Works as aforeſaid, and to depoſit and manufacture ſuch Materials on the Lands near to the Place or Places where the ſame are intended to be uſed; and alſo to amend, heighten, or alter, any Bridges upon the ſaid River, Cuts, or Trenches, or to turn or alter any Highways in, upon, or near unto the ſaid River, Cuts, or Trenches, as may hinder the Paſſage of Boats or other Veſſels thereon; and alſo to dig, get, and convey away Soil, Clay, Gravel, Stone, or other Materials, proper and convenient for making, maintaining, or altering the ſaid Works, in, from, through, and over the Lands of any Perſon or Perſons adjoining or lying near to the ſaid River, Cuts, Trenches, Paſſages, or Watercourſes; and alſo to ſet out, appoint, and make ſuch Towing-paths and Ways convenient for the towing or drawing with Men, Horſes, or otherwiſe, Boats and other Veſſels; and alſo ſuch Gates, Fences, and Stiles, in or acroſs ſuch Paths or Ways, or any Part or Parts thereof, and to dig, cut, remove, and take away, all Trees, Roots of Trees, Stone, Banks of Sand, Gravel, or Soil, and all other Obſtructions to the making, uſing, or maintaining the ſaid Navigation, or the towing of Veſſels; and alſo to do and perform all ſuch other Works, Matters, and Things, which they the ſaid Commiſſioners, or any Seven or more of them, ſhall from time to time, judge proper or convenient for the making, maintaining, and uſing the ſaid Navigation, and executing the Purpoſes of this Act; and for the Execution of all or any of the Powers aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, or the Perſon or Perſons employed or contracted with as aforeſaid, his or their Agents, Workmen, and Servants, being thereunto authorized by the ſaid Commiſſioners, or any Seven or more of them, to dig, cut, remove, and make uſe of, any Lands, Tenements, or Hereditaments whatſoever, belonging to the King's moſt Excellent Majeſty, His Heirs, or Succeſ-

ſors, or any other Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, they the ſaid Commiſſioners, or any Seven or more of them, making Satisfaction to the reſpective Owners of, and Perſons intereſted in, ſuch Lands, Tenements, or Hereditaments, for the Damage they may thereby ſuſtain.

No Lock, &c. to be erected between *Ake Beck Mouth* and *Thornham Bottom.*

Provided always, and be it further enacted, That no Lock, Staunch, Floodgate, Clough, Wier, Dam, or any other Obſtruction whatſoever, ſhall be raiſed, erected, made or done by the ſaid Commiſſioners, by virtue of this Act, or by any Perſon or Perſons employed by them, or any of them, between Ake Beck Mouth, and a Place called Thornham Bottom.

Soil taken out of the River between *Ake-Beck-mouth* and *Emmotland*, to be laid on Banks.

And be it further enacted, That the ſaid Commiſſioners, or the Perſon or Perſons employed or contracted with as aforeſaid, his or their Agents, Workmen, and Servants, ſhall, and they are hereby required, to lay, or cauſe to be laid, all the Sand, Gravel, and Soil, which ſhall be taken out of the River Hull, between Ake-Beck-mouth and Emmotland, for the Improvement of the Navigation of the ſaid River, upon the Banks adjoining thereto, or as near thereto as the ſame can conveniently be done.

No Horſe Haling-way to be made between *Ake Beck Mouth* and *Emmotland.*

Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to impower the ſaid Commiſſioners to make any Towing-paths or Haling-ways for Horſes, between Ake Beck Mouth and Emmotland, or on the Eaſt Side of Frodingham Beck, between Emmotland and the ſaid Clough on the Eaſt Corner of Fiſhholme, unleſs the Owners of the Lands ſhall conſent thereto.

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

And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to agree with the Proprietors of, and Perſons intereſted in, any Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners, or any Seven or more of them, ſhall judge neceſſary to be cut, digged, pulled down, or otherwiſe made uſe of, for the Purpoſes of this Act, for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or for the Recompence to be made to ſuch Proprietors, and Perſons intereſted, for the Damage they may ſuſtain, and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſſes: And it ſhall 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

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 or Iſſue unborn, Lunaticks, Ideots, Femes Coverts, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands, Tenements, or Hereditaments, to contract for, ſell, and convey, unto the ſaid 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, any Lands, Tenements, or Hereditaments, for the Purpoſes aforeſaid; or to agree with the ſaid Commiſſioners, or any Seven or more of them, for any Recompence to be made for the Damage which may be done to any ſuch Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales, Conveyances, and Agreements, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever; any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding: And all Bodies Politick, Corporate, or Collegiate, and all Perſons whatſoever, are hereby indemnified for what they, or any of them, ſhall do in purſuance of this Act: But if it ſhall happen that any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, intereſted or concerned as aforeſaid, ſhall, for the Space of Twenty Days after Notice in Writing given to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at his, her, or their reſpective Place or Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Tenements, or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or any Seven or more of them, or by reaſon of Abſence ſhall be prevented from treating; then, and in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered, from time to time, to iſſue out their Warrant or Warrants under their Hands and Seals, to the Sheriff of the County of York; and if ſuch Sheriff ſhall be intereſted in ſuch Matter, then to One of the Coroners of the Eaſt Riding of the ſaid County, commanding ſuch Sheriff or Coroner reſpectively to impanel, ſummon, and return, a Jury; and the ſaid Sheriff or Coroner reſpectively is hereby required,

Upon Refuſal to treat,

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

required accordingly to impanel, ſummon, and return, Twenty four ſufficient Men, qualified according to the Laws of this Realm, to be returned for Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, to appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, in order that out of them a Jury of Twelve may be ſworn to enquire touching the Matters in queſtion; and in caſe a ſufficient Number of Jurymen ſhall not appear at ſuch Time and Place, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men that can ſpeedily be procured to attend that Service, qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen; And the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occaſion ſhall require, to ſummon and call before them all ſuch 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 order and authorize the ſaid Jury to view the Place or Places in Queſtion; which Jury, upon their Oaths (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 impowered to adminiſter) ſhall enquire of, aſſeſs, and aſcertain, the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that may or ſhall be ſuſtained as aforeſaid; and to ſettle and aſcertain in what Proportions the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons intereſted in the Premiſſes; and the ſaid Commiſſioners, or any Seven or more of them, ſhall give Judgement for ſuch Purchaſe-monies or Recompence ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or any Seven or more of them, ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all Parties, Bodies Politick, Corporate, and Collegiate, and all Perſons whomſoever; And if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds: And if any Perſon, ſo ſummoned and returned as aforeſaid on ſuch Jury, ſhall not appear,

