Anno nono

Georgii III. Regis.

An Act for extending the Navigation of the River *Calder* to *Salter Hebble Bridge*, and to *Sowerby Bridge*, in the County of *York*; and for repealing an Act for that Purpose.

WHEREAS in the Thirty first Year of the Reign of His late Majesty King George the Second, an Act of Parliament passed for extending the Navigation of the River Calder, to or near to Sowerby Bridge in the Parish of Halifax, and for making navigable the River Hebble, Halig, or Halifax Brook, from Brooksmouth, to Salter Hebble Bridge in the County of York: And whereas the Commissioners appointed for carrying the said Act into Execution, have borrowed of several Persons considerable Sums of Money, which they have laid out for the Purposes aforesaid, and great Advantages arising therefrom have been already experienced: And whereas before such Navigation was completed, and all the necessary Works for the Defence and Security of Preamble.

the Cuts, Locks, and other Works, were perfected, ſuch of the Works as were then made, were, by the Violence of repeated Floods, deſtroyed, or very greatly damaged, and the Navigation is ruined ſo far as to be no longer paſſable for any Kind of Veſſels from Wakefield to Brookſmouth, or from Brookſmouth to Salter Hebble Bridge: And whereas the ſaid Commiſſioners cannot raiſe Money to make the ſame good again, no Perſon being willing to lend any under the preſent Circumſtances upon ſuch Security as they are empowered to give by virtue of the ſaid Act; ſo that all thoſe who have already advanced Money for making the ſaid Navigation are likely to loſe their Money ſo advanced, to the great Diſcouragement of all Perſons willing to engage in ſuch uſeful Undertakings, and the Publick is in Danger of loſing the Benefit of ſuch Navigation, unleſs ſome further Proviſion be made by Law for reſtoring, completing, and maintaining, the ſame: 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 Baronet; Jeremiah, John, and Robert Royds, Mary Royds, Ann Royds, John Caygill, Thomas Thornhill, Thomas Aked, William Gream, the Reverend Samuel Sandford, Cyril Jackſon, George Stansfeld, Ellen Barbar, William Banks, Samuel Burroughs, John Woolmer, Nicholas and Mathew Coulthurſt, David Stansfeld, Joſeph Peaſe, William Marſden, John Baldwin, William Baldwin, John Lea, John Walker, Samuel Taylor, John Waterhouſe, William Turner, Stephen Todd, Valentine Stead, Samuel Lees, the Reverend Robert Hargreaves, George Braithwait, Richard Taylor, John Smeaton, James Wetherherd, Robert Holt, John Royds, George Walmeſley, Richard Townley, Chriſtopher Rawſon, Robert Yeates, the Reverend John Liſter, Samuel Liſter, Japhet Liſter, the Reverend George Legh LL. D. John Smith, John Walmeſley, Jonathan Nichol, Joſeph Bramley, William Moore, George Brookſbank, James Hamer, Hannah Walmeſley, Elizabeth Walmeſley, Edmund Smith, Thomas Batterſbye, John, James, and Samuel Taylor; Roger Sedgwick, Edward Byrom, Otho Cooke, James Greatrix, Samuel Vernon, John Prieſtley, James Hoyle, John Gorell, Richard Walton, Elkanah Holroyde, the Reverend John Welſh, John Butterworth, Thomas Arrowſmith, Richard Gore, Joſhua Marriott,

Proprietors Names.

Marriott, Wyant Marriott, Mary Jaques, Richard Bracken, Jeremiah Holroyde, being the Persons who have advanced the Money to borrowed on the Credit of the said recited recited Act, or such of them as are now living, their several and respective Executors, Administrators, and Assigns, and the several and respective Executors, Administrators, and Assigns, or other personal Representatives of such of them as are now dead, and their several and respective Executors, Administrators, and Assigns, together with such other Person or Persons as are or hereafter shall be possessed of One or more Share or Shares of the said Navigation, are and shall be united into a Company for the better carrying on, making, completing, and maintaining, the Navigation of the said River Calder, from the most proper Part of a Piece of Ground called Fall Ing, near Wakefield, up to a Place called Brooksmouth, in the Townships of Skircoat and South Ouram, where the said River Hebble, Halig, or Halifax Brook, falls into the Calder, and from thence up the said River to Salter Hebble Bridge, near the Town of Halifax; and for carrying on and continuing the Navigation from Brooksmouth, or from the said River Hebble, up the said River Calder, to Sowerby Bridge, in the Parish of Halifax aforesaid, or within Five hundred Yards of the said Bridge, according to the Rules, Orders, and Directions, herein after expressed; and shall for that Purpose be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Calder* and *Hebble* Navigation; and by that Name shall have perpetual Succession, and a Common Seal; and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase Lands to them, and their Successors and Assigns, for the Use of the said Navigation, without incurring any of the Penalties and Forfeitures of the Statute of Mortmain; and the said Company of Proprietors, their Successors, and Assigns, shall be, and are hereby authorized and impowered, from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make and keep navigable and passable at all Times for Boats, Barges, Lighters, and other Vessels, the said Rivers; and for that Purpose, as Occasion shall require, to conduct, cleanse, scour, open, deepen, enlarge, or straiten the same, and likewise such Parts of any Brooks, Streams, Springs, or Watercourses, as lie within One Mile of any Part of the Navigation betwixt Brooksmouth and

Their Stile.

Their Power.

Sowerby Bridge, or within One Mile above Sowerby Bridge, which do or can be made to communicate therewith, or any Part thereof; and to make all necessary Passages for Water from any Part of the said Rivers, or either of them, and from any Brooks, Streams, Springs, or Watercourses, to any Part of the said Rivers, or either of them; and to make use of all or any Part of the old or former Channels of the said Rivers, as well as of the Cuts, Canals, and Trenches, adjoining or near thereto; and to dig, cut, heighten, strengthen, or alter the Banks thereof, or of any Brooks, Streams, Springs, Watercourses, or Passages, for bringing Water into or out of the said Rivers, or either of them; and to open, widen, and alter, the Cuts, Canals, Trenches, and Passages, for Water already made or begun in or near to the said Rivers, or either of them; and to raise, strengthen, and remove or alter the Banks or other Works thereof; and to make such further and other new Banks, Cuts, Canals, Trenches, and Passages for Water, in, upon, or through, the Lands or Grounds adjoining or near thereto, or to the said Brooks, Streams, Springs, or Watercourses, or any of them, or any Ways, Tunnels, Drains, or Passages, for Water, for the more convenient, easy, and better carrying on, making, maintaining, and using the said Navigation, and preventing Damages to the Lands adjoining, as they shall think necessary and proper for effecting the several Purposes of this Act, be it the Ground or Soil of the King's most Excellent Majesty, his Heirs, or Successors, or of any Person or Persons, 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 wise obstruct, hinder, or prevent, the said Navigation, either in sailing, haling, or towing of Boats, Barges, Lighters, or Vessels, with Oxen or Horses, or otherwise; and also to build, erect, set up, and make, in, over, or across, the Rivers, Brooks, Streams, Cuts, Canals, Trenches, and Watercourses, or upon the Lands or Grounds adjoining or near thereto, such and so many Aqueducts, Navigation Bridges, or other Bridges, Sluices, Stanches, Flood-gates, Locks, Weirs, Dams, Pens for Water, Winches, Landing-places, Fences, Posts, Stoops, Weighing Beams, Warehouses, and all such other Works, Ways, Roads, and Conveniencies, as and where the said Proprietors shall think necessary and proper for completing, maintaining,

taining, and using, the said Navigation; and from time to time to repair, maintain, enlarge, contract, turn, alter, or remove, all or any such Works, or any Part thereof; and from time to time to make, widen, enlarge, turn, or alter, any Ways or Passages for the carrying and conveying of Goods, Commodities, or other Things, to or from the said Rivers, Brooks, Streams, Cuts, Canals, Springs, Trenches, and Watercourses before mentioned; 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 Navigation and Works, and for altering, maintaining, and repairing, the same from time to time; and also to deposite 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 to amend, heighten, lower, or alter, any Bridges, Banks, Cuts, Trenches, Watercourses, or other Things, upon or near to the said Rivers, or either of them, or which may any way hinder or obstruct the said intended Navigation; and to dig, get, lay, and convey away Soil, Clay, Gravel, Stones, or other Materials, proper, requisite, or convenient, for making, carrying on, altering, or continuing, the said Works and Undertakings, in, from, through, and over, any Lands or Grounds adjoining or lying near to the said Rivers, Brooks, Streams, Springs, Cuts, Trenches, Passages, or Watercourses (not being the Ground whereon any House stands, or not being an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House, which were planted and set apart as such before the Twenty-fourth Day of March One thousand seven hundred and sixty-nine;) and also to make, set out, appoint, fence off, maintain, and keep, any Towing-paths, Banks, and Ways, convenient for towing and drawing with Oxen, Horses, or otherwise, Boats, Barges, Lighters, and other Vessels, and also such Gates, Fences, and Stiles, in or across such Paths or Ways, or any Part or Parts thereof; and also to make and erect such Dam or Dams, Reservoir or Reservoirs, from time to time, at or near any Part or Parts of the said Navigation, as they shall think necessary, in order to supply the said Navigation with Water from time to time as there shall be Occasion, and from time to time to repair and maintain such Dam or Dams, Reservoir or Reservoirs; and also to do, perform, and execute, all such other Works, Matters, and

Things,

Things as they shall think necessary or proper for or in the making, continuing, carrying on, completing, maintaining, and using the said Navigation, and for answering and effecting the several Purposes of this Act; they the said Company of Proprietors, their Successors, and Assigns, doing as little Damage as may be to and upon the Premisses, and making Recompence, in Manner herein after mentioned, to the Owners and Occupiers of, and Persons interested in, any Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments respectively, for any Damage that may happen or be occasioned thereto for or by reason or means of making or using the said Navigation, or exercising any of the Powers and Authorities of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Successors and Assigns, their Servants, Agents, and Workmen, and all other Persons whatsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Bodies Politick, &c. impowered to treat.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of 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 seised, possessed of, or interested in their own Right, and to and for every other Person and Persons however incapacitated who are or shall be seised, possessed of, or interested in, any Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, to be cut, digged, damaged, altered, removed, or used for the Purposes of this Act, or to facilitate the carrying on and effecting the said Navigation, or any Part thereof, to contract for, sell, and convey, unto the said Company of Proprietors, their Successors, and Assigns, or to such Person and Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, either in Consideration of a Sum of Money to be paid in Gross, or of an annual Rent or Payment to be charged and secured as herein after mentioned: And where by making any Cut or Canal the Property of any Land-owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it

shall and may be lawful to and for such Bodies Politick, Corporate, and Collegiate, and other such Landowners, by and with the Consent of the Commissioners to be appointed as herein after mentioned, or any Three or more of them, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of and attested by Two or more credible Witnesses, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds through which any such Cut or Canal shall be made, to any Person or Persons whomsoever, for such Price or Prices, in Money or other Equivalent, as to the said Commissioners, or any Three or more of them, shall seem reasonable; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof in any wise notwithstanding: And all Bodies Politick, Corporate, or Collegiate, and all Persons whosoever, so conveying or exchanging as aforesaid, are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue of or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land-owners) to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, their Successors, and Assigns, be inrolled in the publick Register Office at Wakefield, in the West Riding of the said County of York, or with the Clerk of the Peace for the said West Riding, and true Copies thereof respectively shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment shall be paid the Sum of Two Pence for every Two hundred Words, and so in proportion for any greater or less Number of Words, and no more.

Preserving Copyhold Rights.

And be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands 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, payable, or of Right accustomed, in such and the same Manner as if this Act had not been made.

