



ANNO NONO

GEORGIIV. REGIS.

Cap. xcviij.

An Act to enable the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, in the West Riding of the County of *York*, to make certain Cuts and Canals, and to improve the said Navigation. [19th June 1828.]

WHEREAS an Act was passed in the Tenth and Eleventh Years of the Reign of King *William* the Third, intituled *An Act for making and keeping navigable the Rivers of Aire and Calder in the County of York*: And whereas an Act was passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act passed in the Tenth and Eleventh Years of the Reign of King William the Third, intituled 'An Act for the making and keeping navigable the Rivers of Aire and Calder in the County of York,' and for improving the Navigation of the said River Aire from Weeland to the River Ouze, and for making a navigable Canal from the said River Aire, at or near Haddlesey, to the River Ouze at the Old Brick Garth at Ouze Gate End, within the Township of Selby, in the said County, and for other Purposes*: And whereas another Act was passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to enable the Undertakers of the Navigation of the Rivers Aire and Calder, in the West Riding of the County of York, to*

10 & 11 W. 3. c. 19.

14 G. 3. c. 96.

1 G. 4. c. 39.

[Local.]

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make

make a navigable Cut or Canal from and out of the said Navigation, at Knottingley, to communicate with the River Ouze near Goole, with Two Collateral Branches, all in the said Riding, and to amend the Acts relating to the said Navigation: And whereas the said Undertakers have from Time to Time proceeded in the Execution of the said recited Acts; and the said navigable Cut or Canal from Knottingley to Goole, authorized to be made by the said last-recited Act, with divers Docks and Basins at Goole, for the Admission of Ships and Vessels from the River Ouze, have been made and completed, at a very great Expence to the said Undertakers, for which Purposes several considerable Sums of Money have been raised and borrowed under the Authority of the said last-recited Act: And whereas, by His Majesty's Commission issuing out of the Court of Exchequer, Goole has been appointed a Port in the United Kingdom, and the Limits thereof have been set out, and proper Places have been appointed within the same to be legal Quays for the lading and unlading of Goods: And whereas the said Undertakers are desirous to deepen, shorten, and further improve the Navigation of the said Rivers Aire and Calder, and to make further Conveniences and Accommodation for the Shipping at Goole: And whereas it is expedient to make a Railway or Tram Road from the intended Cut from Broad Reach to Wood Nook, to communicate with the Turnpike Road leading between Leeds and Wakefield near to Lofthouse Gate in the Township of Stanley cum Wrenthorpe in the Parish of Wakefield: And whereas the several Works and Improvements aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, passed in the First Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained, (save and except so much of the same Act as regulates the Manner in which the Canal and Works thereby authorized to be made, and the Rates, Duties, and Personal Property thereby granted, acquired, or created, were to be rated to the Assessments made for the Relief of the Poor, and to other Parochial Rates and Taxes, and also save and except such Parts of the same Act as are varied, altered, or repealed,) shall be and are hereby declared to be in full Force and Effect; and shall extend to and be used, executed, applied, enforced, and put in execution, to all Intents and Purposes, as to this Act, and the several Matters and Things therein contained, for making, completing, preserving, and maintaining the Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and Works to be made by virtue of this Act, and for carrying the several Purposes of this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same had been severally, separately, and respectively repeated and re-enacted in the Body of this Act, and made Part thereof.

Powers of recited Act 1 G. 4. c. 39. (except as herein altered) extended to this Act.