Jurors may be challenged.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

Penalty on Default of Sheriff, &c.

or appearing refuse to be sworn, or being sworn refuse to give his Verdict, or in any other Manner wilfully neglecting his Duty, contrary to the true Intent of this Act; or if any Person, so summoned to give Evidence, shall not appear, or appearing refuse to be sworn or to give Evidence; every Person so offending respectively, having no reasonable Excuse, to be allowed by the Commissioners, or any Seven or more of them, shall, for every such Offence, forfeit and pay such Sum as the said Commissioners acting in the Premisses, or any Seven or more of them, shall appoint, not exceeding the Sum of Five Pounds for any One Offence.

Agreements to be filed with the Clerk of the Peace.

And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgements which shall be made and given in relation to any such Lands, Tenements, and Hereditaments, as aforesaid (such Verdicts and Judgements being signed and sealed by Seven or more of the said Commissioners, who shall be present at the taking such Inquest) shall be delivered to the Clerk of the Peace for the East Riding of the County of York, and shall be filed with the Rolls of the said Riding; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling; and for every such Copy not exceeding Two hundred Words, the Sum of Eight Pence; and so in Proportion for any less Number of Words.

Proviso.

Provided always, That such Sheriff or Coroner is hereby directed to give a Notice of Four Days at the least before the Meeting of such Jury, to every Person that shall be summoned to attend on such Jury.

Upon Satisfaction being made, Commissioners may proceed in the Works.

And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be agreed on between the said Commissioners, or any Seven or more of them, and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any Jury to such Party or Parties, or legal Tender thereof made to him, her, or them, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate; or if he, she, or they, cannot be found, or shall refuse to accept such Money, upon Payment thereof to such Person or Persons as the said Commissioners, or any Seven or more of them, shall, by Writing under their Hands, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Party or Parties respectively, the said Commissioners, and all

Persons

Perſons employed or authorized by them, or any Seven or more of them, ſhall have full Power and Authority to enter upon the Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Monies were ſo agreed for or aſſeſſed, and to make uſe of ſuch Lands, Tenements, and Hereditaments, for the Purpoſes of this Act, and they ſhall be and are hereby indemnified for ſo doing; and all and every Perſon and Perſons, Bodies Politick, Corporate, and Collegiate, whatſoever, ſhall from thenceforth be, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, to or in the ſame.

Future Damages how to be aſcertained.

And be it further enacted, That if at any Time or Times, after any of the Works for effecting or maintaining the ſaid Navigation ſhall be begun or be completed, any Perſon or Perſons ſhall ſuſtain any Damage in his, her, or their Lands, Tenements, or Hereditaments, within the Limits of the ſaid Navigation, either by raiſing the Water to be uſed in ſuch Navigation, or by turning, diverting, or lowering, the Stream thereof, or by not ſufficiently making up the Banks thereof, or by not cleanſing the ſame, or by turning or diverting any other Streams or Brooks that ſhall be brought into the ſame, or by any Bridge or Bridges to be built, or by any Works made for carrying on the ſaid Navigation, or by any Act, Neglect, or Default, of the Workmen employed therein, or by any other Ways or Means not hereby otherwiſe provided for; in every ſuch Caſe the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power, from time to time, and at all Times, to ſettle and agree upon ſuch a Recompence and Satisfaction to be made for the ſame, to the Perſon or Perſons injured or aggrieved, as they ſhall judge fit and reaſonable, in ſuch Manner as the other Damages herein before mentioned are provided for; but if it ſhall happen that the Perſon or Perſons making Complaint of ſuch Loſſes or Damages, ſhall diſlike or be diſſatisfied with ſuch Recompence and Satisfaction, in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby required, upon Requeſt in Writing to be made or given to them, or any Seven or more of them, by ſuch Perſon or Perſons injured or aggrieved as aforeſaid, within Fourteen Days after ſuch Requeſt made, to cauſe a Jury to be ſummoned, impanelled, and ſworn, in Manner as aforeſaid; and the Jury ſo returned ſhall enquire how far the ſaid Commiſſioners, or their Agents, or Servants, have any ways occaſioned ſuch Damage;

Jury to be impanelled and ſworn.

and

and if any shall appear, they shall assess the Value of such Damages; and the said Commissioners, or any Seven or more of them, shall pay to the Party or Parties injured or aggrieved the Monies so assessed; and in case the said Commissioners, or any Seven or more of them, shall not (being thereunto required) make such Payment within Twenty Days after such Request made, the Person or Persons aggrieved may appoint One or more Person or Persons to receive the Tolls which shall then, or within the Space of Six Calendar Months preceding, have been appointed to be collected on the said River, Cuts, or Trenches, and thereout to pay the Damages which shall have been settled and assessed as aforesaid; and the Money to be received by such Receiver or Receivers shall, and is hereby declared to be as so much Money received to the Use of the Person or Persons who have suffered such Damage, in Order and Course successively as such Determination shall be in Priority of Time; and after such Damages so settled and assessed shall be paid and satisfied, the Power and Authority of such Receiver or Receivers, for the Purposes last mentioned, shall cease and determine; any thing herein contained to the contrary notwithstanding.

No Person intitled to Satisfaction, unless Complaint be made within 12 Calendar Months.

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

Expences of the Jury how to be borne.

And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence, than shall have been offered by or on the Behalf of the said Commissioners, or any Seven or more of them, before the summoning of any such Jury, for or in respect of any such Lands, Tenements, Hereditaments, or Damages, as aforesaid; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be defrayed by the said Commissioners, or any Seven or more of them, out of the Monies to arise by virtue of this Act: But if any Verdict shall be given for no more or a less Sum than shall have been so previously offered by, or on the Behalf of the said Commissioners, or any Seven or more of them; then, and in every such Case, such Expences, to be settled by the said Commissioners, or any Seven or more of them, shall be defrayed by the Owners of, or Persons interested in, the Lands, Tenements, or Hereditaments, in question; and the Expences

pences ſo aſcertained ſhall be deducted and taken out of the Monies ſo aſſeſſed and adjudged; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed, within the Intent and Meaning of this Act, to be a full Satisfaction for ſuch Lands, Tenements, Hereditaments, or Damages reſpectively.