And whereas Differences may arise between the said Company of Proprietors and the several Owners of, and Persons interested in, any Messuages, Mills, Forges, Weirs, Lands, Tenements, Hereditaments, and Premisses, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted touching the Purchase-money to be paid, or Recompence to be made to them respectively; be it therefore enacted by the Authority aforesaid, That the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable Lord Viscount Downe in the Kingdom of Ireland, the Right Honourable Lord Viscount Gallway in the Kingdom of Ireland, the Right Honourable John Lord Mexborough in the Kingdom of Ireland, Sir George Savile, Sir Rowland Wynn, Sir Walter Blackett, Sir George Armitage, Sir William Lowther, Sir John Ramsden, Sir John Lister Kaye, Sir Lionel Pilkington, Sir William Meredith, the Reverend Sir John Moseley, Sir George Strickland, Sir William Milner, Sir Brian Cooke, Sir Charles Sheffield, Sir John Ingleby, Sir Savile Slingsby, Baronets; John Aspinall, Bryan Allott, Clerk, William Alexander, John Alcock, Henry Alcock, John Alexander, William Armytage, Richard Asheton Clerk, Henry Athorpe, John Arthington, Robert Arthington, James Aspinal, Luck Anningson, Jonathan Acklom, John Ashton, Joseph Alexander, William Allen, John Ambler, Roger Allen, Henry Atkinson, John Atkinson, John Armitage, Samuel Armytage, James Allott, Thomas Arthington, Charles Allanson, Thomas Aked, the Honourable Richard Barry, Peter Birt, Joseph Bright, Richard Burton, Edmund Barker, Edmund Barker junior, Thomas Barstow, Francis Blayds, John Blayds, William Blackburn, Miles Bower, Benjamin Bower, John Bower, Edward Battye, Richard Beaumont, Musgrave Briscoe, Godfrey Bosville, Abraham Balme, Jeremy Batley, John Batley, John Bramley, Michael Bairstow, William Buck, Robert Butterfield, William Bentley, John Baldwin, William Baldwin, Benjamin Bartlett, John Bradshaw, James Bayley, Barnard Bishcoff, Samuel Brooke, Joseph Bilton, Hans Busk, Thomas Buckley, Joseph Baker, Thomas Battersbee, Gabriel Brooke, George Bell, James Burnell, Thomas Birch, Robert Benson, William Bowes, John Broome, Edward Burton, Edward Byrom, Timothy Battie, William Bamford, Daniel Bayley, Robert Booth, Ralph Brown, John Buckley, Richard Barton, Samuel Bayley, Josiah Birch, Thomas Boardman, Samuel Bower, William Beckwith,

Commissioners.

William

William Broome, John Bullock, William Burron, Richard Barlow, Thomas Barlow, Peter Baron, Samuel Baron, Roger Booth, James Barlow, William Beaumont, Joseph Bramley, William Brooks, William Birbeck, John Birbeck, Thomas Beaumont, Woodfield Beckwith, Arthur Burton, Thomas Busfield, Richard Buxton, William Banks, William Beatson, Miles Barne, Charles Booth Clerk, John Butterworth, Lord John Cavendish, the honourable George Carey, William Crowle, John Clough, Thomas Cookson, Nicholas Coulthurst, Benjamin Cooke, James Cooke, Thomas Cotton, John Cookson M. D. William Cockcroft, Thomas Chamberlaine, James Chadwick, James Carr, Thomas Cockile, Asheton Curzon, John Clavering, John Caygill, Anthony Cooke, Robert Charlesworth, Nathaniel Cholmley, Charles Chadwick, Thomas Chadwick, Edward Coke, James Clegg, William Clowes, Otho Cooke, Isaac Crewdson, Mathew Coulthurst, Henry Cunliffe, John Chadwicke, Samuel Clowes, Joseph Clowes, Joseph Champion, James Clough, John Clowes, Samuel Clowes the younger, John Cooke, Thomas Crompton, John Cockshut, Richard Cotton, George Cotton, Henry Cockcroft, Stephen Croft, the honourable Christopher Dawnay, the honourable John Dawnay, John Dearden, Jeremiah Dixon, John Dawson, Samuel Dyson, John Dyson, Thomas Dyson, James Drake, Benjamin Dickinson, John Dearden, Simon Dearden, William Dawson, John Dickenson, John Diggles, Thomas Diggles, Henry Dickenson, John Dickenson the younger, Robert Denison, William Denison, William Danby, Henry Dyson, Edward Elmsall, Robert Entwhistle, Robert Entwhistle junior, Thomas Emmett, William Edwards, John Edwards, Anthony Eyre, William Edge, William Ethelstone, Vincent Eyre, Fairfax Fearnley, James Farrer, Charles Ford, Benjamin Farrand, Freeman Flower, William Fenton, Joseph Farrer, Richard Farrer, William Ferguson, Samuel Fenton, John Finch, Abraham Frith, Joshua Fielder, Jonathan Fildes, John Fletcher, James Fletcher, John Fielder, John Forth, Abraham Fletcher, Henry Fielder, William Fowden, William Fox, Thomas Fenwick, Edward Fenton, Thomas Fenton, James Fenton, Isaac Farrer, John Fell, Ayscough Fawkes, John Field, Edward Foxcroft, Edward Gregg, John Greenwood, John Greame, William Greenup, William Graham, Henry Grice, Ambrose Greenwood, Edward Greaves, Benjamin Gaskell, John Gatliffe, Robert Gartside, John Gorton, James Greatrix, Richard Gore, William Greenwood, Daniel Gaskel, Edward Gregg, John Gatley, Thomas Gardner, James Gorton, John Graves, James Green, Richard Greene,

Greene, Thomas Gill, Edward Gower, James Greenroyd, James Gibſon, Henry Greenwood, William Guy, Sir William Horton Baronet, John Huſtler, Walter Hawkſworth, John Hewett, John Haigh, Harbord Harbord, Thomas Hirſt, William Horsfall, Selwood Hewett, Joſhua Horton, John Howarth, Robert Hyde, Elkanah Hoyle, Joſeph Hulme, William Hall, Richard Holden, Richard Hollings, Henry Hamer, John Hoyle, William Haigh, William Hague, James Howorth, Thomas Holdſworth, William Holme, Joſeph Holt, John Horsfall, John Haley, John Haigh, Stanhope Harvey, John Helliwell, Samuel Harper Clerk, William Hird, John Hamer, Robert Holt, John Hutchinſon, Joſeph Haigh Clerk, Thomas Holme, John Hargreaves, John Hadfield, Richard Hall, Anthony Hall, James Hall, Robert Hamilton, John Harriſon, John Heywood, Robert Hibbert, Abraham Haworth, Hallows Hamer, Thomas Holt, Francis Holt, Thomas Hutchinſon, Joſeph Holden, Edmund Holme Clerk, Edmund Holme the younger, John Howorth, John Hague, Edward Hall, James Hamer, William Hampſon, John Hardman of Mancheſter, William Heginbotham, James Hilton, James Hodſon, Richard Holme, Robert Higginſon, John Holt, Robert Holt the younger, Samuel Haworth, Richard Heber, Robert Harper, Samuel Harper, Thomas Hall, John Hawkeſworth, John Haworth, Joſiah Hotham, Jeremiah Holroide, Richard Hopwood, Elkanah Holroide, Henry Horsfield, Joſeph Hullme Doctor of Phyſick, James Hoyle, Robert Hoyle, John Hammerton, Sir James Ibbetſon Baronet, Charles Ingram, Thomas Johnſon, George Johnſon, Cyril Jackſon, William Johnſon, William Ingram, Alan Johnſon, John Kerſhaw, Abraham Kerſhaw, John Kighley, James Kerſhaw, Richard Kaye, Knight, John Kay, George Kenyon, Thomas Kay, William Kerk, Samuel Kay Doctor of Phyſick, Robert Kay, Edward Kenyon, Ralp Kirkhall, Ralph Kerſhaw, Samuel Kerſhaw Clerk, William Lamplugh Clerk, Samuel Liſter, Edward Leedes, Thomas Lee, John Lee, Edwin Laſcelles, Daniel Laſcelles, Henry Laſcelles, Jeremy Liſter, Jonathan Laycocke, Peter Leigh, Thomas Liſter, George Legh Doctor of Laws, George Lloyd, Henry Lonſdale, John Lord, Japhet Liſter, Miles Lonſdale, Thomas Lee junior, George Lumley, Thomas Lodge, Edmund Lodge, James Lancaſhire, John Leach, John Lea, Robert Liveſay, William Lawſon, George Law, John Lancaſhire, Timothy Lee Doctor in Divinity, Francis Liſter, John Milnes, Joſiah Morley, Robert Milnes, Pemberton Milnes, John Milnes, James Milnes, James Maude, Francis Maude,

Richard Milnes, John Milnes, Edward Marton, John Maſon, James Maud, William Melliſh, Peter Mainwaring Doctor of Phyſick, Thomas Marriott, James Mills, Joſhua Marriott, Edward Markland, John Moſs, John Murgatroyd, Darcy Molyneaux, Richard Micklethwait, Richard Markham, George Maſon, Daniel Maud, Charles Milner, Joſeph Milner, Lancelot Meyrs, Thomas Morley, Charles Melliſh, John Milnes, Baeon Morrit, Robert Mills, John Mills, Joſeph Melliſh, John Markland, James Moſſey, James Mellor, James Magnall, Thomas Medhurſt, Thomas Maude, William Maude, William Marſden, Thomas Marſden, William Marſden the younger, John Micklethwait, William Moore, Nathaniel Moore, John Moore, Thomas Milne, Thomas Murgatroyd, James Morley, Sir Fletcher Norton Knight, Richard Nangreave, Lawrence Newall, Francis Norton, Edward Nelſon Clerk, Jonathan Nicholl, Robert Nuttall, Joſiah Nicholls, John Nuttall, Richard Nicholls, James Nelthorpe, Peter Wilſon Overend, Thomas Oldfield, Robert Ord Lord Chief Baron of Scotland, Fountayne Wentworth Oſbaldeſton, John Ormerod, William Ormerod, John Ord, George Oates, Joſiah Oates, Samuel Oates, George Oſbaldeſton, James Oldham, Aaron Orme, Lawrence Ormerod, Theophilus Ogden, George Ormerod, Timothy Oldfield, the Right Honourable John Savile Eſquire, commonly called Viſcount Pollington; Harriſon Pilkington, Metcalfe Proctor, Edward Prince, William Preſcott, John Preſcott, Robert Parker, George Pollard, William Pollard, Nathaniel Prieſtley, John Prieſtley, John Pollard, Joſeph Pickford, Henry Pawſon, William Prieſtly, William Preſton, John Prieſtly, Nathanel Philips, Thomas Parker, John Pilkington, John Pointon, Thomas Pigot, Jonathan Patten, Thomas Philips, William Plant, Michael Pilkington, William Parker, Jonathan Prieſtly, Francis Reynolds, Richard Richardſon, William Rookes, William Weſtbrooke Richardſon, William Radcliffe, Danſon Roundell, Richard Royds, Richard Rhodes, John Rhodes, William Radcliffe, John Rawſon, Jeremy Rawſon, Thomas Ramſden, John Ramſden, Robert Ramſden, John Royds junior, Chriſtopher Rawden, John Ramſden, Robert Radclyffe, Ingram Ryder, Henry Diſney Roebuck, John Royds, Jeremiah Royds, Robert Royds, John Robinſon, Robert Robinſon, James Rothwell, John Royds, Dorning Roſbotham, Joſiah Roberts, Thomas Reynolds, Robert Reyner, John Ridſdale, John Radcliffe, William Rawſon, James Ryley, Emor Riſhton, Danſon Roundall, the Honourable John Stanley, Robert Stansfield, Thomas Stead, John Starkey,

James Starkey, John Smyth, John Stanhope, Walter Stanhope, William Serjeantſon, John Spencer, John Scofield, Thomas Shepley, Samuel Scatchard, Joſeph Starkey, George Smith, Samuel Smith, William Smith, Thomas Sayer, Richard Sutcliffe Clerk, John Sharpe, William Sutcliffe, John Swire, Sammy Smith, Edmund Starkey, John Sylveſter Smith, William Southern, George Stansfield, John Smith, Joſeph Smallwood, Roger Sedgwick, George Scholes, Richard Scholes, Jonathan Staniforth, William Starky, Thomas Stott, John Smith, Thomas Smith Clerk, Stanhope, David Stansfield, Valentine Stead, Henry Scott, Robert Smithſon, Thomas Shepley, John Scatchard, Richard Stephenſon, Iſaac Smith, Edmund Smith, Robert Scholes, Edward Smalley, John Stott, William Stamforth, John Smith, Joſeph Steer, Sidney Swinney Clerk, Peter Simon Clerk, Thomas Strother, John Sutcliffe, John Sutcliffe, James Stoven, Edward Saliſbury, Thomas Smith, Charles Smith, Thomas Saliſbury, Sir Thomas Saliſbury, George Thornhill, Richard Towne, George Taylor, Hugh Tilbotſon, Joſeph Thompſon, John Turner, William Turner, Thomas Thompſon, John Michell Clerk, Richard Townley, Thomas Thornhill, Thomas Clerk, Charles Turner, Robert Taylor, Samuel Taylor, the Reverend Samuel Townſon Clerk, Richard Taylor, John Taylor, John Taylor of Crumpſal, Thomas Tripping, Nicholas Torr, William Topham, Chriſtopher Topham, William Tottie, Peter Touchet, John Taylor, William Thompſon, Thomas Touchet, John Taylor, James Taylor, Humphry Trafford, Ralph Taylor, Joſhua Taylor, Robert Thyer, Thomas Tipping the younger, Samuel Touchet, John Townſend, William Todd, John Vavaſor, Sir Thomas Wentworth Baronet, Doctor Thomas Wray, Walter Wade, Peregrine Wentworth, John Wilkes, Henry Wickham, Richard Wilſon, William Walker, Godfrey Wentworth, Mathew Wilſon, Matthew Wilſon junior, John Walker, William Wood, Michael Wainhouſe, John Wheelwright, John Winn, James Waddington, Robert Whitehead, William Wilcock, William Winn, John Wood, John Woodhead, Abraham Woodhead, Abraham Whittaker, William Whittaker, John Watkinſon, Samuel Walker, William Wright, Randle Wilbrahm, James Winſtanley, John White, John Woolmer, Joſhua Wrighte, George Walmeſley, the Reverend Abel Ward, Edward Walker, Michael Walton, Woodyeare, Wadſworth, Thomas White, Charles White, James Witerbotham, William Walker junior, John Waterhouſe, James Wetherherd, Taylor White,