II. And

II. And be it further enacted, That it shall and may be lawful to, and for the Undertakers of the Navigation, of the said Rivers *Aire* and *Calder*; and they are hereby fully authorized and empowered, at their own Costs and Charges, by themselves, and their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, from and out of a certain Cut or Canal belonging to the said Navigation, called the *Leeds Cut*, in the Township and Parish of *Leeds* in the said West Riding, to join and communicate with another Cut or Canal belonging to the said Navigation, called the *Thwaite Cut*, in the Township and Parish of *Rothwell* in the said West Riding; also a navigable Cut or Canal from and out of the said Cut or Canal called the *Thwaite Cut*, in the Township and Parish of *Rothwell* aforesaid, to join and communicate with the present Course or Channel of the said River *Aire* at or near to a certain Place called *Rothwell Haigh Coal Staith*, in the Township and Parish of *Rothwell* aforesaid; also a navigable Cut or Canal from and out of the River *Aire* aforesaid, at or near to a certain Place called *Irwin's Square*, in the Township and Parish of *Rothwell* aforesaid, to join and communicate with the said River *Aire* at or near to a certain Lock called *Woodlesford Lock*, in the Township and Parish of *Rothwell* aforesaid; also a navigable Cut or Canal from and out of the said River *Aire* at or near to a certain Place called *Woodlesford Pottery*, in the Township of *Oulton with Woodlesford* in the Parish of *Rothwell* aforesaid, to join and communicate with the said River *Aire* at or near to a certain Place called *Leamond Royd*, in the Township of *Methley* in the Parish of *Methley* in the said West Riding, with a collateral navigable Branch or Canal therefrom, to join and communicate with the said River *Aire* at or near to *Fleet Mills*, all in the Township of *Oulton with Woodlesford*; also a navigable Cut or Canal from and out of the said River *Aire* at or near to a certain Place called *Leamond Royd*, in the Township and Parish of *Methley* aforesaid, to join and communicate with a certain Cut or Canal belonging to the said Navigation, called the *Methley Cut*, in the Township and Parish of *Methley* aforesaid; also a navigable Cut or Canal from and out of the said navigable Cut or Canal belonging to the said Navigation called the *Methley Cut*, in the Township and Parish of *Methley* aforesaid, to join and communicate with the said River *Aire* at or near to a certain Place in the Township and Parish of *Methley* aforesaid, called *Methley Lower Coal Staith*; also a Railway or Tram Road, with proper Works and Conveniences for the Passage of Waggon, Carts, and other Carriages, properly constructed, from the East End of the said Cut called the *Methley Cut*, in the Township of *Methley* aforesaid, across the said River *Aire*, to a certain Place called the *Astley Coal Staith*, in the Township of *Preston* in the Parish of *Kippax* in the said Riding; also a navigable Cut or Canal from and out of the said River *Aire* near to its Junction with the said River *Calder*, in the Township of *Allerton Byewater* in the Parish of *Kippax* in the said West Riding, to join and communicate with the said River *Aire* at a certain Place in the Township of *Ledstone* in the Parish of *Ledsham* in the said West Riding, called *Bullam Clough* otherwise *Bullholme Clough*; also a navigable

Power to
make Canals,
Railways, &c.

navigable Cut or Canal from and out of the said River *Aire* at *Ferrybridge*, in the Township and Parish of *Ferryfrystone* in the said West Riding, to join and communicate with a certain navigable Cut or Canal belonging to the said Undertakers, called the *Knottingley and Goole Canal*, at the Commencement thereof in the Township of *Knottingley* aforesaid, in the Parish of *Pontefract* in the said West Riding; also a navigable Cut or Canal from and out of the said River *Calder* at or near to a certain Place called the *Broad Reach*, in the Township of *Stanley cum Wrenthorpe* in the Parish of *Wakefield* in the said West Riding, to communicate with the said River *Calder* at or near to a certain Place called *Wood Nook*, in the Township of *Altofts* in the Parish of *Normanton* in the said West Riding, and an Aqueduct over the said River *Calder* at or near to a certain Place called *Stanley Ferry*, in the Townships of *Stanley cum Wrenthorpe* and *Altofts*, in the Parishes of *Wakefield* and *Normanton* aforesaid; also a collateral navigable Branch or Canal from and out of the said last-mentioned Cut or Canal, at or near to a Place called *Foxholes*, to join and communicate with the said River *Calder* at or near to a certain Place called *Foxholes Bight* otherwise *Foxholes Bite*, both in the Township of *Altofts* in the Parish of *Normanton* aforesaid; and also a Railway or Tram Road, with proper Works and Conveniences for the Passage of Waggons, Carts, and other Carriages, properly constructed, from the said intended Cut from *Broad Reach* to *Wood Nook*, at or near to *Stanley Ferry* aforesaid, to communicate with a certain public Highway or Turnpike Road leading between *Leeds* and *Wakefield* aforesaid, near to a certain Place there, called *Lofthouse Gate*, all in the Township of *Stanley cum Wrenthorpe* aforesaid, in the Parish of *Wakefield* aforesaid; also a navigable Cut or Canal, or new Course or Channel for the said River *Calder*, from and out of the said River *Calder* at or near to *Wood Nook* aforesaid, to join and communicate with the same River at a Bend therein in the Township of *Methley* aforesaid, below a certain Place called *Faries Hill*; also a navigable Cut or Canal, or new Course or Channel for the said River *Calder*, from and out of such River at or near to a Place called *Ash Tree Bight* otherwise *Ash Tree Bite*, to join and communicate with the same River at or near to its Junction with the River *Aire* in the Township of *Whitwood* in the said West Riding; also to make, construct, and maintain a Wet Dock or Docks, and to extend and enlarge, improve, and support the present Dock or Docks at *Goole* in the Parish of *Snaith* in the said West Riding, to communicate with the River *Ouze* there, for the Reception of Ships, Barges, Lighters, Keels, and other Vessels, and for ballasting and loading and unloading the same; also to make, erect, extend, enlarge, build, and maintain additional Basins, Wharfs, Warehouses, Landing Places, Cranes, and other Works, at or near the Head of the said Navigation of the said River *Aire*, with proper Cuts, Works, and Conveniences, to communicate the same with the said River *Aire*, and the said intended Cuts or Canals, in the Township of *Leeds* in the Parish of *Leeds* in the said West Riding; and also to supply the said several intended Cuts, Canals, Channels, Branches, Docks, and Basins, at all Times for ever while making and after the same shall be made, with Water from the said Rivers of *Aire* and *Calder*, and the Cuts and Canals belonging to the same,