Survey may be made.

Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint, without any previous Payment or Tender of Recompence, to enter upon, and take a Survey and Level of, and to mark out, any Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners, or any Seven or more of them, ſhall think neceſſary to be uſed for any of the Purpoſes of this Act; doing thereby as little Damage as may be, and giving Forty eight Hours Notice of ſuch Entry at the leaſt, to the reſpective Owners or Occupiers of ſuch Lands, Tenements, or Hereditaments, and making Satisfaction as ſoon as may be for all Damages which ſhall be thereby occaſioned, in caſe ſuch Damages ſhall exceed the Sum of Six Pence.

Commiſſioners may ſell Lands not made uſe of for the Navigation.

And be it further enacted, That in caſe the ſaid Commiſſioners ſhall become poſſeſſed of any Necks of Land, or other Lands which they ſhall not have Occaſion to make uſe of for the Purpoſes of the ſaid Navigation, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, to ſell and convey all or any ſuch Lands to any Perſon or Perſons, or to exchange all or any ſuch Lands with any Perſon or Perſons for any of his, her, or their Lands, which the ſaid Commiſſioners, or any Seven or more of them, ſhall think neceſſary for the Purpoſe of making the ſaid Navigation; and all ſuch Sales and Exchanges ſo made ſhall be good, valid, and effectual, in the Law, to all Intents and Purpoſes whatſoever; and the Money ariſing by ſuch Sale or Sales ſhall be applied for the Purpoſes of this Act.

First Meeting of the Commiſſioners.

And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall meet, on the Twenty eighth Day after the Day of the paſſing this Act, at the Houſe of William Porter, known by the Sign of the Blue Bell in the Town of Great Driffield, and ſhall then proceed to the Execution of this Act; and the ſaid Commiſſioners, or any Seven or more of them, ſhall hold a General Meeting on the Firſt Tueſday in July in every Year; and the ſaid Commiſſioners, or any Seven or more of them, aſſembled at ſuch Firſt and

at any subsequent Meeting, may, from time to time, adjourn and hold their Meetings at such Place or Places as they, or any Seven or more of them, shall appoint; and if at any Time a sufficient Number of Commissioners shall not attend to act or to adjourn, the Meeting shall, from time to time, as often as the Case shall so happen, be deemed adjourned until that Day Fortnight; and the Treasurer, Clerk, or Surveyor, to the said Commissioners, shall cause Notice, in Writing or in Print, under his Hand, of the Time and Place of holding every such Meeting, to be affixed on some publick Place in the Town of Great Driffield, at least Four Days before every such Meeting; but no Meeting shall be held by virtue of this Act, at any Place which is above Two Miles distant from the said Navigation: And in case the Treasurer to the said Commissioners, or any Five of the said Commissioners, shall think it necessary that a Meeting of the Commissioners shall be held at any Time between the said Times of Adjournment; it shall and may be lawful for the said Treasurer, or any Five of the said Commissioners, to appoint a Meeting of the said Commissioners, Notice of the Time and Place of such Meeting being affixed on some public Place in the Town of Great Driffield at least Six Days before every such Meeting; and the Proceedings of the said Commissioners at such Meeting shall be as valid and effectual, to all Intents and Purposes, as if the said Commissioners had at their last Meeting adjourned to the said Time and Place; and the said Commissioners at all their Meeting shall defray their own Expences; and no Commissioner shall be impowered to do any Matter or Thing in the Execution of this Act, but at a Meeting to be held in pursuance hereof, except as aforesaid; and that no Order or Determination of the said Commissioners, or any Seven or more of them, shall be revoked or altered, unless Eleven Commissioners shall be present; and all such Commissioners as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

Notice to be given of every such Meeting.

Power to call intermediate Meetings.

No Order to be repealed unless Eleven Commissioners present.

Commissioners may act as Justices.

And be it further enacted, That upon the Death of any Commissioner hereby appointed, or hereafter to be elected, the surviving Commissioners, or any Eleven or more of them, shall and may, from time to time, elect One other Commissioner in the Stead of every such Commissioner deceased; and every Person so elected, shall have the same Authority as if he had been named a Commissioner in this Act; and Notice of the Time and Place

On Death, &c. of Commissioners, others to be chosen.

Place of Meeting for such Election, under the Hand of the Treasurer, Clerk, or Surveyor to the said Commissioners, shall be affixed upon some publick Place in the Town of Great Driffield, at least Ten Days before every Meeting for such Election.

Qualification of Commissioners.

And be it further enacted, That no Person shall act as a Commissioner in the Execution of any of the Powers hereby granted, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, above Reprizes; or be possessed of, or intitled unto, a Personal Estate, to the Amount or Value of Three thousand Pounds: And if any Person, not being so qualified, shall act as a Commissioner, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person who will sue for the same, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person prosecuted shall prove that he is so qualified, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Penalty on acting if not qualified.

And, for defraying the necessary Expences of putting this Act in Execution, be it further enacted, That at such Place and Places upon or adjoining to the said River, Cuts, or Trenches, as the said Commissioners, or any Seven or more of them, shall, by any Instrument in Writing, under their Hands and Seals appoint, there shall be paid to the Collector or Collectors to be nominated as herein after is directed, by all and every Person and Persons who shall carry or convey any Goods, Wares, Merchandizes, or Commodities whatsoever (except as herein after excepted) up or down the said River, Cuts, or Trenches, between the Clough on the East Corner of Fishholme, situate at the End of Fleet Dyke, and the Extent of the said intended Navigation, into or near the Town of Great Driffield aforesaid, such Sum and Sums of Money as the said Commissioners, or any Seven or more of them, shall, upon due Consideration of the said Expences, from time to time, think proper to appoint, not exceeding,

For

The Tolls.

For every Quarter of Wheat, Rye, Beans, Peaſe, or Rape Seed, Six Pence.

For every Quarter of Malt or Oats, Four Pence.