White, Thomas Wilſon, William Wrightſon, John Whitworth, John Walmeſley, John Whiteley, Richard Wilſon, Thomas Woolrich, Thomas Whitaker, James Walker Doctor of Phyſick, Peter Walker, Thomas Walker, James Walmeſley, John Wilſon, Richard Wordſworth, Edward Wynn, John Wade, Edward Wortley, Edward Wortley the younger, Francis Wood, William Wrightſon, Benjamin Wilſon Clerk, Thomas Wilſon Clerk, James Wilkinſon Clerk, Andrew Wilkinſon, Henry Wickham Clerk, Field Silveſter Wadſworth, William Watſon, John Watſon, Joſeph Wells, James Walton, Joſeph Wilkinſon, John Wells, Patientius Warde, Saint Andrew Warde, Chriſtopher Wetherherd, James Wriggleſworth, Samuel Waterhouſe, John Yorke, Henry Zouch Clerk, Samuel Zouch, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Commiſſioners for the ſettling, determining, and adjuſting all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, or any of them, and the ſeveral Owners of, and Perſons intereſted in, any Meſſuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, that ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the ſaid Commiſſioners, or any Three or more of them, are hereby impowered, by Writing under their Hands and Seals, with the Conſent of the Parties concerned, to determine and adjuſt from time to time what Sum or Sums of Money ſhall be paid by the ſaid Proprietors, their Succeſſors, and Aſſigns, or any of them, either by an annual Rent or Payment, or by a Sum of Money in Groſs, by and at the Election of the ſaid Owners of and Perſons intereſted in ſuch Meſſuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, to ſuch Bodies Politick, Corporate, or Collegiate, Perſon or Perſons reſpectively, who ſhall be intitled or intereſted as aforeſaid, for the abſolute Purchaſe of any Meſſuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments, to be cut, digged, damaged, altered, removed, or uſed for the Purpoſes of this Act, or to facilitate the carrying on and effecting the ſaid Navigation, or any Part thereof, or other the Purpoſes herein mentioned, or which have already been heretofore cut, digged, damaged, removed, or uſed; and alſo to determine and adjuſt the Recompence to be made for any Damages occaſioned by any of the Works of the ſaid Navigation, which have been heretofore, or may

Commiſſioners are to ſettle Differences between Proprietors and Owners of Lands, &c.

may be hereafter at any Time or Times whatsoever sustained by such Bodies Politick, Corporate, or Collegiate, or any Person or Persons respectively, being Owners of or interested in any Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments, for or by the reason of the making, repairing, or maintaining, the said Navigation, or any of the Banks, Cuts, Trenches, Passages, Gutters, Watercourses, or Sluices, or of supplying the same, or any of them, with Water as aforesaid, or by obstructing and impounding the Water, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Cuts, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same as aforesaid, or by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, their Successors and Assigns, Agents, Workmen, or Servants, or by means of in consequence of any of the Works made or to be made for the Purpose of the said Navigation, in case such Price or Value, Damages, and Recompence respectively, have not already been settled, adjusted, and agreed for, or cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors, their Successors, and Assigns, and Persons interested in any Messuages, Mills, Forges, Weirs, Lands, Tenements, and Hereditaments as aforesaid: And if the said Company of Proprietors, their Successors, and Assigns, for and on the Part and Behalf of themselves, or any such Bodies Politick, Corporate, or Collegiate, or other Person or Persons so interested or intitled as aforesaid, for and on his, her, or their Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or any Three or more of them, or shall be dissatisfied with any Determination which shall be by them made as aforesaid; and if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons intitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase-money or annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon 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 the Place or Places of

And, in case they refuse to submit to their Determination,

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his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands or Grounds, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, their Successors, and Assigns, or by reason of Absence shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the Navigation and other Works aforesaid, or shall not produce and evince a clear Title to the Premisses they are in Possession of, or to the Interest they claim; then, and in every such Case, the said Commissioners, or any Three or more of them, shall, and they are hereby required and impowered, from time to time, to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of York for the time being; and in case such Sheriff, or his Under Sheriff, or either of them, shall happen to be One of the Company of Proprietors to the said Navigation, or enjoy any Office of Trust or Profit under them, or shall be interested in the Matter in Question, then to the Coroner or Coroners of the said West Riding of the said County of York, not interested as aforesaid, requiring 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 Commissioners, or any Three or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine Days, nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Sheriffs, Coroner or Coroners 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 so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Three or more of them, are hereby impowered to summon and call before them all and every such Person and Persons who shall be thought necessary

Juries shall be impanelled to assess the Purchase-monies, &c.

to be examined as Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners, or any Three or more of them, may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matters in Controverſy (which Jury, upon their Oaths to be adminiſtered by the ſaid Commiſſioners, or any One of them, and thoſe Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any One of them, are hereby impowered to adminiſter) ſhall inquire of, aſſeſs, and aſcertain, the Sum or Sums of Money or annual Rent to be paid for the Purchaſe of ſuch Lands or Grounds, or the Recompence to be made for the Damages that may or ſhall be ſuſtained as aforeſaid; and the ſaid Commiſſioners, or any Three or more of them, ſhall give Judgement for ſuch Purchaſe-monies, Rent, or Recompence, ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or any Three or more of them, ſhall be binding and concluſive to all Intents and Purpoſes againſt the King's Majeſty, His Heirs and Succeſſors, and againſt all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever.

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

And be it further enacted, That if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds; and if any Perſon, ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or appearing, refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon, ſo ſummoned to give Evidence, ſhall not appear, or appearing, 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 Three or more of them, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds; to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the ſaid acting Commiſſioners, or any Three or more of them, by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo offending, rendering the Overplus to the Owners thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

And

And be it further enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments, or for any Damage to be done thereto, or to the Property of any Person or Persons whatsoever, than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors or Assigns, or than had been determined and assessed by the said Commissioners; that then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors, their Successors or Assigns: But if any Verdict or Assessment shall be given or made for no more or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, their Successors or Assigns, or than hath been determined and assessed by the said Commissioners as aforesaid; then, and in every such Case, the Costs and Expences of summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors, their Successors, or Assigns, shall have such Controversy or Dispute. Expences of the Jury how to be borne.

And be it further enacted, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall issue their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into a Bond with One or more sufficient Surety or Sureties to the Clerk to the said Company of Proprietors, their Successors and Assigns, for the time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more or a less Sum than had been offered by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, or than had been assessed by the said Commissioners before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any Lands, Grounds, or Hereditaments, or Damages as aforesaid. Persons requesting a Jury, to enter into Bond to prosecute.

And be it further enacted, That the said Commissioners shall not 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, Notice of Injury to Proprietors before Complaint to the Commissioners.

sustained, or supposed to be sustained, unless Application shall be made in relation thereto by or on Behalf of such Person or Persons to the said Company of Proprietors, their Successors, or Assigns, or to their known Agent or Agents, or to some Collector or Collectors of the said Rates or Duties, within the Space of Six Calendar Months next after the passing of this Act, or next after the Time that such supposed Injury or Damages shall have been sustained, or the doing or committing thereof shall have ceased.

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 Commissioners, or any Three or more of them, or before any Justice of the Peace, shall and may be prosecuted for the same; and upon Conviction thereof, shall be subject to such Punishments and Disqualifications as any Persons can or may be subject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Upon Payment or Tender of the Monies, Proprietors may cut, dig, &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 be determined and adjudged by the said Commissioners, or any Three or more of them, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments, as aforesaid, to the Owners thereof, or other Persons intitled to receive such Money or Rent respectively, or legal Tender thereof made to such Owner, or other Person or Persons, or to the principal Officer or Officers of any Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed, or, if he, she, or they, cannot be found, or shall refuse to accept such Money or Rent, upon Payment thereof to such Person or Persons as the said Commissioners, or any Three 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 Owners or Persons respectively as aforesaid; then, and in every such Case, such Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments respectively, and the Fee-simple and Inheritance thereof, shall from thenceforth be vested in, and become for ever the sole Property of, the said Company of Proprietors, their Successors, and Assigns; and it shall and may be lawful for them, their Agents, Workmen,

Men, and Servants, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the making, using, maintaining, and repairing, the said Navigation, and Towing-paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid, and thereupon to make, erect, or do, any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said Company of Proprietors, their Successors, or Assigns, shall think requisite; and to have, use, and enjoy, the Premisses to and for their own Use and Benefit, for the Purposes of the said Navigation, discharged of all Rights and Claims whatsoever thereon; and this Act shall be sufficient to indemnify as well the said Commissioners, as the said Company of Proprietors, their Successors, and Assigns, and their Servants, Agents, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

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

And be it further enacted, That all the Determinations of the said Commissioners, or any Three or more of them, which shall be submitted to, and acquiesced in, by the Parties concerned, and also the said Verdicts and Judgements, being first signed by Three or more of the Commissioners who shall be present at the making of such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be inrolled in the publick Register Office at Wakefield, in the West Riding of the said County of York, or shall be transmitted to, and kept by the Clerk of the Peace for the said West Riding amongst the Records of the Quarter Sessions of the Peace for the said West Riding, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof respectively, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances, as are herein before mentioned, paying for each Inspection the Sum of One Shilling; and to take Copies thereof, without Stamps, paying for every Copy, not exceeding Two hundred Words, the Sum of Two Pence, and so in proportion for any Number of Words; and immediately on such Payment, and Entries of such Verdicts,

Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Court 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, Forges, Weirs, Lands, Tenements, and Hereditaments, shall vest in the said Company of Proprietors, their Successors, and Assigns, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premisses had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment was made, but also shall extend to and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person 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 or Recovery, or either of them, would do if levied or suffered by the proper Parties in due Form of Law.

Purchase-monies due to Corporations and Trustees, to be laid out to the same Uses.

And be it further enacted by the Authority aforesaid, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Ideots, Femes Covert, or other Cestuique Trusts, or to any 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 exceeds the Sum of Twenty Pounds, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffments 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,

giate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or to and for such other Person and Persons, and for such Estates, and to, for, upon, and subject to, such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands or Grounds, for or in respect whereof such Purchase-money or Monies received in Exchange shall be so paid as aforesaid, were limited, settled, and assured, at the Times such Purchase-monies were so agreed for, ascertained, or assessed respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land Owners as aforesaid, to be made at the Expence of the said Company of Proprietors, their Successors and Assigns; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the Public Funds, or on Government or Real Securities, in the Name of Two Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Commissioners, or any Three or more of them; and the Interest arising or to be produced from such Funds or Securities, and also the annual Rent for such Messuages, Mills, Forges, Weirs, Lands, Tenements, or Hereditaments, where a Rent shall be fixed upon as aforesaid, which shall be a Rent-charge charged and chargeable upon the Rates or Duties, hereby authorized to be taken by the said Company of Proprietors, their Successors or Assigns, shall be paid to such Person or Persons respectively as would for the time being be intitled to the Rents and Profits of such Lands, Tenements, and Hereditaments, so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

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

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Three or more of them, are hereby impowered and required to settle what Shares and Proportions of the Purchase-monies or Recompence for Damages, which shall be so agreed for by the said Company of Proprietors, their Successors, and Assigns, or any of them, or determined and adjusted by

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the said Commissioners, or any Three or more of them, or assessed by the said Juries in manner respectively as aforesaid, shall be allowed and paid to each 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 herein directed to be laid out and invested in the Purchase of Lands, Tenements, or Hereditaments.

Appeal may be made to the Judge of the Assize.

Provided always, That in case any Person or Persons shall be dissatisfied with the Determination and Adjustment of the said Commissioners, or any Three or more of them, it shall and may be lawful for such Person or Persons, within Six Months after such Determination and Adjustment, to appeal to the Judge of Assize for the County of York; which Judge is hereby authorized and required to hear and finally to determine and adjust the same.

In Default of Payment, Rates to be liable.