same, and from such Springs, Rivulets, Ponds, Pits, and Watercourses as shall be found in digging or making the said Cuts, Canals, Channels, Branches, Docks, and Basins, and also to erect, make, and maintain such Machines, and so many Feeders, Watercourses, Soughs, Tunnels, Archways, Aqueducts, and Channels, for supplying the said Cuts, Canals, Channels, Branches, Docks, Basins, and Works with Water, as to the said Undertakers shall from Time to Time, or at any Time hereafter, seem necessary and proper, and to make such Trenches or Passages for Water in, upon, or through the Lands or Grounds adjoining to the said proposed Cuts, Canals, Channels, Branches, Docks, Basins, and Works, as the said Undertakers shall think fit; and for the Purposes of this Act or any of them the said Undertakers, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate, whomsoever and whatsoever, and to survey and make Levels of the same or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for the making the several proposed Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Harbours, Piers, Quays, Basins, Sluices, Drains, Feeders, Locks, Wharfs, Bridges, Aqueducts, Towing Paths, Streets, Warehouses, Timber Ponds, Sheds, Cranes, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for effecting, preserving, completing, maintaining, and using the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works; and also to bore, dig, cut, trench, sough, excavate, get, take, or remove, carry away, and lay, Earth, Clay, Stone, Soil, Rubbish, Timber and other Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, or other Works, out of or upon the Lands and Grounds of any Person or Persons adjoining or lying contiguous thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, or repairing the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining such Feeders, Trenches, Tunnels, Passages, Aqueducts, and Watercourses as shall be necessary and proper to convey Water to and from the said Cuts, Canals, Channels, Branches, Docks, and Basins, according to the true Intent and Meaning of this Act; and to make, build, erect, and set up, in or upon the said Cuts, Canals, Channels, Branches, Docks, and Basins, or either or any of them, or upon the Lands adjoining the same respectively, such and so many Bridges and Aqueducts, and such and so many Piers, Arches, Tunnels, Sluices, Flood Gates, Stop Gates, Weirs, Pens for Water, Water Tanks, Dams, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch-houses, Landing Places, Weighing Beams and Cranes, or other Machines, Docks, Dry Docks, Basins, and other Works, Railways, Tram Roads, and other Ways, Roads, and Conveniences, as and where the said Undertakers shall think necessary and convenient, and also from

Power to
enter Lands.

[*Local.*]

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Time

Time to Time to alter, repair, and amend or discontinue the same; and to divert, alter, widen, enlarge, and extend any Bridges, Railways, Tram Roads, and other Ways, Roads, Passages, or Conveniences, for the carrying or conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandize, and other Articles, to and from the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works hereby authorized to be made, or either or any of them, or for the carrying and conveying of all manner of Materials necessary or useful for making, erecting, altering, repairing, maintaining, amending, widening, or enlarging the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works; and also to place, lay, work, or manufacture the said Materials on the Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the Cuts, Canals, Channels, Branches, Docks, Basins, and other Works, or the Tunnels, Archways, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing Boats, Barges, and other Vessels passing upon the said Cuts, Canals, Channels, or Branches, with Men, Horses, and Cattle, and proper Places for Boats and other Vessels navigating upon the said Cuts, Canals, Channels, or Branches, to turn, lie, or pass each other, as they the said Undertakers shall think necessary and convenient; and also to make such Roads and Ways, Culverts and Bridges, as shall be necessary and expedient, for the Use and Accommodation of the Owners or Occupiers of any such Lands and Grounds as shall be cut through, separated, or divided, or otherwise affected by, or the Use or Occupation of which shall be obstructed or rendered inconvenient in consequence of the making the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works, or any of them, and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for making, effecting, preserving, improving, completing, and using the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Undertakers, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in manner herein mentioned to the Owners or Proprietors of and all Persons interested in the Lands, Messuages, Buildings, Tenements, and Hereditaments, Weirs, Waters, Watercourses, Brooks, or Streams respectively, which shall be taken and removed, diverted or prejudiced, for all the Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Undertakers, and their Deputies, Agents, Servants, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject

Satisfaction
to be made
for Damages.

subject nevertheless to such Provisions and Restrictions as are herein contained.

III. And be it further enacted, That all Steam Engines which shall be made or used for the Purposes of the said Navigation, or of this Act, shall be constructed so as to consume their own Smoke.

Steam Engines to consume their own Smoke.