For every Quarter of Barley, or any other Sort of Grain not before enumerated, Four Pence.

For every Sack of Meal or Flour, containing Five Buſhels, Six Pence.

For every Chaldron of Coals, Culm, or Cinders, reckoning Forty eight Buſhels to the Chaldron, Three Shillings and Six Pence; and ſo in Proportion for any greater or leſſer Quantities of the Goods and Commodities aforeſaid.

For every Ton of Brick, Stone, Tyle, or Lime, for Building, Three Shillings and Six Pence.

And for every Ton of Goods, Wares, Merchandizes, or Commodities whatſoever, not before enumerated, Four Shillings; and ſo in Proportion for any greater or leſſer Weight than a Ton.

Which ſaid reſpective Sum and Sums of Money ſhall and may be demanded and taken in the Name of or as a Toll; and the Money ſo to be raiſed, is hereby veſted in the ſaid Commiſſioners, and ſhall be applied and diſpoſed of in ſuch Manner as the ſaid Commiſſioners, or any Seven or more of them, ſhall, from time to time, direct, for the Purpoſes of this Act; and in caſe of Neglect or Denial of Payment, on Demand, of ſuch Tolls, or any Part thereof, ſuch Collector or Collectors is and are hereby authorized and required to ſeize and detain any of the Goods, Wares, Merchandizes, and Commodities, or the Boats or Veſſels conveying the ſame; and in caſe ſuch Tolls ſhall not be paid within the Space of Five Days next after ſuch Seizure made, it ſhall be lawful for the ſaid Collector or Collectors to ſell ſuch Goods, Wares, Merchandizes, Commodities, Boats, or Veſſels, rendering the Overplus, if any, to the Owner or Owners thereof, after the ſaid Tolls, together with the reaſonable Charges of ſuch Seizure, Detention, and Sale, ſhall be deducted and paid.

Tolls veſted in Commiſſioners.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 5 Days.

Of the Tolls to be paid at *Brigham*.

Provided always, and be it further enacted, That no more than One Moiety of the Tolls, which ſhall be ſettled by the ſaid Commiſſioners, to be paid between the ſaid Clough, on the Eaſt Corner of Fiſhholme, and the Town of Great Driffield, ſhall be demanded or taken for any Goods, Wares, Merchandizes, or Commodities, which ſhall be carried or conveyed to or from the Town of Brigham.

Provided

Provided alſo, That no Toll or Duty ſhall be demanded or taken at any Place or Places upon, or adjoining to, the ſaid River, Cuts, or Trenches, for any Boat or other Veſſel, which ſhall be loaded with any Dung, Lime, Chalk, or other Materials, to be uſed in the manuring of Lands only, or loaded with Hay, or Corn in the Straw, not ſold, but to be laid up in the Out-houſes or Garths belonging to the reſpective Owners thereof, or with any Materials for the Repair of any Mill or Mills upon the ſaid River, Cuts, or Trenches; any thing in this Act contained to the contrary notwithſtanding. Exemptions from Toll.

And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Nine or more of them, from time to time, to borrow and take up at Intereſt any ſuch Sum or Sums of Money as they ſhall think neceſſary for the Purpoſes of this Act; and to aſſign over the ſaid Tolls, or any Part thereof (the Coſts and Charges of aſſigning the ſame to be paid out of ſuch Tolls (as a Security for any ſuch Sum or Sums of Money to be borrowed, with Intereſt for the ſame, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance the ſame; and the Money ſo borrowed ſhall be applied in ſuch Manner as the ſaid Tolls are directed to be applied, and to no other Uſe or Purpoſe; and Entries or Memorials of every ſuch Aſſignment or Aſſignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Commiſſioners, which ſaid Books 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 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 and Intereſt thereby ſecured, to any Perſon or Perſons, whomſoever; which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignments, for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum as the ſaid Commiſſioners, Tolls may be aſſigned for Money borrowed. Clerk's Fee.

sioners, or any Nine or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after such Entry made, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee or 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.

Commissioners may lessen the Tolls, and raise them again.

And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, with the Consent of the Person or Persons intitled to Two Third Parts of the Money borrowed upon the Credit of the Tolls, from time to time, to lessen the Tolls hereby made payable, for such Time as the said Commissioners shall think proper; and such Tolls so lessened shall be collected, recovered, and applied, in the same Manner as the Tolls hereby made payable are to be collected, recovered, and applied; and the said Commissioners, or any Nine or more of them, may, from time to time, raise the said Tolls so lessened, so as the same do not exceed the Tolls hereby granted.

Commissioners may lett the Tolls.

And be it further enacted, That the said Commissioners, or any Nine or more of them, upon Twenty Days Notice to be given in Writing under the Hand of the Clerk to the said Commissioners, to be affixed upon some publick Place in the Town of Great Driffield, may lett the said Tolls hereby made payable, or any Part thereof, to any Person or Persons, for any Term not exceeding Three Years, for such Sum or Sums of Money as the said Commissioners, or any Nine or more of them, shall think reasonable; which Sum or Sums of Money shall be paid to the said Commissioners, or any Seven or more of them, or to such Person or Persons as they shall appoint to receive the same, and shall be applied as the Tolls hereby granted are to be applied.

A publick Wharf to be made at *Driffield*.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall, and they are hereby required, out of the Tolls or Duties hereby made payable, or out of the Money borrowed upon the Credit thereof, to purchase proper Ground in or near to the Town of Great Driffield, and thereon to erect a publick Wharf, with Cranes and other Engines, and proper Conveniencies for the landing and shipping of Goods, and also Ground for a convenient Way and Passage thereto; which said Wharf shall be deemed, and is hereby declared

clared to be for the publick Uſe and Benefit; and ſuch Rates or Duties only ſhall be demanded and taken for the landing and ſhipping of Goods at ſuch Wharf, as the ſaid Commiſſioners, or any Seven or more of them, ſhall, under their Hands and Seals, direct and appoint; and the Money to ariſe by ſuch Rates or Duties ſhall be, and is hereby declared to be, veſted in the ſaid Commiſſioners, and ſhall be applied by them, or any Seven or more of them, from time to time, for keeping the ſaid Wharf, Cranes, or other Engines in Repair, and for other Purpoſes of carrying this Act into Execution.