And be it further enacted, That in Default of Payment of such Sum or Sums of Money, and at such Times, and in such Manner, as shall be assessed and awarded for Damages of any Kind by virtue of this present Act, by the said Commissioners, or any Three or more of them, or by any Jury, the said Commissioners, or any Three or more of them, shall and they are hereby authorized and required to appoint One or more Person or Persons to receive One half of the Rates or Duties by this Act imposed, and thereout in the First Place, to pay all such Damages so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment, together with legal Interest for the same, to be computed from the Time such Damages shall be awarded; and the Money, so to be received by such Person or Persons, shall and is hereby declared to be as so much Money received to the Use of such Person or Persons who shall be intitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determinations shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers, for the Purposes aforesaid, shall cease and determine; or otherwise, such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed and awarded, which shall not be paid according to the Judgement of the said Commissioners, or any Three or more of them, as aforesaid, with Interest and Costs for the same as aforesaid, by Action

tion at Law in any of his Majesty's Courts of Record at Westminster, against the said Company of Proprietors, their Successors and Assigns, to recover the same with Full Costs of Suit.

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

Provided always, That in case the Damages, Interest, or Costs, by this Act provided to be satisfied out of the Rates or Duties arising from the said Navigation, shall not be satisfied and paid within the Space of Twelve Calendar Months after the same shall be so determined or assessed as aforesaid; that then, and in such Case, the said Commissioners, or any Three or more of them, upon Complaint made to them by or on Behalf of the Person or Persons sustaining such Damage, are hereby authorized and required to issue their Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of York, authorizing and impowering such Sheriff to levy and raise the Damages so determined and assessed, by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and Assigns, together with such reasonable Charges as the said Commissioners, or any Three or more of them, shall in such Warrant direct and appoint.

Annual Rents how recoverable.

And be it further enacted, That all and every such yearly Rents or Sums as shall be agreed upon or settled and ascertained as aforesaid, shall be charged and chargeable on the Rates or Duties arising by virtue of this Act, and shall be paid by the said Company of Proprietors, their Successors, or Assigns, as the same shall become due and payable; and in case of Non-payment thereof, within Twenty Days next after the same shall become due, and a Demand thereof made, the said Commissioners, or any Three or more of them, are hereby authorized and required, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive One Moiety of the Rates or Duties hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; or otherwise the said yearly Rents or Sums may be sued for and recovered with Costs, by Action of Debt, in any of his Majesty's Courts of Record at Westminster, or, at the Election of the Parties intitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattles of the said Company of Proprietors, their Successors, and

Assigns; in such Manner as the Law directs in Cases of Distress for Rent; but so nevertheless that the Goods and Chattles of no other Person or Persons than the said Company of Proprietors, their Successors, or Assigns, be seized or detained by virtue of the Power hereby given.

Penalty on Persons destroying the Works.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy, any Banks or other Works already erected or made by virtue of the said recited Act, or to be erected or made by virtue of this Act, such Person or Persons shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted shall and hereby have Power and Authority to transport such Felon, for the Space of Seven Years, to some of His Majesty's Plantations in America, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; or, in Mitigation of such Punishment, may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceney.

Penalty on Persons obstructing the Works.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously do any Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, or maintaining, the said intended Navigation, or any Works hereby authorized to be made; every Person, so offending, shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings; and, in Default of such Payment, shall be committed to the House of Correction for the County where the Offence shall be committed, there to remain for the Space of One Calendar Month, unless such Penalty shall be sooner paid.

For vesting the Lands purchased by Commissioners in Proprietors.

And be it further enacted by the Authority aforesaid, That all the Lands, Tenements, and Hereditaments, which have been purchased for the Use of the said Navigation by the Commissioners appointed to put the said recited Act of the Thirty first Year of the Reign of his late Majesty in Execution, shall be, and are hereby vested in the said Company of Proprietors, their Successors, and Assigns, and shall and may be used, applied, and disposed of, as the said Company of Proprietors, their Successors, and Assigns, shall think fit.

And be it further enacted by the Authority aforesaid, That all Sums of Money which shall at any Time or Times be subscribed, advanced, and paid, by any Person or Persons, for or in respect of any Share or Shares in the said Navigation; and also all the Money which shall or may arise from the said Rates or Duties by this Act granted, or upon any other Account whatsoever; and also all Wharfs, Warehouses, Locks, Cuts, and all other Buildings and Works, and all Boats, Barges, Lighters, and other Vessels; and all other Things, made, erected, built, or provided, or to be made, erected, built, or provided, by them for the Purpose of making, supporting, and carrying on, the said Navigation; and all Securities for Money and Effects of or belonging to the said Navigation; shall, and the same are hereby vested in the said Company of Proprietors, their Successors, and Assigns; and the same, and every Part thereof, are hereby declared to be their Property. Money subscribed, &c. vested in the Proprietors, &c.

And, to the End that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, to raise and contribute amongst themselves, or by the Admission of new Proprietors, by voluntary Subscriptions and Contributions, in such Proportion as every Person shall think proper and chuse for himself, such competent Sum or Sums of Money for making, completing, and maintaining, the said Navigation, and other the Purposes of this Act, as the said Company of Proprietors, at any General Meeting, shall from time to time order and direct; and the whole Money so raised and and contributed, being added to the Money already advanced on the Credit of the before recited Act, together with all Interest due thereon till the Twenty-fourth Day of March, One thousand seven hundred and sixty nine, shall be divided and distinguished into equal Shares of One hundred Pounds each Share; and a sufficient Part of the Money so to be contributed, or which shall be otherwise raised by virtue of this Act, is hereby directed, in the First Place, to be applied in defraying the Charges and Expences attending the obtaining and passing this Act; and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Navigation, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever. Proprietors may raise Money among themselves to carry on their Work.

Provided

Proviſo. Provided always, That no Perſon who ſhall not be poſſeſſed of One whole Share ſhall be capable of acting as a Proprietor, for any of the Purpoſes of this Act.

Shares to be deemed Perſonal Eſtate. And be it further enacted, That all ſuch Shares, or any Part or Parts of ſuch Shares, ſhall be and are hereby veſted in the ſeveral Proprietors before mentioned, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to their and every of their proper Uſe and Behoof, in proportion to their ſeveral and reſpective Rights, Titles, and Intereſts, in and to the Monies already by each of them reſpectively heretofore lent and advanced, and which ſhall hereafter be ſubſcribed and paid at any Time or Times for the Purpoſes of the ſaid recited Act and of this preſent Act; and all and every the ſaid Shares, or Parts of Shares, ſhall be deemed to be Perſonal Eſtate, and ſhall paſs as ſuch, and not in the Nature of Real Property; and each of the ſaid Proprietors, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be equally intitled to and receive, after the ſaid Navigation ſhall be completed, ſuch a Proportion of all the intire neat Profits and Advantages that ſhall and may ariſe and accrue by means of the Monies to be collected, raiſed, levied, or recovered, by the Authority of this Act, as the reſpective Sum by each of them advanced and paid, for making, completing, and maintaining the ſaid Navigation, and for effecting the ſeveral Purpoſes of the ſaid recited Act and of this preſent Act, ſhall bear to the whole Sum advanced for the ſame Purpoſes.

Intereſt to be paid till the Work is completed. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid Navigation, and all Things neceſſary for making and maintaining the ſame, ſhall be carried on, and until the ſame ſhall be completed and finiſhed, to pay unto every Perſon or Perſons, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally have advanced and paid in any Sum or Sums of Money as aforeſaid, Intereſt for the ſame after the Rate of Five Pounds for every One hundred Pounds by the Year, from the Time that each of ſuch Sum or Sums ſhall be reſpectively advanced and paid as aforeſaid.

Monies may be borrowed on the Credit of the Tolls. And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, from time to time, to aſſign over any Part of the Rates or Duties,

not

not exceeding One full Moiety of the whole Rates or Duties arising by virtue of this Act (the Costs and Charges of assigning the same to be paid out of such Rates or Duties) as a Security for any Sum or Sums of Money not exceeding in the Whole the Sum of Twenty thousand Pounds to be borrowed, with Interest, not exceeding Five Pounds per Centum per Annum, to such Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Common Seal, or by any other Words for that Purpose:

Form of Assignment.

BY virtue of an Act made in the Ninth Year of the Reign of His Majesty King *George* the Third, for extending the Navigation of the River *Calder* to *Salter Hebble Bridge*, and to *Sowerby Bridge*, in the County of *York*, and for repealing an Act for that Purpose; We the Company of Proprietors of the *Calder* and *Hebble* Navigation 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 One full Moiety of the Rates or Duties arising by virtue of the said Act, as the said Sum of shall bear to the Whole Sum advanced on the Credit of the same.

And all and every Person or Persons to whom the said Company of Proprietors shall at any Time make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Moiety of the Rates or Duties, according to the respective Sums in such Assignments mentioned to be advanced, to secure the Repayment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money to be borrowed shall be applied in such Manner as other Money to be raised by virtue of this Act is 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 to the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable Times by all Persons any ways interested or concerned

cerned therein, 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 whatsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

I *A B.* do transfer this Assignment, with all my Right and Title to the Principal hereby secured, and to all the Interest now due, to *C. D.* his Executors, Administrators, or Assigns. Dated this Day of
Witness *G. H.* *A. B.*

Entries to be made of all Assignments.

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, 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 shall be paid such Sum as the said Company of Proprietors 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.

Assignees debarred of acting or voting as Principals or Proxies, &c.

Provided always, That no Person to whom any such Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or Proxy, at any Meeting of the said Company of Proprietors, for or on account of his or her having lent and advanced any Money on the Credit of such Assignment.

For recovering Interest of Money lent.

Provided, and be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns, are hereby required to pay and discharge yearly the Interest of all Money which shall be borrowed upon any Part or Parts of the said

Rates or Duties as aforesaid; and in case the same or any Part thereof shall be behind and unpaid for the Space of Sixty Days next after the same shall become due and payable as aforesaid, and after Demand thereof made, that then it shall and may be lawful for the said Commissioners, or any Three or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive such Part or Parts of the said Rates or Duties as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons, shall and is hereby declared to be as so much Money received to the Use of such Person or Persons to whom such Interest shall then be due, until all such Interest due thereon, together with the Costs and Charges of recovering and receiving the said Rates and Duties, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered, with Costs, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

Not to alter any Will, &c.

Provided also, That nothing in this Act contained shall revoke, annul, or alter, any Will, Settlement, Mortgage, Deed, or Lease, or prejudice any Person or Persons having or claiming any Estate, Right, Title, Interest, or Incumbrance, of, in, to, or out of, the Rates or Duties granted and made payable by the said recited Act, or any Part or Parts thereof, or any Securities thereof; but that the several Shares hereby intended to be allotted to the said Proprietors by virtue of this Act, shall immediately after the passing of this Act be and enure, and be held and enjoyed by the several Persons intitled thereto and interested therein respectively; subject to such and the same Wills, Settlements, Mortgages, Deeds, Leases, Limitations, Conditions, Charges, and Incumbrances, as their several and respective Shares and Proportions of Right, Title, or Interest, in the Rates or Duties by the said recited Act granted, were subject or liable to immediately before the passing of this Act.

Subscribers to have a Vote for every Share, by themselves or Proxy.

And, to the End that all Matters and Things, touching, concerning, or relating to, the carrying on and completing the said Navigation, may be managed and conducted in the most beneficial Manner; be it further enacted, That every Person who shall be possessed of One Whole

whole Share of the said Navigation shall have a Vote in every General Meeting or Assembly to be held as hereafter appointed for carrying on the said Undertaking; which Vote may be given by him or her, or by his or her Proxy or Proxies duly constituted under his or her Hand and Seal; and such Vote or Votes by Proxy shall be good and sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person: And any Person or Persons who shall have more than One such Share, shall have Liberty by himself or herself, or by his or her Proxy regularly constituted as aforesaid, to give One Vote for each such Share; and whatever Question, Election of Officers, or other Matters or Things shall be proposed, discussed, or considered, in any General Meeting to be held by virtue of this Act, shall be determined by the Majority of Votes then given by Principals and Proxies, computing One Vote for every Share; provided that One hundred and fifty Votes concur in such Majority; and that no One Proprietor shall be intitled to give more than Twenty Votes on account of his or her own Number of Shares in the said Navigation; and that no Proprietor shall vote for any Share of which he or she shall not have been possessed for Twelve Months, unless he or she became intitled to such Share on account of Money advanced, and due to him or her before the passing of this Act.

No Proprietor to give more than Twenty Votes on his own Account.