IV. And be it further enacted, That the Lands or Grounds and Hereditaments to be taken and used for the said Cuts, Canals, Channels, Branches, and Drains, and the Towing Paths and Banks thereof, and the Ditches and Fences for separating such Towing Paths and Banks from the adjoining Land, shall not exceed Sixty Yards in Breadth, and the Lands or Grounds and Hereditaments to be taken or used for the said Railways or Tram Roads shall not exceed Twenty Yards in Breadth, measured horizontally; except in such Places where any Sluice or Weir, or other Work necessarily requiring more Space, shall be made; or where the said Cuts, Canals, Channels, Branches, Drains, Railways or Tram Roads, shall be raised higher or shall be cut more than Six Feet deeper than the present Surface of the Land; and except in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to turn, lie, or pass each other; or where any Warehouses, Crane, or Weighing Beam shall be erected, or where any Wharf shall be made for the landing or Delivery of any Goods, Wares, or Merchandize which shall be carried or conveyed on the said Cuts, Canals, Channels, Branches, Railways or Tram Roads; nor in any of such excepted Places more than Two hundred Yards in Breadth, except where the said Cuts, Canals, Channels, Branches, Railways or Tram Roads, shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands, Grounds, or Hereditaments through which the said Cuts, Canals, Channels, Branches, Railways or Tram Roads shall pass, shall consent in Writing to the same being made wider in or through his, her, or their Lands or Grounds or Hereditaments respectively.

Width of Canal and Towing Paths and Railways.

V. And whereas a Map or Plan describing the Line or Course of the said Cuts, Canals, Channels, Branches, Railways or Tram Roads, Docks and Basins, and the Lands or Grounds in, through, across, under, over, or upon which the same are proposed to be carried or made, together with a Book of Reference thereto, containing Lists of the Owners and Occupiers, or reputed Owners and Occupiers, of such Lands and Grounds, have been deposited at the Office of the Clerk of the Peace of the said West Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in any Manner therein shall have Liberty to inspect and peruse the same, and make Extracts from and Copies thereof, at all seasonable Times, on Payment of One Shilling for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy not exceeding Seventy-two Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof

Map and Book of Reference to remain with the Clerk of the Peace, and be open to Inspection.

thereof as shall relate to any Matter which may be in question, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Not to deviate more than 100 Yards from the Line laid down.

VI. And be it further enacted, That the said Undertakers, in making the said intended Cuts, Canals, Channels, Branches, Railways or Tram Roads, shall not deviate more than One hundred Yards of Three Feet each from the Course or Direction delineated on the said Map or Plan.

Not to make any Reservoir not marked in the Plan.

VII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Undertakers to make any Reservoir or Reservoirs for supplying the said Cuts, Canals, or Branches with Water, except such as are marked and delineated on the said Map or Plan.

Omissions in the Book of Reference or Schedule not to retard the Work.

VIII. And be it further enacted, That the said Undertakers shall and may make the said intended Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works, and each and every of them, into, through, across, or over any Lands or Grounds described or intended to be described on the said Map or Plan, although the Name or Names of the Owner or Owners, or Occupier or Occupiers thereof, is or are omitted or mis-stated in the said Book of Reference, or in the Schedule to this Act annexed, in case it shall appear to the Satisfaction of any Two of His Majesty's Justices of the Peace for the said West Riding of the County of *York*, or for the Borough of *Leeds*, where the Lands or Grounds lie within such Borough, and be by them certified under their Hands, that such Omission or Mis-statement proceeded from Mistake.

Houses, Gardens, &c. not to be injured, except those mentioned in the Schedule.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Undertakers, or any Person or Persons employed by them, to take, use, injure, or damage any Messuage, Dwelling House, or other Building, or any Garden, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or Lawn inclosed or adjoining to a Mansion House, or ancient Fish Pond belonging to or near to any ancient Mansion House, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except the Messuages, Tenements, or Dwelling Houses, Workshops, Counting-houses, Barns, Stables, and other Buildings, Gardens, Yards, Paddocks, and other the Premises specified and contained in the Schedule to this Act annexed.

Limiting the Line in Lord Stourton's Estate.

X. And whereas in the Map or Plan lodged in the Office of the Clerk of the Peace for the West Riding of the County of *York*, Two Lines for the said intended Canal are marked and laid down through the Estate of the Right Honourable *William Lord Stourton*, in the Township or Parish of *Rothwell*, but it is intended that One only of such Lines shall be executed; be it therefore enacted, That the Easternmost Line, or that which runs parallel and nearest to the River *Aire*, shall be the Line to which the Powers of this Act shall extend, and no other, except with the Consent and Approval in Writing of the

the said Lord *Stourton*, his Heirs or Assigns, or the Person or Persons entitled to the said Estate, or to the Rents and Profits thereof; and the said Undertakers shall and they are hereby required to purchase of the said Lord *Stourton*, his Heirs or Assigns, or the Person or Persons entitled as aforesaid, all the Land which shall, by the making of the said intended Canal, be cut off and severed from the other Part of the Estate of the said Lord *Stourton*, and which shall lie between the said Canal and the said River *Aire*, as well as the Land which shall be taken for the said Canal, and the Banks and Towing Paths thereof: Provided also, that so long as One Towing Path only shall be used on that Part of the said intended Canal which shall pass through the Estate of the said Lord *Stourton*, or any Part thereof, the same shall be made and continue on the Land lying between the said intended Canal and the River *Aire*, and to be purchased by the said Undertakers as aforesaid; but if the Undertakers shall think it necessary to have and make, or shall make and use, Two Towing Paths, One on each Side of the said intended Canal, then and in such Case they shall purchase of the said Lord *Stourton*, his Heirs or Assigns, or the Person or Persons entitled as aforesaid, and pay for the Land required for making a Towing Path on the opposite or Westernmost Side of the said intended Canal, such Land so to be purchased and paid for not to exceed Four Yards in Breadth, measured horizontally from the Edge of the Water when the said intended Canal is filled to its full Height.