Commiſſioners to appoint Officers;

And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall be, and are hereby impowered, from time to time, by Writing under their Hands and Seals, to appoint a Collector or Collectors of the ſaid Tolls, and alſo a Treaſurer or Treaſurers; ſuch Collector or Collectors, and Treaſurer or Treaſurers, giving Security to the Satisfaction of the ſaid Commiſſioners, or any Nine or more of them; and ſhall alſo adminiſter an Oath to every ſuch Collector for the faithful Execution of his Office (which Oath any Two of the ſaid Commiſſioners are hereby impowered to adminiſter) and ſuch Collector or Collectors ſhall, at ſuch Times as he or they ſhall be required by the ſaid Commiſſioners, or any Seven or more of them, by Writing under their Hands, pay or cauſe to be paid, into the Hands of the Treaſurer or Treaſurers, all and every the Sum and Sums of Money which ſuch Collector or Collectors ſhall have received by virtue of this Act; and the ſaid Commiſſioners, or any Nine or more of them, ſhall alſo, by Writing under their Hands and Seals, appoint a Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officers as they ſhall think neceſſary to employ in the Execution of this Act; and all the Officers ſo to be appointed, ſhall be paid, out of the Monies to be raiſed by virtue of this Act, ſuch Salaries or Allowances as the ſaid Commiſſioners, or any Nine or more of them, ſhall think reaſonable; and ſhall be from time to time, removeable at the Will and Pleaſure of the ſaid Commiſſioners, or any Nine or more of them.

and allow them Salaries.

Treaſurer to enter Diſburſements in a Book.

And be it further enacted, That the ſaid Treaſurer or Treaſurers, ſhall fairly enter into One or more Book or Books to be kept for that Purpoſe, an Account of all Monies by him or them received and diſburſed, ſpecifying the Times when, and the Perſons from and to whom ſuch Monies were reſpectively received and diſburſed, and for what Purpoſes; which Book or Books, or a true Copy thereof, ſigned by the ſaid Treaſurer or Treaſurers,

Treaſurers, together with the Vouchers for ſuch Diſburſements, and alſo all Books and Papers in his or their Cuſtody relating to the Execution of this Act, ſhall be delivered to the ſaid Commiſſioners, or any Seven or more of them, once at leaſt in every Year, and from time to time, as often as the ſaid Commiſſioners, or any Seven or more of them, ſhall require the ſame; and the ſaid Treaſurer or Treaſurers, ſhall alſo verify the ſaid Account or Accounts upon Oath, if thereunto required by the ſaid Commiſſioners, or any Seven or more of them; and the ſaid Commiſſioners, or any Seven or more of them, are hereby authorized to diſcharge ſuch Treaſurer or Treaſurers of all ſuch Monies as he or they ſhall have truly accounted for; and the ſaid Commiſſioners, or any Seven or more of them, ſhall alſo, at ſuch Time or Times as they ſhall think proper, ſummon before them, and, if they think fit, examine upon Oath, (which Oath, as alſo the Oath or Oaths to the ſaid Treaſurer or Treaſurers, the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter) all or any ſuch Collectors, Clerks, Surveyors, 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 the ſaid Collectors, Clerks, Surveyors, and Perſons employed in or intruſted as aforeſaid, ſhall render to the ſaid Commiſſioners, or any Seven or more of them, from time to time, as often as they ſhall be thereunto required by the ſaid Commiſſioners, or any Seven or more of them, a true and perfect Account in Writing of all Monies ſo by them reſpectively received and paid, with the Vouchers for ſuch Payments, and alſo all Books and Papers in their Cuſtody relating to the Execution of this Act: And in caſe any ſuch Treaſurer, Collector, Clerk, or other Officer or Perſon, ſhall be found in Arrear, or refuſe to account or to pay the Money remaining in his Hands, according to the Directions of the ſaid Commiſſioners, or any Seven or more of them; or if any ſuch Officer or Perſon ſhall not deliver ſuch Books or Papers in his Cuſtody as aforeſaid; in every ſuch Caſe, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, by Warrant or Warrants under their Hands and Seals, to commit every ſuch Officer and Perſon to the Common Gaol of the County of York, there to remain without Bail or Mainprize, until he ſhall have made a true Account and Payment, and delivered ſuch Books and Papers as aforeſaid, or compounded with the ſaid Commiſſioners, or any Seven or more of them; which Compoſition, the ſaid Commiſſioners,

ſioners, or any Seven or more of them, are hereby impowered to make; and ſhall have given Satisfaction to the ſaid Commmiſſioners, or any Seven or more of them, concerning ſuch Books, Papers, and Writings.

And, for the more eaſy collecting the ſaid Tolls, be it further enacted, That every Perſon having the Charge of any Boat or other Veſſel paſſing on the ſaid River, Cuts, or Trenches, ſhall give a true Report, or an Account in Writing, ſigned by himſelf, unto ſuch Perſon or Perſons as ſhall from time to time be appointed by the ſaid Commiſſioners, or any Nine or more of them, to receive the ſame, and at ſuch Place or Places as ſhall be appointed by the ſaid Commiſſioners, or any Seven or more of them, of the Quantity, Quality, and Weight, of the Goods, Wares, Merchandizes, and Commodities, which ſhall be in or belong to ſuch Boat or other Veſſel; and alſo of the Quantity, Quality, and Weight, of the Goods, Wares, Merchandizes, and Commodities, which ſhall have been diſcharged or taken out of ſuch Boat or other Veſſel, before the Arrival thereof, at the Place where ſuch Account or Report is to be given; and in Failure of giving ſuch Account or Report, or in caſe a falſe Account or Report ſhall be given, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, over and above the Payment of the Tolls; and if any Difference ſhall ariſe between any Collector of the ſaid Tolls, and the Perſon having Charge of any Boat or other Veſſel, or the Owner of any Goods, Wares, Merchandizes, or Commodities, concerning the Quantity, Quality, or Weight of the ſame, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat or other Veſſel, and to weigh, meaſure, gauge, or number, or cauſe to be weighed, meaſured, gauged, or numbered, all ſuch Goods, Wares, Merchandizes, and Commodities; and in caſe the ſame ſhall appear to be of a greater Quantity, Quality, or Weight, than ſuch Perſon declared the ſame to be, in every ſuch Caſe, ſuch Perſon ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, gauging, and numbering; all which ſaid Coſts and Charges, upon Refuſal of Payment thereof, on Demand, ſhall and may be recovered as the Tolls hereby granted are appointed to be recovered; but if ſuch Goods, Wares, Merchandizes, or Commodities, ſhall appear to be of no greater Quantity, Quality, or Weight, than ſuch Perſon declared the ſame to be, then ſuch Collector ſhall pay ſuch Coſts and Charges, and ſhall alſo pay to ſuch Perſon, or to the Owner or Owners of ſuch Goods,

Reports to be made of Loading by Navigators.