And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act, may be the more regularly and methodically carried into Execution, be it enacted by the Authority aforesaid, That the First General Meeting of the Proprietors for putting this Act in Execution shall be held at the House known by the Sign of the Talbot now kept by James Scholes in the said Town of Halifax upon the Twenty-seventh Day next after the passing of this Act; and One General Meeting shall be held on the Thursday next before Midsummer Day in every Year in the said Town of Halifax for the future, at or after the Hour of Eleven in the Forenoon; At which said First General Meeting the Proprietors assembled, together with such Proxies as shall be then present, shall choose Five or more Persons, each of whom shall be for the time being a Proprietor of Five or more Shares in the said Navigation; which Persons, so chosen, shall be a Committee to manage the Affairs of the said Company of Proprietors in such Manner as is herein directed, and as shall from time

General Assemblies for choosing a Committee.

time to time be ordered by any such Annual General Meeting, or by any Occasional General Meeting herein after-mentioned: But if at any Time it shall appear to any Ten or more Proprietors that, for the more effectually putting this Act in Execution, an Occasional General Meeting of Proprietors is necessary to be held, it shall be lawful for such Ten or more of them to cause Notice to be given thereof in the Leeds and Manchester News-papers, and in such other Manner as the said Proprietors, their Successors, or Assigns, shall at any General Meeting direct or appoint; declaring in such Notice the Place where, and the Time when, such Meeting is to be held, the same not being less than Fourteen Days after such Notice given, and likewise specifying in every such Notice the Reason for, and Intention of, such Meetings respectively; and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given them with respect to the Matters so specified only; and every such Act of the Proprietors, or the major Part of them at such Meetings assembled, shall be as valid to all Intents and Purposes as if the same were done at an Annual General Meeting held in Manner herein before appointed.

Committees to be under the Controul of the General Meeting.

Provided always, That such Committees shall, from time to time, be subject to the Examination and Controul of the said Annual or Occasional General Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premisses as they shall from time to time receive from the said Proprietors at any such General Meetings; such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Books to be kept.

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

150 Votes to concur in the Choice of a Committee.

Provided always, That if at any General Meeting there shall not be One hundred and fifty Votes concurring, no Choice of a Committee shall be made at that Time; but, in such Case, there shall be a new Meeting of the Proprietors of the said Navigation at the same Place upon that Day Three Weeks following, of which Notice shall be given in the Leeds and Manchester News-papers, and such Choice shall be then made of Persons to be of the Committee as ought to have been made at the Day herein before appointed, had there then been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee shall have the same Power which they would have had, and continue in such Office until such Time as they would have done, had they been chosen on the said Day herein before appointed.

Power of General Meeting.

And be it further enacted, That every such General Meeting shall have Power to call for, audit, and settle all Accounts which shall be then unsettled and not adjusted between the Commissioners appointed to put in Execution the said recited Act of the Thirty first Year of the Reign of His late Majesty and the several Treasurers, Clerks, Collectors, and all other Officers, Agents, Workmen, and Servants, which have been appointed or employed by them for executing the Purposes of the said recited Act, or between the said Commissioners and any other Person or Persons in relation to the said Navigation; and out of any Money which shall have been raised or collected by virtue of the said Act, or which shall hereafter be raised or collected by virtue of this Act, to pay and satisfy all just Demands of any such Officers or other Persons, or to recover or receive from such Officers or other Persons any Money which shall be due from them on account of the said recited Act, and to give sufficient Receipts and Discharges for the same; and in case of any Difference between the said Proprietors, and the said Officers or other Persons, touching the settling and adjusting such Accounts as aforesaid, the same shall be adjusted and settled by the Commissioners appointed by this Act, or any Three or more of them, whose Determination therein shall be final and conclusive against all Parties whomsoever; and every such General Meeting shall also have Power to call for, audit, and settle all Accounts of Money which shall hereafter be laid out and disbursed concerning the said Navigation, with the Receiver or Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whatsoever employed by or concerned for or under them

in

and about the aforesaid Navigation; and for that Purpose shall have Power to adjourn themselves from time to time, and from Place to Place, as shall be thought convenient by the Persons intitled to a Majority of Votes, in Manner aforesaid; and every General Meeting, or such Committee met together, by the Authority of this Act, shall have Power from time to time to make such Call or Calls of Money upon any Subscription, for the Purposes of this Act, as they from time to time shall find wanting and necessary for those Purposes, under such Conditions, Limitations, and Restrictions, as shall be settled and agreed upon in any Writing subscribed for that Purpose; which Money so called for shall be paid to such Person or Persons, and in such Manner, as the said General Meeting shall from time to time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next Annual or other General Meeting, to be holden in Manner as aforesaid, and until a new Committee shall be chosen and appointed, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said Committee together assembled, such Majority not being less than Three, and every Subscriber shall at the Time of subscribing pay or deposit Ten Pounds per Centum, and shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money when called for as aforesaid, he, she, or they, so neglecting or refusing, shall forfeit the Sum of Forty Shillings for every One hundred Pounds so subscribed by him, her, or them; and in case such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and of Two Calendar Months after personal Notice given him, her, or them thereof,

For making Calls upon the Subscribers.

thereof, he, she, or they, so neglecting, shall forfeit all the Money deposited and paid on the said Subscription, together with all Interest and Property in any Share or Shares of the said Navigation, accruing to him, her, or them, from such Subscription; all which Forfeitures shall go to the rest of the Company of Proprietors of the said Navigation, their Successors, and Assigns, in Trust for, and for the Benefit of all the rest of the said Proprietors in proportion to their respective Interests.

Subscribers to have Notice, before they forfeit their Shares.

Provided always, That no Advantage shall be taken of any Forfeiture of any Interest, or Part of any Share or Shares of the said Undertaking, unless the same shall be declared to be forfeited at some General Meeting of the said Company of Proprietors, who shall meet within One Year next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement, betwixt such Proprietor or Proprietors so forfeiting and the rest of the Proprietors, with regard to carrying on the said Navigation.

General Meetings may make Bye-laws.

And be it further enacted, That the said Company of Proprietors, their Successors, and Assigns, for the time being, shall have Power and Authority, at any General Meeting to be held as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any other Officer or Officers under them, to chuse and appoint new ones; and to revoke, alter, amend, or change, any of the Rules and Directions herein before prescribed and laid down with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling General Meetings, and their Time and Place of Meeting, and voting and appointing Committees, only excepted); and shall have Power to make such new Rules, Bye-laws, and Constitutions, for the good Government of the said Company, and for the good and orderly using the said Navigation, and all such Warehouses, Wharfs, Passages, Locks, and other Things that shall be made for the same, and of and concerning all such Vessels, Goods, and Commodities, as shall be navigated and conveyed thereon; and also for the well governing of the Bargemen, Watermen, and Boatmen, who shall carry any Goods, Wares, and

Merchandize, upon any Part of the said Navigation; and from Time to Time to alter or repeal the said Bye-laws and Constitutions; and to impose and inflict such reasonable Fines or Forfeitures upon all Persons offending against the same, as to the major Part of such General Meeting shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein after mentioned; which said Rules, Bye-laws, and Constitutions, being put into Writing under the Common Seal of the said Company of Proprietors, shall be binding to, and observed by, all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same.

How Shares may be disposed of.

And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said Navigation to sell and dispose of any Share or Shares he, she, or they, shall and may be intitled to therein, subject to the Rules and Conditions herein mentioned; and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate of the Deed of Assignment or Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they, shall purchase the same, and also by the Purchaser or Purchasers; One Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee or their Clerk for the time being, to be filed and kept for the Use of the said Company; and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, nor any Interest for his said Share paid to him, her, or them, or any Vote as Proprietor or Proprietors.

After a Call, no Share to be sold till the Money paid.

And be it further enacted, That after any Call of Monies shall be made by a General Meeting of such Committee as aforesaid upon any Subscription, no Person or Persons shall sell or transfer any Interest or Property which he, she, or they, shall then have in the said Undertaking, by reason of any Deposit or Payment

made on such Subscription, until the Monies called for upon their respective Subscriptions so to be sold shall be paid, upon the Penalty of forfeiting to the said Company of Proprietors all the Interest and Property so transferred, in Trust for the Benefit of all the said Proprietors; such Forfeiture nevertheless to be notified and declared at a General Meeting in Manner above directed.

And be it further enacted, That the said Shares shall be sold, assigned, and transferred, in the following Form (to wit)

Form of the Sale and Transfer of Shares.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, assign, and transfer to the said *C. D.* his Executors, Administrators, and Assigns, (*his the Cliff lot* in the *Calder* and *Hebble* Navigation) to hold to him the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same immediately before the Execution hereof: And the said *C. D.* doth hereby agree to accept thereof, subject to the said Rules, Orders, and Conditions.

Witness our Hands and Seals this Day of in the Year of our Lord

Clerk to be appointed, and his Office.

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, or the major Part of them, at any General Meeting assembled, and they are hereby authorized and required, from time to time to nominate and appoint, by Writing under their Hands, One or more Person or Persons to be their Clerk or Clerks to the said Navigation; which said Clerk or Clerks shall, in proper Books to be provided for that Purpose, enter and keep true and perfect Accounts of the Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall, from time to time, become Owners and Proprietors or intitled to any Share or Shares, or to any Part of such Shares, of and in the said Navigation, and of all the other Acts, Proceedings, and Transactions, of the said Company of Proprietors, their Successors, and Assigns, and of the Committees, by Virtue of and under the Authority of this Act; and that each of the said Proprietors shall and may, at all convenient Times, have Recourse to and peruse and inspect

spect such Books gratis; and may demand and have Copies thereof, or any Part thereof, paying Two Pence for every Two hundred Words so to be copied; and if the Clerk shall refuse to permit any such Proprietor to inspect such Books, or refuse to make Copies or Extracts thereof at the Rate or Times aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Proceedings to be entered in Books.

And be it further enacted, That the Clerk to the said Company of Proprietors for the time being, or some other competent Person to be appointed by them, but to be approved of by the said Commissioners, or any Three or more of them, shall, from time to time, attend the said Commissioners at all Meetings to be by them held for the Purpose of executing this Act; and that all Orders and Proceedings of the said Commissioners shall be entered by such Clerk in Books to be kept for that Purpose; such Books to be open at all reasonable Times for the Inspection of any Person interested and desirous of seeing and examining the same, without Fee or Reward; and the said Orders and Proceedings, when so entered as aforesaid, shall be signed by such Number of the said Commissioners respectively, as by this Act are impowered and required to make such Orders and carry on such Proceedings, and shall also be attested by the said Clerk as a Witness thereto; and being so signed and attested shall be deemed Originals, and admitted as Evidence without further Proof in all Courts whatsoever.

Books to be admitted in Evidence.

Provided always, That in case any Person appointed by the said Company of Proprietors to attend the said Commissioners as their Clerk, shall not attend when required, or shall be disapproved of by the said Commissioners, or any Three or more of them; the said Company of Proprietors, their Successors, and Assigns, shall, upon Notice of such Disapprobation given them by such Commissioners, immediately proceed to a new Appointment, and so from time to time, until the said Company of Proprietors, their Successors, or Assigns shall appoint a Clerk in his Stead, of whom the said Commissioners, or any Three or more of them, shall approve; and in the mean Time, till such a Clerk shall be appointed, the said Commissioners, or any Three or more of them, may nominate a proper Person, if necessary, with a reasonable Allowance to be paid him by the said Company of Proprietors, for doing the Business of such Clerk.

If Commissioners disapprove of their Clerk, another is to be chosen by the Proprietors.

And

Rates of Tonage.

and be it further enacted, That in Consideration of the great Charges and Expences of making, completing, and maintaining, the said Navigation, and of carrying this Act into Execution, it shall and may be lawful to and for the said Company of Proprietors, their Successors, and Assigns, from time to time, and at all Times hereafter, to ask, demand, recover, and to take to and for the proper Use and Behoof of them the said Company of Proprietors, their Successors, and Assigns, for Tonage for all Goods, Wares, Merchandize, Commodities, or other Things whatsoever, which shall be navigated, carried, or conveyed in, upon, or along, the said Rivers, Cuts, or Canals, or all or any of them, within the Limits of the said Navigation, such Rates or Duties (over and above what shall or may be paid for the Freight or Carriage thereof) as the said Company of Proprietors, their Successors, and Assigns, shall think fit, not exceeding the several Rates or Duties herein after mentioned; that is to say, For every Ton of Stones, Slate, or Flaggs, the Sum of Four Shillings and Two Pence, and so in proportion for any greater or less Quantity than a Ton; and for every Ton of Lime or Lime-stones, the Sum of Four Shillings and Two Pence, and so in proportion for every greater or less Quantity than a Ton; for every Ton of Coals, the Sum of Four Shillings and Two Pence, and so in proportion for every greater or less Quantity than a Ton; and for every Ton of all other Goods, Wares, Merchandize, Commodities, or other Things whatsoever, not before enumerated, the Sum of Nine Shillings, and so in proportion for every greater or less Weight than a Ton; and for every Ton of Stones, Slates, Flaggs, Lime, or Lime-stones, Coals, Goods, Wares, Merchandize, Commodities, and other Things whatsoever, which shall be navigated, carried, or conveyed, in or upon the said Rivers, Cuts, and Canals, or any of them, for any less Distance than the Whole, such Proportion of the said Rates or Duties as shall be equal to such Distance, or as near the same as conveniently may be.