XI. And whereas the making of the said intended Canal through the Estate of the Right Honourable *William* Lord *Stourton*, in the Line hereinbefore limited, will cut off and sever from the major Part of his Lordship's Estate the Water of the River *Aire*, which the growing Trade of the District may make it desirable should be retained, as the being deprived of the Use of such Water may tend greatly to the Damage, Loss, and Inconvenience of the Owner or Owners of the said Estate for the Time being; be it therefore enacted, That the said Undertakers shall and they are hereby required, at their own proper Costs and Charges, when thereunto required by the said Lord *Stourton*, his Heirs or Assigns, or the Person or Persons who for the Time being shall be entitled to the said Estate and Premises, or to the Rents and Profits thereof, to make, put down, lay, erect, and from Time to Time maintain and keep in good and sufficient Repair, Order, and Condition, such and so many Pipes, Tunnels, or other Passages for Water from the said River under the said Canal into the Estate of the said Lord *Stourton* immediately adjoining or lying contiguous thereto, as shall be sufficient for the Conveyance of Water for the supplying of a Steam Engine or Steam Engines, and for all necessary Purposes of Trade and Manufacture, or for other Purposes.

For passing Water under the Canal in Lord *Stourton's* Estate.

XII. Provided always and be it enacted, That nothing herein contained shall authorize or empower the said Undertakers to deviate more than Twelve Yards from the Line of the said intended Canal, as marked out in the Plan lodged in the Office of the Clerk of the Peace for the said West Riding, in passing through the Lands and Hereditaments in which *James Atkinson* of *Hunslet* aforesaid, Esquire, is now interested, near or adjoining to the said Mills called *Hunslet*

As to the Line of Canal through Mr. *Atkinson's* Property.

[*Local.*]

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Mills:

Mills: Provided also, that the said Undertakers, before making such intended Canal through the Lands and Hereditaments in which the said *James Atkinson* is interested, shall at their own Expence construct and make a new or diverted Goit or Tail Channel to the said *Hunslet Mills*, to be constructed and made of an equal Width and Depth as the present Goit or Tail Channel to the said *Hunslet Mills*, and as near to the Northern Bank of the said intended Canal as shall be consistent with the Safety and Security of such Northern Bank.

Respecting the Quantity of the Land belonging to *John Dunnington Jefferson*, Esq. to be taken by the Company.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Undertakers to take or use any of the Land belonging to *John Dunnington Jefferson* Esquire, other than such as is marked and described in the said Plan lodged in the Office of the Clerk of the Peace for the said West Riding, as Docks, Wharfs, Quays, Cuts, and Roads, or Streets, and which shall not exceed in the whole Thirty Acres: Provided also, that it shall not be lawful for the said Undertakers to take any Part or Portion of such Thirty Acres, unless all the said Land so required and intended to be taken shall be measured and marked out within the Period of One Year from the passing of this Act.

Roads in Mr. *Jefferson's* Land to be marked out within One Year of the passing of the Act.

XIV. Provided also, and be it further enacted, That the said Undertakers shall and they are hereby required, within the Period of One Year from the passing of this Act, to measure and mark out the several Roads, Ways, and Passages intended to be made by the said Undertakers, over, through, or across the Lands of the said *John Dunnington Jefferson* marked on the said Plan, and within the Period of Five Years from the passing of this Act completely to finish the making of the Road intended to be formed on the Northern Boundary of the Land intended to be taken by the said Undertakers from the said *John Dunnington Jefferson*; and such Roads, Ways, and Passages shall be for ever thereafter maintained and repaired by the said Undertakers, and shall be at all Times open for Public Use, as if the same were a common Highway.

Small Parcels of Land separated by the Canals, &c. to be purchased, if required.