Wares, Merchandizes, and Commodities, One Shilling for every Hour that ſuch Boat or other Veſſel ſhall be ſo detained.

Commiſſioners may ſet up Gates, &c. over the Ditches and Fences in the Towing-paths.

And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe to be made, ſet up, and, from time to time, maintained and kept in Repair, convenient and ſubſtantial Gates, Bridges, Paſſages, and Stiles, in and over all the Ditches and Fences in the Towing-paths to be uſed for the Purpoſes of this Act, where the ſame ſhall reſpectively be neceſſary; and alſo ſuch Bridges over the new Cuts, Trenches, and Paſſages, as ſhall be proper for the Uſe of the Occupiers of the Lands, Tenements, and Hereditaments, thereunto adjoining: And alſo, that if the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper to cauſe the ſaid River to be deepened in any Part or Parts, ſo as to render any uſual and common Fords and Highways impaſſable or dangerous, or ſhall make any Cut or Channel croſs any Highway; in every ſuch Caſe, the ſaid Commiſſioners, or any Seven or more of them, ſhall firſt cauſe a ſufficient Bridge or Bridges to be erected, or ſuch other Conveniencies to be made, as the ſaid Commiſſioners, or any Seven or more of them, ſhall judge proper, where ſuch Fords or Highways now are, or as near thereto as conveniently may be, and ſhall, from time to time, maintain and keep the ſaid Bridges or Conveniencies in Repair, for the Accommodation of all Perſons having Occaſion to uſe or paſs over the ſame.

Bridges to be erected where Fords are made dangerous.

Banks to be made on the Sides of Cuts.

And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall, and they are hereby required to, cauſe to be raiſed upon the Sides of any Cuts or Canals which ſhall be made by virtue of this Act, between the ſaid Clough on the Eaſt Corner of Fiſhholme and Great Driffield Banks, Ten Feet diſtant from the Verges of ſuch Cuts or Canals; and ſhall, from time to time, keep ſuch Banks in Repair; and ſhall cauſe ſufficient Tunnels to be laid through the Banks ſo to be raiſed above the Firſt Lock to be erected below Wansforth for draining the adjacent Lands, and, from time to time to keep ſuch Tunnels in Repair; and ſhall permit and ſuffer the Owner or Owners of the Lands adjoining to the ſaid Banks ſo to be raiſed below the Firſt Lock to be erected below Wansforth, to lay ſufficient Tunnels through the ſaid Banks for draining ſuch Lands, and, from time to time, to repair ſuch Tunnels.

Tunnels to be laid through ſuch Banks above the Lock below *Wansforth*, by the Commiſſioners; and below, by the Owners of the Lands adjoining.

And be it further enacted, That the Owner or Owners of every Boat or other Veſſel, which ſhall paſs upon

the ſaid River, Cuts, or Trenches, ſhall be anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his, her, or their Boat or Veſſel, or by any Perſon or Perſons belonging to, or employed in or about, the ſame reſpectively, or by his, her, or their Horſes or Servants, unto any of the Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks, or other Works, that now are or ſhall be erected and maintained in, upon, or near, the ſaid River, Cuts, or Trenches, or by loading or unloading any Boat or other Veſſel, and alſo for any Treſpaſs or Damage that ſhall or may be done with reſpect to any Mills, Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining or lying near to the ſaid River, Cuts, or Trenches: And if any ſuch Damage, Spoil, or Miſchief, ſhall be done, the ſame ſhall be inquired into, and determined by, any Juſtice of the Peace for the Eaſt Riding of the County of York, who is hereby authorized and required, upon Complaint or Information made before him, to ſummon the Owner or Owners of ſuch Boat or other Veſſel to appear before him; and upon his, her, or their Appearance, or making Default to appear (Proof being made upon Oath before ſuch Juſtice that the Party neglecting to appear was perſonally ſerved with ſuch Summons, or that the ſame was left for him, her, or them, at his, her, or their, uſual Place of Abode) ſuch Juſtice ſhall proceed to examine into the Truth of the ſaid Complaint or Information; and, upon Conviction of the Party complained of, by Proof upon the Oath of One or more credible Witneſs or Witneſſes (which Oaths ſuch Juſtice is hereby impowered to adminiſter) ſhall award and order ſuch Sum of Money to be paid by ſuch Owner or Owners, as a Recompence for ſuch Damage, Spoil, or Miſchief, as he the ſaid Juſtice ſhall think proper, not exceeding Treble the Amount or Value thereof; and in caſe of Nonpayment of ſuch Sum of Money ſo awarded and ordered for the Space of Fourteen Days, the ſaid Juſtice is hereby authorized and required to cauſe the ſame to be levied by Diſtreſs and Sale of the Boats, Veſſels, or other Goods and Chattles of ſuch Owner or Owners, by Warrant under the Hand and Seal of ſuch Juſtice, rendering to the Owner the Overplus (if any be) after ſuch Sum, together with the reaſonable Charges of ſuch Information and Conviction, Diſtreſs and Sale, have been firſt ſatisfied and paid.

Owners of Veſſels anſwerable for any Damage done to the Works by the Crew, &c.

And be it further enacted, That if any Perſon having the Care or Management of any Boat or other Veſſel, or navigating or working the ſame, ſhall lay ſuch Boat or

Penalty on Perſons obſtructing the Paſſage of Boats.

or Vessel so as to obstruct the Passage of other Boats or Vessels, or shall hinder the opening or shutting of any of the said Locks or Sluices, and shall not, upon Request, immediately remove the same; every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Boats sunk to be weighed up.