For limiting the Dividends of Ten *per Cent.*

Provided always, and be it enacted by the Authority aforesaid, That if it shall at any Time happen that the Distribution made amongst the said Proprietors within the Space of One Year, out of the Profits of the said Navigation, shall exceed the Rate of Ten Pounds per Centum upon the Principal Sum or Sums of Money which shall have been raised and contributed for the Purposes

poſes of making and maintaining the ſaid Navigation; then, and in every ſuch Caſe, the ſeveral Rates or Duties to be taken during the Courſe of One intire Year, to be computed from the Firſt Day of January next following ſuch Diſtribution as aforeſaid, ſhall be lower than the higheſt Rates or Duties herein before allowed to be taken in each Caſe reſpectively, in the Proportion of One Eighth Part for every Twenty Shillings by which ſuch Diſtribution ſhall have exceeded the Rate of Ten Pounds per Centum upon the principal Sum or Sums before mentioned; and it ſhall not be lawful for the ſaid Company of Proprietors, their Succeſſors, or Aſſigns, during the Courſe of ſuch intire Year as aforeſaid, to demand or take any greater or higher Rates or Duties than in the Proportion aforeſaid; any thing herein before contained to the contrary notwithſtanding.

Method of recovering Rates.

And be it further enacted by the Authority aforeſaid, That the ſaid Rates or Duties ſhall be paid to ſuch Perſon or Perſons, at ſuch Place and Places near to the ſaid Rivers, or either of them, and in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, ſhall direct and appoint: And in caſe any Perſon ſhall refuſe or neglect to pay the ſaid Rates or Duties, or any Part thereof, to ſuch Perſon or Perſons as aforeſaid, on Demand, the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, ſhall and may ſue for and recover the ſame, with Full Coſts, by Action of Debt, or on the Caſe, in any Court of Record; or the Perſon or Perſons to whom the ſaid Rates or Duties ought to have been paid, may, and he and they are hereby impowered to ſeize and detain any Goods or Veſſels for which the ſaid Rates or Duties ought to be paid, until they ſhall be ſatisfied and paid the ſame: And in caſe ſuch Rates or Duties ſhall not be paid within the Space of Five Days next after ſuch Seizure made, it ſhall and may be lawful for the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, or their ſaid Collector or Collectors, to ſell ſuch Goods, Wares, Merchandize, Commodities, Boats, or Veſſels, rendering the Overplus (if any) to the Owners thereof, after the ſaid Rates or Duties, and all reaſonable Charges of ſuch Seizure, Detention, and Sale, ſhall be deducted, ſatisfied, and paid.

Materials for Repairs of Mills, &c. exempted.

Provided always, and it is hereby declared, That no Rates or Duties ſhall be due, paid, or demanded, for Stones, Timber, or for Gravel, Sand, or other Materials,

rials, to be used for making or repairing of any Mill or Mills adjoining to the said Rivers, or either of them, within the Limits of the said Navigation, or for any Soapers Waste, Dung, or any Sort of Manure for the Use only of Lands lying within Two Miles of the said Navigation (except Lime and Lime-stones) for being carried upon the said Rivers, Cuts, or Canals, or any Part thereof; so that the Things hereby exempted from the Payment of such Rates or Duties do not pass through any Lock but at such Times when the Water shall flow over the Dam belonging to such Lock; and also that such Person or Persons, who shall own or be concerned or employed in carrying such Things, shall make good any Damages that may be done to the Sides or Banks of the said Rivers, Cuts, or Canals, or any Part thereof, by the loading, unloading, or discharging, any Boats or other Vessels; which Recompence and Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Three or more of them.

Masters of Boats to give an Account in Writing to the Collectors of the Particulars of the Goods, &c.

And, for the more easy collecting the said Rates and Duties, be it further enacted by the Authority aforesaid, That the Masters, Owners, and Managers of every Boat, Keel, or other Vessel, navigating upon the said Rivers, Cuts, or Canals, or any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person; having the Rule or Command of every such Boat or other Vessel, to the Collectors of the said Rates or Duties, at the Place or Places where they shall attend for that Purpose, of the Quantities, Qualities, or Weights of Goods which shall be in or belonging to each Boat or other Vessel, from whence brought, and where they intend to land the same; and also of the Quantities, Qualities, or Weights of such Goods as shall have been discharged or taken out of such Boat or other Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given: And in case such Master, Owner, or Person, shall neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places than what is or are mentioned in the Account; they shall forfeit and pay to the said Company of Proprietors, their Successors, and Assigns, the Sum of Five Pounds for every such Offence, over and above the Rates or Duties they are obliged to pay for the same.

And be it further enacted, That if any Difference shall arise between any Collector of the said Rates or Duties, and the Master, Owner, or Person, having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandizes, concerning the Weight and Quantity of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandizes, as shall be therein contained; and in case the same shall, upon such Weighing, Measuring, or Gauging, appear to be of greater Weight or Quantity than such Master, Owner, or Person, having the Care of the said Boat or Vessel, affirmed the same to be, then the Master, Owner, or Person so offending, shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the said Rates or Duties are hereby appointed to be recovered and levied: But if such Goods, Wares, and Merchandizes, shall appear to be of the same or less Weight or Quantity than the Master, Owner, or Person, so declared the same to be, then the said Collector shall pay the Costs and Charges of such Weighing, Measuring, and Gauging; and shall also pay to such Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandizes, One Shilling for every Hour that such Boat or other Vessel shall be detained by Occasion of such Weighing, Measuring, or Gauging, and so in Proportion for any greater or less Time; and in Default of immediate Payment thereof by such Collector, 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 West Riding, rendering the Overplus, if any be, to the Owner thereof, after such Distress and Sale made.

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

And be it further enacted by the Authority aforesaid, That all Persons whatsoever shall have free Liberty to use with Horses, Cattle, and Carriages, the private Roads and Ways (except the Towing-paths) to be made by virtue of this Act for the Purpose of conveying any Goods, Merchandize, and Commodities whatsoever, to or from the said Rivers, Cuts, or Canals; and also to navigate upon the said Rivers, Cuts, and Canals, with any Boats or Vessels not exceeding the Burthen

Navigation to be free upon Payment of Rates.

of Twenty four Tons; and to use the said Wharfs or Quays for loading and unloading Goods, and the said Towing-paths for haling and drawing such Boats and Vessels, upon Payment of such Rates or Duties as shall be demanded by the said Company of Proprietors, their Successors and Assigns, not exceeding the Rates herein before-mentioned; and subject always to the Rules, Bye-laws, and Constitutions, which shall, from time to time, be made by the said Company of Proprietors, their Successors and Assigns, by virtue of the Powers herein before granted for and concerning the said Navigation.

No Boat under 15 Tons to pass without Leave.

Provided always, That no Boat or other Vessel, of less Burthen than Fifteen Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, their Successors and Assigns, or their principal Agent for the time being, in Writing first had and obtained.

For making Bridges, Gates, Stiles, &c.

And be it further enacted, That the said Company of Proprietors, their Successors, and Assigns, 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 the Ditches and Fences, Towing-paths, Haling-paths, and Ways, made or to be made for the Purposes of the said Navigation; and shall and may fence in the said Towing-paths where the same shall respectively be wanting, if the Owners of the adjoining Lands shall desire it; and also sufficient Bridges, with proper Battlements, or Posts and Rails, on each Side, over the new Cuts, Trenches, and Passages, for Water, where necessary, for the Use of the Occupiers of Lands, Tenements, and Hereditaments, thereunto adjoining, to make them convenient Passages to and from the Lands, for the Use and Occupation of the same; and also, if the said Company of Proprietors shall find it necessary to deepen the said Rivers in any Part or Parts where there now are common usual Fords or Highways through the same, so as such Fords or Highways shall thereby be rendered impassable or dangerous; then, and in every such Case, the said Company of Proprietors shall first cause a sufficient Bridge or Bridges to be erected, or some other good and sufficient Conveniencies 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 Use of all Persons having Occasion to pass over the same.

And

And be it further enacted, That if the said Company of Proprietors, their Successors, and Assigns, or any Person or Persons authorized and employed by them, shall, by making or raising any Weir or Dam or otherwise, raise the Water of the said Rivers, or either of them, above the ancient or usual Height of such Water, whereby the adjacent Lands and Grounds may be more liable to be overflowed or damaged than they have anciently or usually been; then the said Company of Proprietors, their Successors, and Assigns, shall, and they are hereby required to cause the Banks thereof to be proportionably raised and strengthened, so that the new Banks may be able and sufficient to contain the Water at such their raised Height, and also from time to time maintain and repair the said Banks so to be raised in pursuance of this Act, as often as Occasion shall require. Company to raise the Banks in proportion to the Dams.

And whereas it may hereafter happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood-gates, Dams, Banks, Cuts, Canals, Trenches, or other Works of the said Navigation, may be damaged or destroyed, and the adjacent Lands thereby likewise endangered or damaged; and that it may be necessary the same should be immediately repaired or rebuilt to prevent further Damage; be it therefore enacted by the Authority aforesaid, That when and as often as any such Case shall happen, it shall and may be lawful for the said Company of Proprietors, their Successors, or Assigns, from time to time, or their or any of their Servants, Agents, or Workmen (without any previous Application to the said Commissioners, and without any Delay or Interruption from any Person or Persons whatsoever) to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the said Rivers, or either of them, or any of the said Cuts, Canals, and Trenches, (not being the Ground whereon any House stands, or not being an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House) and to dig for, get, work, take, carry away, and use, all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers, of, or other Person or Persons interested in, such Lands, Grounds, or Hereditaments, or any of them; doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for such Damages to the Owners and Occupiers of, or other Persons interested in, such Lands, Power to get Materials in case of sudden Damage.

Grounds, or Hereditaments, within the Space of Three Months next after the same shall be demanded, for all Damages which may be done by means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof, shall be settled, adjusted, assessed, ascertained, and determined, by the Ways and Means herein before prescribed with respect to other Damages done by getting Materials for the Purpose of making and completing the said Navigation.

Land-owners may erect Warehouses, &c.

And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, or restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said Rivers or Cuts shall pass, from making, erecting, or using, any Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their own Lands, Grounds, or Wastes, adjoining or near to the said Rivers or Cuts hereby authorized to be made, or from landing any Goods or Merchandize or other Things thereupon, or upon the Banks lying between the same and the said Rivers or Cuts, or for making or using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other; so that the making, erecting, or using thereof respectively, shall not and do not obstruct or prejudice the Navigation of the said Rivers or Cuts, or the Towing-paths on the Sides thereof: And all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, upon their own Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns; so that the Rates or Duties granted to the said Company of Proprietors, their Successors, and Assigns, for Tonnage, shall not be thereby reduced or altered.

But if not done within 12 Months after Notice, Proprietors may build.

Provided always, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Months after Notice given in Writing by or on Behalf of the said Company of Proprietors, their Successors, and Assigns, that any Part or Parts of

such

such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purposes of erecting Warehouses and Buildings for the Use of the said Navigation, make and erect on such Part or Parts of such Lands, Grounds, or Wastes, sufficient Warehouses and Buildings on some Plan to be approved of by Three or more Commissioners, or shall not maintain the same in substantial Repair; then, and in every such Case, the said Company of Proprietors, their Successors, and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, for erecting such sufficient Warehouses and Buildings; first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

For ascertaining the Rate of Wharfage.

And be it further enacted, That no more than the Sum of Three Pence per Ton shall be demanded or taken for Wharfage by any Person or Persons, Proprietor or Proprietors, Land-owner or Land-owners, who shall or may at any Time hereafter make, erect, or build, any Wharfs or Quays on any Part of the said Rivers or Cuts by virtue of this Act, unless the Goods, Wares, or Merchandize, which shall be laid thereon, shall remain or continue on such Wharf or Quay for a longer Time than the Space of Six Days; but if they remain and continue thereon for more than Six Days, One Half-penny a Day shall be paid for the Wharfage of every Ton of such Goods.

Masters to put their Names on the Outsides of their Boats.

And, for the better regulating of Masters of Boats, Bargemen, and others, employed upon the said Rivers or Cuts, be it further enacted by the Authority aforesaid, That every Master, or Person having the Rule or Command of any Boat or other Vessel passing on the said Rivers or Cuts, shall cause his Name to be set in large painted White Capital Letters on each of the Outsides of every Boat or other Vessel, higher than the same shall sink into the Water when full loaded; and shall also permit and suffer every such Boat or other Vessel to be measured, at the Expence of the Proprietors of the said Navigation, by putting Weights into the same for that Purpose, or otherwise, and to be marked with Figures or other Marks at each End on the Outside thereof, shewing how much or how far every Ton Weight of Loading, which shall be put into such Boat or Vessel, will sink the same into the Water, whenever it shall be required by the said Company of Proprietors,

Boats to be measured.

or

of such Person or Persons as shall be appointed by them for that Purpose; provided that no such Vessel shall be measured more than Four Times in any One Year: And every Owner, Master, or other Person having the Rule or Command of any Boat or other Vessel who shall refuse or neglect to put his Name on any such Boat or other Vessel, or shall refuse to have his or their Boats or other Vessels measured or marked as aforesaid; or shall alter, deface, erase, or destroy, any of the said Letters, Figures, or Marks; he or they shall, for every such Offence respectively, forfeit and pay to the said Company of Proprietors, their Successors, or Assigns, the Sum of Five Pounds.