XV. And be it further enacted, That all Pieces or Parcels of Land which, in making the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and Works, shall be divided or separated into small Parcels from the several and respective Estates over or through which the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and Works shall be made, shall (if the Owners of such Estates shall require it, but not otherwise,) be purchased and paid for by the said Undertakers, the Value thereof to be ascertained, in case of Disagreement, in the same Manner as is directed concerning Land to be taken for the Purposes of this Act; and if in making the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and Works hereby authorized to be made, any Pieces or Parcels of other Land shall be cut through and divided or separated from the other Parts of the Lands belonging to any Person or Persons, so as the same cannot be conveniently occupied by him or them without a Bridge being erected for making a Communication therewith, and so that what shall be left
on

on each or either Side of the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and Works respectively, shall be less in Quantity than One Acre, or shall be throughout the whole Length thereof less than Fifty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Land shall not have any other Land adjoining or contiguous to what shall be so left on each or either Side of the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Dock, Basins, and Works respectively, then and in every such Case, and if the Owner or Owners, Person or Persons entitled to the Possession or to the Rents and Profits of the same, shall so require, but not otherwise, they the said Undertakers shall also take and purchase the Piece or Parcel, or Pieces or Parcels of Ground divided or separated, or the Pieces or Parcels of Ground so to be left on each or either Side of the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, or Works respectively, being less than One Acre in Quantity, or less than Fifty Yards in Breadth, throughout the whole Length thereof as aforesaid, the Value thereof to be ascertained, in case of Disagreement, in the same Manner as is hereby directed concerning any Land or Ground to be taken and used for the Purposes of this Act.

XVI. And whereas it will be necessary, for the more easy and convenient making of the said Cuts, Canals, Channels, or Branches, to divert, alter, and make new Courses and Channels for certain Parts of the said River *Aire*, in the several Townships or Places of *Leeds*, *Hunslet*, *Knostrop* otherwise *Knowstrop*, *Thorp* otherwise *Thorp Stapleton*, *Temple Newsam*, *Whitkirk* otherwise *Whitchurch*, *Oulton with Woodlesford*, *Rothwell*, *Swillington*, and *Astley*, in the several Parishes of *Leeds*, *Whitkirk* otherwise *Whitchurch*, *Rothwell*, and *Swillington*, in the said West Riding; be it therefore enacted, That it shall and may be lawful to and for the said Undertakers, their Agents and Workmen, and they are hereby authorized and empowered to make and cut new Courses or Channels for the said River *Aire*, and to divert and turn the Waters thereof into such new Course or Channel in and through the Lands and Grounds in the several Townships or Places of *Leeds*, *Hunslet*, *Knostrop* otherwise *Knowstrop*, *Thorp* otherwise *Thorp Stapleton*, *Temple Newsam*, *Whitkirk* otherwise *Whitchurch*, *Oulton with Woodlesford*, *Rothwell*, *Swillington*, and *Astley* aforesaid, in such Manner as the new Courses or Channels are marked or delineated in the said Plan so deposited with the Clerk of the Peace as aforesaid.

XVII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or Persons having any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all

Power to change the Course of the River *Aire*.

Bodies Politic, &c. empowered to sell and convey Lands for the Purposes of this Act.

all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract with the said Undertakers for the Sale of, and to sell and convey the same and every Part thereof unto the Trustees of the said Undertakers, in Trust for the Purposes of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Undertakers, and according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of
Conveyance
to the Un-
dertakers.

‘ I of in consideration of
‘ the Sum of to me paid by the Undertakers
‘ of the *Aire* and *Calder* Navigation, do hereby grant, release,
‘ assign, and confirm, unto the Trustees of the said Navigation
‘ [*here name them*], their Heirs and Assigns, all [*describe the*
‘ *Premises to be conveyed*], and all my Right, Title, and Interest to
‘ and in the same and every Part thereof; to hold unto the said
‘ , their Heirs and Assigns, in
‘ Trust for the said Undertakers, for the Use of the said Navigation
‘ for ever, by virtue and according to the true Intent and Meaning
‘ of an Act passed in the Ninth Year of the Reign of His Majesty
‘ King *George* the Fourth, intituled [*here set forth the Title of this*
‘ *Act*]: In witness whereof I have hereunto set my Hand and
‘ Seal, this Day of in the Year of our
‘ Lord

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

For settling
Contracts
respecting
Copyhold or
Customary
Lands.

XVIII. And be it further enacted, That if any Contract, Agreement, Bargain, or Sale shall be made or entered into, of or concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which Lands, Tenements, or Hereditaments shall be Copyhold or Customary, or of the nature of Copyhold or Customary, the same shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor; and such Lands, Tenements, and Hereditaments shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lords, Lady or Ladies of the Manor for the Time being, shall be willing and desirous

to enfranchise the same; in which Case such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she, or they shall be seised of or entitled to the same Manor or Manors for a less Interest than an Estate of Inheritance in Fee Simple.

XIX. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use, for the Purposes of this Act, any Part or Parts of any Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject to any Right or Rights of Common or Commons, whether of Pasture, Turbary, Estover, Piscary, or Easement, whether appendant, appurtenant, or in gross, or whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person or Persons having such and the like Estate and Interest of and in the Manor wherein such Lands, Tenements, Commons, Common or Waste Ground, shall be situate, or if the same shall not be the Waste of any Manor, then having such and the like Estate or Interest of and in the Soil of such Lands, Tenements, Wastes, Commons, and Hereditaments, as the Body or Bodies Politic, Corporate, or Collegiate, or Persons who are hereinbefore enabled to sell and convey other Lands, Tenements, and Hereditaments, shall be a good and sufficient Conveyance of the Fee Simple and Inheritance of such Waste Ground, or Common or other Lands, Tenements, or Hereditaments, for the Use of the said Navigation, as fully and effectually as if every Person having such Right or Rights of Common or Commons upon such Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid shall be paid by the said Undertakers to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively as a Vestry of such respective Parishes, to be convened by such Churchwardens for that Purpose, shall direct; and that in all Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments, than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in manner by this Act directed (as the Case may be): Provided always, that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance aforesaid, executed by Four or more of the Freeholders whose Estates have Common Right in such Common or

Conveyances by Lords of Manors of Lands taken from Commons to be sufficient.