And be it further enacted, That if any Boat or other Vessel shall happen to be sunk in the said River, Cuts, or Trenches, and the Owner or Person having the Care of such Boat or Vessel shall not, without Loss of Time, weigh or draw up, and hale the same out of the Way of other Boats or Vessels passing upon the said Navigation; it shall be lawful for any Agent or Servant of the said Commissioners to cause such Boat or Vessel to be weighed or drawn up, and to seize and detain the same until Payment shall be made of all Expences occasioned thereby; and if Payment be not made in Twenty Days, such Agent or Servant shall cause Sale to be made thereof, for reimbursing the said Expences, or other incident Charges, returning the Overplus (if any be) to such Owner or Person.

The Owners Names to be marked on the Vessels.

And be it further enacted, That the Owner or Owners of every Boat or other Vessel passing upon the said River, Cuts, or Trenches, shall cause his, her, or their Name or Names at full Length to be placed and set in large Capital Letters Four Inches long, and broad in Proportion, on the upper Part of the Bow on both Sides of every such Boat or Vessel, and painted white, so that the same shall, from time to time, and at all Times, be plain and legible: And in case any such Owner or Owners of any such Boat or Vessel shall not at all Times have his, her, or their Name or Names so set or placed; or if any Person or Persons having the Care or Charge of any Boat or other Vessel passing the said River, Cuts, or Trenches, into or through any of the Sluices or Locks in or upon such River, Cuts, or Trenches, shall wilfully or negligently set or leave open any of the Gates, Doors, or Slakers, belonging to any such Sluice or Lock, whereby the Water shall run waste, to the Hindrance or Detriment of any Mill upon the said River, or of the said Navigation; then, and in every such Case, every such Owner or Person, so neglecting or offending, shall forfeit and pay the Sum of Five Pounds, and the Owner and Owners of every such Vessel shall be answerable for all Damages to be done by their said Agents or Servants employed in the navigating such Boat or other Vessel.

And

And be it further enacted, That if any Perſon ſhall maliciouſly or wantonly open, or cauſe to be opened, any Lock or Clough belonging to the ſaid Navigation, or ſhall leave any of the Cloughs running, after any Boat or other Veſſel ſhall have paſſed any Lock belonging to the ſaid Navigation, or ſhall draw, or cauſe to be drawn, any Clough in the Lock Gates on ſuch Navigation, ſo as to miſpend or waſte the Water to the Prejudice of the ſaid Navigation, Mills, or Lands, every ſuch Perſon, for every ſuch Offence, ſhall forfeit and pay any Sum, not exceeding Five Pounds. Penalty on Perſons maliciouſly opening Locks, &c.

And be it further enacted, That if any Owner or Occupier of any Mill or Mills within the Limits of the ſaid Navigation, or other Perſon or Perſons employed by him, her, or them, ſhall, upon Examination of One or more Witneſs or Witneſſes, upon Oath, in the Judgement and Opinion of any Seven or more of the ſaid Commiſſioners, which Oath the ſaid Commiſſioners, or any Two of them, are hereby impowered to adminiſter, wittingly or wilfully do, or cauſe or permit to be done, any Act, Matter, or Thing whatſoever, whereby, or by means whereof, the ſaid Navigation ſhall be interrupted or obſtructed, impeded or prevented, and ſhall not ſhew ſufficient Cauſe, to be allowed by the ſaid Commiſſioners, or any Seven or more of them, for ſo doing; every ſuch Owner or Occupier, or other Perſon, ſhall, for every ſuch Act, Matter, or Thing, forfeit and pay ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall order, decree, or award, not exceeding the Sum of Five Pounds for every ſuch Offence. Penalty on Occupiers of Mills obſtructing the Navigation.

Provided always, That if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by ſuch Opinion or Judgement of the ſaid Commiſſioners, ſuch Perſon or Perſons is and are hereby impowered to appeal to the Juſtices at the next Quarter Seſſion to be held in and for the Eaſt Riding of the County of York, who are hereby impowered to hear and finally determine the ſame. Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted, That as often as any Boat Maſter, or other Perſon, navigating any Boat or other Veſſel upon the ſaid River, Cuts, or Trenches, ſhall come to any of the ſaid Locks with his Boat or Veſſel, the Perſon or Perſons having the Care or Management of any ſuch Lock, ſhall immediately draw the Cloughs and open the Lock, and freely permit ſuch Boat or Veſſel to paſs through ſuch Lock upwards or downwards; and every Perſon and Perſons neglecting Locks to be opened by Perſons having the Care of them.

ing or refusing so to do shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Commissioners may make By-laws, &c.

And be it further enacted, That the said Commissioners, or any Nine or more of them, shall, from time to time, have full Power to make By-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well governing of the Bargemen, Watermen, and Boatmen, who shall convey or carry any Goods, Wares, or Merchandize, on any Part thereof, and, from time to time, to alter or repeal the same; and to impose such reasonable Fines, Forfeitures, or Punishments, upon all Persons offending against such By-laws, Orders, or Constitutions, as they the said Commissioners, or any Nine or more of them, shall think fit, not exceeding Five Pounds on any Person for One Offence; such Fines, Forfeitures, or Punishments, to be levied or inflicted by such Ways and Means as the said Commissioners, or any Nine or more of them, shall direct; which said By-laws, Orders, and Constitutions, being put into Writing under the Hands and Seals of the said 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 in pursuance of any such By-law, Order, or Constitution, may, within Three Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace at their General or Quarter Session to be held for the said Riding, who shall in a summary Way either hear and determine the said Complaint at such General or Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for the said Riding; and, if they see Cause, may mitigate or alter such Forfeiture or Punishment, and may order any Money to be returned which shall have been levied in pursuance of such By-law, Order, or Constitution; and may also order such further Satisfaction to be made, and give such Costs to the Party injured, as they shall judge reasonable.

Upon Payment of the Tolls, Navigation to be free.

And be it further enacted, That the said Navigation, and the Works, Towing-paths, Private-ways, and Roads hereby authorized to be made and set out for the Purposes

Purpoſes of the ſaid Navigation, ſhall be free for the Uſe of all Perſons, and their Boats, Veſſels, Horſes, and Carriages, upon Payment of ſuch Tolls as ſhall be appointed to be taken by virtue of this Act.