To prevent Vessels mooring within a certain Distance of Mills and Mill-dams.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall ascertain the several Distances nearer than which no Boat, Barge, Lighter, or other Vessel, shall be suffered to be moored or lie to any Mill, Dam-stones, or Bridge, within the said Rivers, Cuts, Canals, or Trenches respectively, and shall set up Stones or Posts denoting the same; and if any Person shall moor or cause to be moored any Boat, Barge, Lighter, or other Vessel, within the Distance to be ascertained as aforesaid, every Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Proviso.

Provided always, That nothing herein contained shall be construed to extend to prevent, hinder, or obstruct any Person or Persons from loading or unloading any Boat, Barge, Lighter, or other Vessel, within the Distances so to be ascertained as aforesaid.

To prevent navigating Boats over Mill-dams or Wires.

And be it further enacted, That if any Boatman or his Agent or Servant shall wittingly and willingly navigate any Boat or other Vessel over any Mill-dam or Weir, every such Boatman, Agent, or Servant, so offending, and being convicted thereof before any Justice of the Peace for the said West Riding, upon the Oath of One or more credible Witness or Witnesses, shall forfeit and pay the Sum of Five Pounds to the Owner or Occupier of the Mill to which such Dam or Weir shall belong.

Boat-master or Owner made answerable for Damage done by the Crew.

And be it further enacted, That the Master or Owner of every Boat or other Vessel, navigating within the Limits of the said Navigation, shall be, and is hereby made, answerable for any Damage, Spoil, or Mischief, that shall be done by his Boat or other Vessel, or any of the Boatmen or Watermen belonging to, or employed in or about, the same respectively,

ſpectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near, the ſaid Rivers or Cuts, Trenches, Sluices, and Paſſages, or by loading or unloading any Boat or other Veſſel; and for any Treſpaſs or Damage that ſhall or may be done to the Owners or Proprietors of any Building, Erections, Lands, or Tenements, adjoining to the ſame, or any of them, other than is authorized by this Act; and the ſaid Maſter or Owner of ſuch Boat or Veſſel ſhall and may be ſued and proſecuted for the ſame in any Court of Record whatſoever; and if found guilty, or a Verdict paſſed againſt him, or Judgement be given againſt him upon Demurrer or by Default, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with Double Coſts of Suit.

Regulations for Veſſels paſſing the Locks.

Provided always, and be it enacted, That no Boatman, or his Agent or Servants, navigating any Boat or other Veſſel upon the ſaid Rivers or Cuts, and paſſing with any Boat or other Veſſel through any Lock to be made upon the ſaid Rivers or Cuts, ſhall ſuffer the Water to remain in the Lock longer than is neceſſary for his Boat or other Veſſel to paſs through any ſuch Lock; and alſo that every ſuch Boatman, or other Perſon as aforeſaid, in going down the ſaid Rivers or Cuts, ſhall ſhut the lower Gates and Cloughs of ſuch Lock before he or they ſhall draw the upper Cloughs thereof; and after he or they ſhall have brought his or their Boat or other Veſſel into the ſaid Lock, ſhall ſhut the upper Gates and Cloughs before he or they ſhall draw the lower Cloughs; and in going up the ſaid Rivers or Cuts ſhall, ſo ſoon as he or they ſhall have paſſed with his or their Boat or other Veſſel out of the ſaid Lock, ſhut the upper Gates and Cloughs of the ſaid Lock, and afterwards draw the lower Cloughs, unleſs there ſhall be then a Boat or other Veſſel in Sight of the ſaid Lock coming down the ſaid Rivers or Cuts; in which Caſe the lower Gates and Cloughs of the ſaid Lock ſhall be left ſhut, and the upper Gate ſhall be left open; and in all dry Seaſons, when there ſhall be a Scarcity of Water in the ſaid Rivers or Cuts, the Veſſel going up the ſame, if within Sight of and at a Diſtance not above Three hundred Yards below a Lock, ſhall paſs through ſuch Lock before the Veſſel coming down, and then the Veſſel next above ſhall come down; and if there be more Veſſels than One below and above any Lock at the ſame Time in ſuch dry Seaſon, within the Diſtance aforeſaid (at which Diſtance a Poſt or Mark ſhall be ſet up or made for

that Purpose) such Vessels shall go up and come down in such Locks by Turns as aforesaid, till all the said Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two or more Vessels; and every Person offending in any of these Particulars, and being convicted thereof before any Justice of the Peace for the said West Riding, upon the Oath of One or more credible Witness or Witnesses, as also the Master or other Person having the Command of such Boat or Vessel, shall forfeit the Sum of Forty Shillings; or if any Person or Persons shall open any Gate or Gates in the Haling-ways, and shall leave the same open, every Person so offending in any of the Cases aforesaid, and being thereof convicted before any Justice of the Peace for the said West Riding of the said County, by One or more Witness or Witnesses upon Oath, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on drawing Cloughs, &c. maliciously or wantonly.

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 belonging to any Mill or Mills upon the said Rivers, or either of them, having no lawful Occasion so to do, nor for the Advantage of some Boat, Keel, Lighter, or Vessel, to pass the Locks, or shall leave any of the Cloughs running after any Boat, Barge, Lighter, or other Vessel, shall have passed any Lock belonging to the said Navigation; or if any Person or Persons shall draw, or cause to be drawn, any Clough or Cloughs on the said Rivers, Cuts, Canals, or Trenches, or any of them, so as by flushing, or otherwise, to waste the Water of the said Rivers, Cuts, Canals, or Trenches, or any of them, to the Prejudice of the said Navigation, or of any Mill or Mills; every such Person, offending in any of the Cases aforesaid, and being thereof convicted before any Justice of the Peace for the said West Riding, by the Oath of One or more Witness or Witnesses, shall for every such Offence forfeit and pay such Sum as the said Justice shall order and direct, not exceeding the Sum of Five Pounds; whereof One Moiety shall go to the Informer, and the other Moiety to such Miller or Millers or other Persons as shall suffer any Loss or Damage thereby; and in Default of Payment, the Person so offending shall, by Warrant of such Justice, be committed to the House of Correction, there to be kept to hard Labour for any Time such Justice shall direct, not exceeding Two Months.

And

And be it further enacted, That if any Owner or Occupier of any Mill or Mills, not being a Soak Mill or Mills, do or shall, upon reasonable Request made, and Twenty four Hours Notice given for that Purpose, by any Person employed by the said Company of Proprietors, and upon Payment or Tender of such Recompence or Satisfaction as is herein after mentioned, neglect or refuse, either to draw up or open, or to shut or put down, any Clough or Cloughs which shall be necessary to be opened, shut, or put down respectively, for the better making and maintaining the said Navigation, and the Works requisite to be made for that Purpose, and for altering and repairing the same from time to time; every Person so offending, and being thereof lawfully convicted in Manner aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds. Penalty on Millers not opening Cloughs, &c.

Provided always, That the Owners or Occupiers of any such Mill or Mills, not being a Soak Mill or Mills, shall and may, in any such Case as aforesaid, lawfully demand and receive, as a Recompence and Satisfaction for such drawing up or opening, or putting down or shutting, such Clough or Cloughs, the Sum of Two Shillings for every Hour that the Mills on each Head of Water shall be thereby stopped or hindered from working, and so in proportion for any Time such Stoppage or Hindrance shall continue. Satisfaction to be made Millers for stopping their Mills from working.

And whereas the said Navigation may be obstructed if the Owners or Occupiers of Mills upon the said Rivers are not obliged to keep their Cloughs, Weirs, Dams, Banks, or Reservoirs, belonging to such Mills, in good Repair; be it therefore enacted by the Authority aforesaid, That in case the Owners or Occupiers of any Mill upon the said River shall so far neglect to keep their Cloughs, Weirs, Dams, Banks, or Reservoirs, in such good and sufficient Repair, as that the said Navigation shall at any Time be obstructed through such Neglect or Want of Repairs in any of the said Cloughs, Weirs, Dams, Banks, or Reservoirs, and the Owner or Occupier of such Mill or Mills to which such Clough, Weir, Dam, Bank, or Reservoir, so wanting Repairs, belongs, shall refuse or neglect well and sufficiently to repair the same with all convenient Speed after Notice in Writing given thereof to such Owner or Occupier, or left at such Mill or Mills; it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, to cause the same to be effectually repaired: And if such Owner or Occupier shall not on Demand reimburse For keeping Dams, Cloughs, Banks, &c. in Repair.

imburſe the ſaid Company of Proprietors all the Expences incurred in and about ſuch Repairs, or give ſufficient Security to pay Intereſt annually for the ſame, after the Rate of Five Pounds per Centum per Annum; then, and in that Caſe, the ſaid Cloughs, Weirs, Dams, Banks, and Reſervoirs, ſo repaired at the Expence of the ſaid Company of Proprietors, ſhall be thenceforth deemed to belong to the ſaid Navigation, redeemable nevertheleſs upon the Payment of ſuch Principal and Intereſt; and in the mean Time, until the Payment of ſuch Principal and Intereſt, the ſaid Company of Proprietors, and any Perſon employed by them, ſhall and may either draw up or open, or ſhut or put down, any Clough or Cloughs in any of the ſaid Weirs, Dams, Banks, or Reſervoirs, ſo to be repaired at the Expence of the ſaid Company of Proprietors, which ſhall be neceſſary to be opened or ſhut, drawn up or put down reſpectively, for the better making, maintaining, and uſing, the ſaid Navigation, without being ſubject to pay any Thing to any Owner or Occupier of any ſuch Mill or Mills as a Satisfaction or Recompence, or under a Pretence of Damages for ſo doing; and no Miller ſhall reduce the Water in any ſuch Reſervoir or Dam more than Six Inches below the Crown or Top of ſuch Dam.

Commiſſioners to adjuſt Differences between the Company and Millers concerning Repairs.

Provided, That if there ſhall be any Diſpute or Difference between the ſaid Company of Proprietors and any Owner or Occupier of any Mill concerning the repairing ſuch Cloughs, Weirs, Dams, Banks, or Reſervoirs, or concerning the Money laid out by the ſaid Company of Proprietors in repairing the ſame; ſuch Diſpute or Difference ſhall be ſettled and adjuſted by the Commiſſioners, or any Five of them.

That when the Water is reduced Eighteen Inches below the Tops of Dams, the Mills to be ſtopped.

And, for preventing as much as poſſible any Interruption of the Navigation near the Mills upon the ſaid Rivers, be it further enacted by the Authority aforeſaid, That when and as often as the Water in any Dam or Reſervoir of or belonging to any of the ſaid Mills (not being a Soak Mill or Mills) ſhall be reduced Eighteen Inches below the Crown or Top of any ſuch Dam or Reſervoir (which ſaid Reduction of Eighteen Inches ſhall be aſcertained by Stones or Poſts to be ſet up and marked for that Purpoſe at the Expence of the ſaid Company of Proprietors) every Gate and Clough of or belonging to ſuch Mill or Mills reſpectively ſhall be forthwith ſhut, and the ſaid Mill or Mills ſtopped from working, and ſhall continue ſo ſtopped until the Water

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of the said Dam or Reservoir shall have risen within Six Inches of the Crown or Top of such Dam.

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 employed by him, her, or them, shall, in the Judgement and Opinion of any Five or more of the said Commissioners, wittingly or willingly 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, obstructed, impeded, or prevented, and not shew sufficient Cause to be allowed by the said Commissioners, or any Five or more of them, for so doing; every such Owner, Occupier, or other Person, shall for every such Offence forfeit and pay such Sum of Money, as the said Commissioners, or any Five or more of them, shall order and direct, not exceeding the Sum of Five Pounds for each Offence. Penalty on Millers obstructing the Navigation.

And be it further enacted, That if any Owner or Occupier of any Mill, or other Person whomsoever, within the Limits of the said Navigation, shall stop or stang, or cause to be stopped or stanged, any Wheel 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 when the Wheel is not working; and thereby prevent, obstruct, or impede, the Passage of any Boat, Barge, Lighter, or other Vessel up or down the said Rivers, Cuts, Canals, or Trenches, or any of them; every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds. Penalty on stanging Wheels.