Waste Ground, and whose said Estates amount in yearly Value, as assessed to the Poor Rates, to Three Fifths at least of the whole of the Estates which have such Common Right, to the said Trustees of the said Undertakers, their Heirs and Assigns, shall also be good and valid Conveyances.

In case the Parties refuse or are incapable to treat, the Value to be settled by a Jury.

XX. And for settling all Differences which may arise between the said Undertakers and the several Owners of and Persons interested in the Lands, Grounds, Messuages, Mills, Buildings, Tenements, Hereditaments, Streams, Brooks, Weirs, Dams, Waters or Water-courses, which shall or may be taken, used, stopped up, pulled down, damaged, 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 further enacted, That if any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Trustees, Tenant for Life or in Tail, Husband or Guardian, or any other Person or Persons so interested, for or on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trusts, or of the Person or Persons entitled in Remainder or Reversion after him or her as aforesaid, or of any other incapacitated Person or Persons as aforesaid, (except the King's most Excellent Majesty,) shall differ or shall not agree with the said Undertakers as to the Amount of such Purchase Money, Recompence, or other Compensation, and such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Undertakers; or if such Parties shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered to them by the said Undertakers, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the said Undertakers within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Trustees, Tenant for Life or in Tail, Husband or Guardian, or any other Person or Persons seised or possessed of or interested in, or entitled or capacitated to sell, any such Lands, Messuages, Mills, Tenements, or other Hereditaments as aforesaid, shall (for the Space of Fourteen Days next after Notice in Writing shall have been given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Person respectively, or left at the last or usual Place or Places of his or her Abode, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands, Tenements, or Hereditaments required for the Purposes of this Act,) neglect or refuse to treat, or shall not agree with the said Undertakers, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found, or shall not be known or discovered, or shall by reason of Absence be prevented from treating, or shall by reason of Non-age, or any other Impediment or Disability not provided for by this Act, be incapable of treating or making such Agreement as shall be necessary for enabling the said Undertakers to proceed in making the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins,

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and

and other Works and Conveniences aforesaid, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Undertakers, or the Person or Persons authorized by them as aforesaid; then and in every such Case the said Undertakers, or any Five or more of them, shall and they are hereby empowered and required, from Time to Time, to issue a Warrant under their Hands and Seals to the Sheriff of the County in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in question or dispute shall arise; or in case such Sheriff or his Under Sheriff shall happen to be One of the said Undertakers, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the same County not interested as aforesaid; or if all the Coroners shall be so interested, then to the Person then in being who last filled the Office of Sheriff or Coroner of the same County, and who shall not be interested as aforesaid; commanding such Sheriff or Coroner, or other Person, to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return a Jury of not less than Eighteen nor more than Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the County, Riding, Borough, or Place in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, Riding, Borough, or Place, or at some Adjournment thereof, as in such Warrant or Warrants shall be directed or appointed, and to attend from Day to Day until discharged; and out of the Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or some Person to be by him appointed, in such Manner as Juries for Trials or Issues joined in His Majesty's Court of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner, or other Person, shall return other honest and indifferent Men of the Standers-by, or others that can speedily be 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 shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the County or Riding in which such Lands, Tenements or Hereditaments shall lie, or the Matter in question or dispute shall arise, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses, touching the Matters in question, and may order and authorize the said Jury, or any Three or more of them, to view the Place or Places or Matter in controversy; and such Jury upon their Oath, or being of the Society of Persons called Quakers, upon their solemn Affirmations,

Witnesses to
be sum-
moned.

Jury to
enquire and
assess.
(which

Justices to
give Judgment.

(which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person and Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Mills, Buildings, Tenements and Hereditaments, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, either for the Damages which shall or may before that Time have been sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated or required by the said Undertakers, and which can or will be no further obviated, repaired, or remedied by them; and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: Provided that not less than Ten Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Undertakers to the Party or Parties with whom any Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, Trustee or Trustees, or the Clerk or Agent of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises to be valued, or respecting which any such Question shall arise.

Jurymen not
to be Owners
of Lands
to be taken
for the Act.

XXI. Provided always, and be it further enacted, That no Person shall be summoned or chosen to be of such Jury who shall be an Owner or Occupier of any Lands, Grounds, Mills, Waters, Tenements, or other Hereditaments which shall be required to be taken or used for any of the Purposes of this Act, or who shall be an Undertaker of the *Aire and Calder* Navigation.