Charges of paſſing this Act to be firſt paid.

And be it further enacted, That all the Expences incident to and attending the obtaining of this Act, ſhall be in the firſt Place defrayed out of the Monies which ſhall ariſe by virtue hereof.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted or authorized to be impoſed, the Recovery whereof is not herein before directed, ſhall be recovered by Diſtreſs and Sale of the Offenders Goods and Chattles, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals of any Juſtice or Juſtices of the Peace for the ſaid Eaſt Riding of the County of York; 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 Goal or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Months, or until the ſaid Fines, Penalties, and Forfeitures ſhall be paid; and that all ſuch Fines, Penalties, and Forfeitures, or any Part or Parts thereof, which are not herein before applied, ſhall be paid into the Hands of the Treaſurer or Treaſurers to the ſaid Commiſſioners, and applied for the Purpoſes of this Act.

Perſons aggrieved may appeal to the Quarter Seſſions.

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 Eaſt Riding of the County of York, at any General or Quarter Seſſion of the Peace to be held within the Space of Four Calendar Months after ſuch Cauſe of Appeal ſhall happen; the Perſon or Perſons ſo appealing firſt 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 Quarter Seſſion, in caſe ſuch Order or Judgement ſhall be affirmed; and the Juſtices, at ſuch General or Quarter Seſſion, are hereby authorized and required to hear and determine ſuch Appeal, and to make ſuch 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

Order not removable by *Certiorari*.

at Westminster, or elsewhere; and that no Order or Proceeding, to be had or made by or before any Justice of the Peace, relating to the Execution of this Act, shall be quashed or vacated for want of Form only.

Penalty on giving false Evidence.

And be it further enacted, That all and every Person or Persons, who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the said Commissioners, or any of them, or before any Justice or Justices of the Peace, shall and may be prosecuted for the same, and upon Conviction thereof, shall be subject to all the Pains and Penalties which Persons are or may be subject to by the Laws of this Kingdom, for wilful and corrupt Perjury.

Penalty on damaging the Works.

And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, damage, or destroy, any Banks or other Works to be erected or made for the Purposes of the said Navigation, such Person or Persons shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in other Cases of Felony; and the Court by and before whom such Person or Persons shall be tried, shall have full Power and Authority to transport such Felon or Felons for Seven Years, to such Place and in such Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Navigation not to be subject to the Commissioners of Sewers.

Provided always, and be it further enacted, That no Works whatsoever, to be made by virtue of this Act, above Emmotland Stakes, shall be subject to the Controul, Direction, Survey, or Order, of any Commission of Sewers, or to any Law or Statute relating to Sewers; any thing in any former Law or Statute contained to the contrary notwithstanding.

Navigation to be exempt form Taxes.

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

Proceedings to be entered in Books.

And be it further enacted, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, when entered, shall be signed by the said Commissioners, or any Seven or more of them, and the Clerk or Clerks attending the said Commissioners, is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and the said Orders and Proceedings, so signed and attested, shall be deemed and taken to be Originals, and

ſhall be admitted as Evidence in all Courts whatſoever; and ſuch Book or Books ſhall be ſeen and peruſed at all ſeaſonable Times, and Copies thereof, or of any Part thereof, may be taken by any Perſon or Perſons whomſoever, paying to the ſaid Clerk or Clerks Six Pence for every One hundred Words. Books may be read in Evidence.

And be it further enacted, That no Warrant, Mortgage, Aſſignment, Transfer, or any other Writing whatſoever, in purſuance of or relating to the Execution of any of the Powers of this Act, ſhall be ſubject to any Stamp Duty whatſoever. Writings to be without Stamps.

And be it further enacted, That it ſhall and may be lawful for the Owners and Occupiers of Lands or Tenements adjoining to the ſaid River, Cuts, or Trenches, to uſe any Pleaſure Boat or Boats upon the ſame, without the Hindrance or Interruption of the ſaid Commiſſioners, or any of them, and without paying any of the Tolls aforeſaid (except as herein after excepted) 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 Tolls by this Act granted and made payable; and that the Lord or Lords of the reſpective Manors, or any other Perſon or Perſons whatſoever, ſhall have full Liberty to fiſh, fowl, and exerciſe all other Royalties on the ſaid River, Cuts, and Trenches, 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 Navigation. Reſervation of Rights.

Provided always, That every ſuch Pleaſure Boat, which ſhall paſs through any Lock to be erected by virtue of this Act, ſhall pay the Sum of Six Pence to the Perſon having the Care of ſuch Lock. Pleaſure Boats to pay 6*d.* at each Lock.

And be it further enacted, That nothing in this Act contained ſhall be conſtrued to obſtruct or hinder the Owner or Owners of any Lands or Grounds lying upon or near the Banks of the ſaid River, Cuts, or Trenches, from making or erecting any Warehouſes, Weigh-beams, Cranes, Quays, Landing Places, or Wharfs, upon the Banks of the ſaid River, Cuts, or Trenches, ſo that the erecting or uſing ſuch Warehouſes, Cranes, or Wharfs, do not obſtruct or prejudice the ſaid Navigation, or any of the Powers given by this Act. Owners of Lands may build Warehouſes.

And be it further enacted, That all and every Warrant and Warrants, that ſhall be granted by any Perſon or Perſons enabled or impowered to grant the ſame, under or by virtue of this Act, may be directed to the Warrants may be directed to the Conſtable of the Place where the Offender lives.

Constable, Headborough, or other Officer, of the Township, Parish, or Place, where the Offender or Offenders shall live, reside, or inhabit; which Constable, Headborough, or other Officer, is hereby authorized and required to execute the same.

Distress not to be deemed unlawful for want of Form;

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

nor the Party distraining be deemed a Trespasser *ab initio*.

Plaintiff not to recover, if Tender of Amends hath been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or in Behalf of the Party distraining before such Action brought.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action, Suit, or Information, shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of York, and not elsewhere; and the Person or Persons so sued or prosecuted may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information, shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in every such Case, the Jury shall find for the Defendant or Defendants; or, if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants

General Issue.

fendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in other Caſes by Law. Treble Coſts.

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

FINIS.