Provided nevertheless, That if at any Time there shall not be a sufficient Head or Quantity of Water at Dewsbury Lower Mill, or Wakefield Lower Mills, for the necessary working the same, then and in such Case only, and, from time to time, as often as it shall so happen, it shall and may be lawful to and for the Owner, Occupier, or Miller, of Dewsbury Upper Mill, or Wakefield Upper Mills, to stang or stop the Water-wheel and Wheels of such Mill, and let the Water pass and run through the Sluices and Flood-gates thereof, for the Purpose only of supplying the said lower Mill with Water for working the same; any thing herein before contained to the contrary notwithstanding. Exception to *Dewsbury* and *Wakefield* Lower Mills, when the Water is reduced Eighteen Inches below the Tops of the Dams, the Mills is to be stopped.

And be it further enacted, That if any Boat or Vessel shall be placed in any Part of the said Rivers or Cuts, or of any Trench, Sluice, or Passage aforesaid, so as to obstruct the Navigation, and the Person having the Vessels lying so as to obstruct the Navigation, to be removed.

Care of such Boat or Vessel shall not immediately, upon Request made, remove the same, he shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings, nor less than Five Shillings, for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors, and Assigns, or any of them, to cause any such Boat or Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation; and to seize and detain such Boat or Vessel and the Loading thereof, until the Charges occasioned by such Removal are paid; and if any Boat or Vessel shall be sunk in the said Rivers or Cuts, or any Trench aforesaid, and the Owner or Person having the Use of such Boat or Vessel shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, their Successors, and Assigns, or any of them, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same till Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels sunk to be weighed up.

Persons overloading and obstructing the Passage of the Canal, to forfeit 5*l.*

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall float any Timber upon the said Rivers or Cuts, or load any Boat or Vessel with Timber, so that the same shall lie over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or Vessel navigating in or upon the said Rivers or Cuts, Trenches, Sluices, or Passages, and, when so overloaded, shall put such Boat or other Vessel into the said Rivers or Cuts, Trenches, Sluices, or Passages, so as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, haul such Boat or other Vessel back into such Place or Places as shall be proper or made for Boats or other Vessels to pass each other; every such Owner, or Person floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay for every such Offence the Sum of Five Pounds to the said Proprietors, their Successors and Assigns, to be laid out and employed towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Penalty on throwing Ballast into the Canal.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, or Rubbish, into any Part of

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the said Rivers or Cuts, or of any Trenches or Water-courses to be made or maintained by virtue of this Act, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds.

Canal not under the Power of the Commissioners of Sewers.

Provided always, and be it enacted, That the said Rivers or Cuts, or any Works whatsoever to be made by virtue of the Powers of this Act, shall not be subject to the Controul, Direction, Survey, or Order, of any Commissioners of Sewers, or to any Law or Statute relating to Sewers; any other Law or Statute to the contrary hereof notwithstanding.

Rates exempted from Payment of Taxes, &c.

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

Election of new Commissioners.

And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it enacted by the Authority aforesaid, That when any of the Commissioners hereby appointed, or to be elected in Manner herein after mentioned, shall die or refuse to act, the surviving or remaining Commissioners, or any Nine or more of them, shall and they are hereby impowered, from time to time, by Writing under their Hands and Seals, to elect and appoint, in the Place of every Commissioner so dying or refusing to act, some other Person qualified as herein after mentioned; and in case Nine such Commissioners shall not survive who will meet together so to elect and appoint new Ones in the Place of such as are dead or refuse to act, then, and in that Case, Three or more Commissioners of the Land Tax for the West Riding of the County of York for the time being, may elect and appoint Nine or more other Persons qualified as in this Act mentioned, who shall proceed to fill up the Vacancies in the Manner herein directed; and all such Commissioners so appointed shall, from the Time of their Appointment, have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named and appointed Commissioners in this Act; Notice of the Time, Place, and Purpose, of such Meetings being given in Writing, to be affixed upon the Market Crosses, or some other conspicuous Place in Halifax and Rochdale, Fourteen Days at least before every such Meeting.

Qualification of Commissioners.

And be it further enacted, That no Person shall act as a Commissioner in any Case where he shall be any

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ways interested or concerned in the Matter an Question; and that no Commissioner herein before appointed, or who shall be elected by virtue of this Act, shall act as a Commissioner, unless he shall be seised or possessed in his own Right, or in the Right of his Wife, at the Time of such his acting, of an Estate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or of a Personal Estate to the Amount of Three thousand Pounds, over and above what is sufficient to pay off all his just Debts; unless he shall be eldest Son or Heir Apparent of a Peer of the Realm, or of a Person qualified to be elected and serve as a Knight of the Shire for that Part of Great Britain called England: And if any Person hereby declared incapable to act as a Commissioner, shall nevertheless presume to act as such, every Person so offending shall for every Offence forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with Full Costs of Suit, by Action at Law in any of his Majesty's Courts of Record at Westminster, in which Action no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed; and such Person so prosecuted shall prove that he is qualified as before mentioned, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Penalty on acting if not qualified.

Provided always, That no Person shall act as a Commissioner in any Case (except in administering the following Oath) until he shall have taken and subscribed the Oath following before any Three or more of the said Commissioners, who are hereby authorized and impowered to administer the same to any other of the Commissioners; videlicet,

The 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 Judgement, execute and perform the Powers and Authorities established in me by virtue of an Act made in the Ninth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act for extending the Navigation of the River* Calder *to* Salter Hebble Bridge, *and to* Sowerby Bridge, *in the County of* York, *and for repealing an Act for that Purpose.* *So help me GOD.*

Provided always, That such Commissioners who are Justices of the Peace for the said West Riding shall and may, and they are hereby respectively impowered to act as Justices of the Peace in the Execution of this Act, within the Limits of their respective Jurisdictions, notwithstanding their being Commissioners. Commissioners may act as Justices.

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

And be it further enacted, That upon any Application to be made by the said Proprietors, their Successors, and Assigns, or any Three or more of them, or by any of the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said Navigation, or any of the Works necessary or relating thereto, unto the Commissioners appointed by and for the Purposes of this Act, or any Three or more of them, desiring them to appoint a General Meeting of the Commissioners; the Commissioners so applied to, or any Three or more of them, may and shall and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice in Manner hereby directed of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days nor more than Twenty one Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners, or any Three or more of them, are hereby authorized, impowered, and required, to meet at the Time and Place so to be appointed, in order to put this present Act, and the Powers and Authorities hereby given to and vested in them, in Execution; and shall then adjourn themselves, and afterwards meet at such Place as the said Commissioners there assembled at such Meeting, or any Three or more of them, shall think proper and convenient: And if it shall happen that there shall not appear at any Meeting, which shall be appointed to be had or Upon Application made by any of the Owners of Lands, or by 3 Proprietors, Commissioners may meet.

held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time; then, and from time to time as often as the Case shall happen, such Meeting shall be deemed adjourned until that Day Three Weeks, to be held at the same Place, and all Meetings of the said Commissioners by virtue of this Act shall be public; and the Majority of the said Commissioners present at every such Meeting (such Majority not being less than Three) shall have Power and Authority to execute the Powers hereby vested in the said Commissioners, but not otherwise; any thing herein contained to the contrary notwithstanding.

Meetings may be called at any Time by 5 Commissioners.

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

Notice of Commissioners Meetings.

Provided always, That no Meeting of the said Commissioners shall be good or effectual for any of the Purposes of this Act, unless previous Notice of the Time and Place thereof, and the Business proposed to be done, under the Hand of the Clerk for the time being attending the said Commissioners, shall be first published in the Leeds, Manchester, and York, News Papers, and in such other Manner as the said Company of Proprietors, their Successors and Assigns, shall at any General Meeting appoint, at least Fourteen Days before every such intended Meeting of the said Commissioners; unless the Business to be transacted at any Meeting, of which such Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice; in which Case the Commissioners, or any Three or more of them, may, from time to time, adjourn to the succeeding Day, or if such Day be Saturday or Sunday then to the Monday following, and in the like Manner from Day to Day, and may meet again at the same or any other convenient Place, and proceed in such Business until the same is finished, without any Notice

to be given of the Meetings held by such last-mentioned Adjournments.

No Meeting to be held but within Three Miles of the Canal.

Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference, between the said Proprietors, their Successors, and Assigns, or any other Person or Persons, shall be held at some Place within Three Miles of some Part of the said Navigation; and that no Order or Determination shall be made unless the Majority of such Commissioners present at such Meeting respectively shall concur therein, such Majority not being less than the respective Numbers authorized to make such Orders or Determinations; and that no Order or Determination of the said Commissioners duly made shall be revoked or altered, unless Twelve Commissioners shall be present and concur therein.

Writings to be without Stamps.

And be it further enacted, That no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hands, or under the Hand and Seal of any Justice of the Peace, or of the said Commissioners, or any of them, or any other Person or Persons appointed or employed by them; or any Transfer of any Share or Shares, or other Writing whatsoever made in pursuance of the Powers given in and by this present Act, shall be charged or chargeable with any Stamp-duty whatsoever; and that no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of Form only.

Proceedings not to be quashed for want of Form.

For recovering Fines, &c.

And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or by any Rules, Bye-laws, or Constitutions, made by the said Company of Proprietors, their Successors and Assigns, by the Authority thereof, the levying and recovering of which said Fines, Penalties, and Forfeitures, are not herein before particularly directed, shall be levied by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace of the West Riding of the said County of York; which said Justice or Justices is and are hereby authorized to hear and examine Witnesses upon Oath, and determine the same, and may, according to his or their Discretion, mitigate any Fine, Penalty, or Forfeiture, herein before allowed to be mitigated; and all such respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, the Application whereof is not herein before particularly directed, shall be paid into the Hands of

Application.

the Receiver of the Monies to be raised by virtue of this Act, and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

Distress not unlawful for want of Form, &c.

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 Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser ab initio on account of any Irregularity which shall afterwards be 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 Parties distraining deemed Trespassers *ab initio*.

Persons aggrieved may appeal to the Quarter Sessions;

Provided always, and be it enacted, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, or any of the said Commissioners, upon account of any Offence committed, or supposed to be committed, either against this Act, or against any Bye-law, Order, or Constitution authorized to be made and altered from time to time as aforesaid, may appeal to the Justices of the Peace for the West Riding of the said County of York, at their General or Quarter Sessions of the Peace, within Six Months next after such Cause of Appeal shall arise, 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 allowed and ascertained by the said General or Quarter Sessions, in case such Order or Judgement shall be affirmed; and the Justices, at such General or Quarter Sessions, are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, and to award such Costs to the Party appealing or appealed against, as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari or otherwise into any of His Majesty's Courts of Record at Westminster, or elsewhere.

who are to determine the Matter in a summary Way.

That Nothing in this Act shall hinder any Navigation of the River *Calder* which may hereafter be made.

Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend to authorize the said Undertakers, or any of them, by any Manner of Work whatsoever to be made in pursu-

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ance of this Act, to hinder, obstruct, or prejudice, any Navigation which hereafter may be thought proper to be made from the South of the River Colne to or towards the Town of Huddersfield, in the said West Riding.

Owners of certain Lands to have the Mud of *Salter Hebble* Reservoir.

And whereas certain Lands or Grounds late belonging to William Gream, Esquire deceased, called Pighill, Lady Pighill, or Pye Pighill, in the Parish of Halifax aforesaid, which have always of Right had the Benefit of being watered as often as it hath been necessary from the said River Hebble, will, by making the said River navigable, lose the Benefit of being so watered; in order therefore to make Compensation for such Loss, be it enacted by the Authority aforesaid, That after the said Navigation shall be completed to Salter Hebble Bridge, such Person or Persons as shall be in Possession of the said Lands or Grounds for the time being, shall be intitled to, and have all such Mud, Manure, or Soil, as shall from time to time lodge in the Reservoir to be made at the Head of the said Navigation; and shall and may, from time to time, at his and their own Costs and Charges, cleanse the said Reservoir in such Manner, and at such Times, as the said Company of Proprietors shall direct and appoint; and take and carry away to his or their own Use, all such Mud, Manure, and Soil, as shall lodge in the said Reservoir.

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, or in the Execution of the Powers and Authorities, or the Orders and Directions herein before given or granted, every such Action, Suit, or Information shall be brought and commenced within Six Calendar Months next after the Fact committed for which such Action or Suit shall be 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 or Suits may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials 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 or laid in any other County or Place than as aforesaid, that then, and in every or any such Case, the Jury shall find for the Defendant or Defendants; And if a Verdict or

General Issue.

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, Suit, or Information, after the Defendant or Defendants shall have appeared; or if upon Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants in every such Case shall have Treble Costs, and shall have such Remedy for Recovery of the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Treble Costs.

The recited Act 31 *Geo.* II. repealed.

And be it further enacted, That from and immediately after the passing of this Act, the said recited Act made in the Thirty first Year of the Reign of His late Majesty King George the Second, for extending the Navigation of the River Calder to or near to Sowerby Bridge in the Parish of Halifax, and for making navigable the River Hebble, Halig, or Halifax Brook, from Brooksmouth to Salter Hebble Bridge, in the County of York, shall be, and the same is hereby repealed.

Publick Act.

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.

FINIS.