Penalty
upon Sheriffs,
&c. for
Default.

XXII. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person hereinbefore authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for each and every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, without sufficient Excuse, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so to be summoned to give Evidence as aforesaid shall not appear, without sufficient Excuse, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn and examined, or to give Evidence, then and in such Case every such Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant or Warrants under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending,
rendering

rendering to him, her, or them the Overplus of the Money thereby produced, after such Penalties, and the Charges and Expences of such Distress and Sale, shall be deducted; and in all Cases where by this Act a Jury is directed or intended to be summoned to ascertain the Value of any Lands, Tenements, or Hereditaments, and where Bond to prosecute shall have been entered into, such Lands, Tenements, or Hereditaments shall not be taken and used until such Jury shall have been summoned as aforesaid.

XXIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties, as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act upon their Oath, or (being of the Society of Persons called Quakers) upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Juries to be under the same Regulations as those of the Courts of Westminster.

XXIV. And be it further enacted, That in every Case where a Verdict shall be given by any Jury for more Money than shall have been previously offered for or on behalf of the said Undertakers, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, or for any Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as by the said Act directed, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Undertakers out of the Monies to be raised by virtue of the said Acts or this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Twenty-one Days after Demand made thereof from the said Undertakers, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Undertakers, or of any Goods or Chattels of the Treasurer or Treasurers of the said Undertakers or their Treasurer, (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of the said Acts or this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, Riding, Borough, or Place in which such Lands, Tenements, or Hereditaments shall be situate, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Undertakers, all the Costs

By whom Expences of Juries shall be paid.

and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Person refusing or neglecting to treat or agree, and by the said Undertakers; but in every Case where any Party or Person shall have been prevented by Absence from entering into any Treaty with the said Undertakers, the Costs and Charges so incurred shall be borne by the said Undertakers in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be ascertained and settled by any Justice of the Peace for such County, Riding, or Place, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Person having had any such Disagreement or Dispute with the said Undertakers, the Amount thereof, having been first paid by the said Undertakers may be deducted by them out of the Monies awarded to be paid to such Party or Person, as so much advanced for his, her, or their Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded to such Party or Person; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Undertakers from the Party or Person liable to the Payment thereof, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Persons requesting Juries to enter into a Bond to prosecute their Complaint and pay Expences.

XXV. And be it further enacted, That all and every Person and Persons with whom the said Undertakers shall have any such Controversy or Dispute as aforesaid, shall, before the said Undertakers shall be obliged to issue out the Warrant or Warrants for summoning of such Jury, first enter into a Bond to the Clerk of the said Undertakers for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Expences of summoning such Jury and taking such Inquest, and of the summoning and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

No Complaint to be taken notice of unless previous Notice has been given to the Undertakers.

XXVI. And be it further enacted, That the said Undertakers shall not be obliged by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto, by or on behalf of such Person or Persons, to One of the Trustees of the said Undertakers, or to their Clerk, or left at the Office or other usual Place of Abode of such Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Value of Lands and Damages to

XXVII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively

tively make and give concerning the Value of Lands, Tenements, and Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon Lands, Tenements, and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

be ascer-
tained sepa-
rately.

XXVIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed for, determined, and adjusted or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Compens-
ation Money
to be appor-
tioned.

XXIX. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace of the said West Riding of the County of *York* amongst the Records of the Quarter Sessions of the said West Riding, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling, and no more, and also to take or make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Verdicts of
Juries to be
recorded.

XXX. And whereas *John Lee* of *Wakefield* in the said County of *York*, Esquire, and *Shepley Watson* of *South Hiendley* in the said County, Esquire, are Owners and Proprietors of certain Lands, Messuages, Wharfs, Quays, Staiths, Lime Kilns, and other Erections and Buildings situate, lying, and being on the North Bank of the said River *Calder*, in the Township of *Stanley cum Wrenthorpe* aforesaid: And whereas a Trade has been carried on upon the said Premises by the said *John Lee* and *Shepley Watson*: And whereas a certain Agreement was entered into, bearing Date the Tenth Day of *October* One thousand eight hundred, and made between one *Elias Wright*, as Agent for and on behalf of the said Undertakers, of the one Part, and the said *John Lee* and *Shepley Watson* of the other Part; and a certain Deed of Covenant, dated the Seventeenth Day of *September* One thousand eight hundred and ten, was also entered into between the said *John Lee* and *Shepley Watson* of the one Part, and Sir *William Mordaunt Milner* Baronet, the Right Honourable *John Smyth*, *Walter Spencer Stanhope*, and *James Fox*, Esquires, Trustees for themselves and the rest of the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, of the other Part: And whereas the making of the said new Cut and Canal from *Broad Beach* to *Woodnook* aforesaid, and the Abandonment of the Navigation of the said River *Calder* as at present used, will be a Breach of the said Agreement and Deed of Covenants respectively, and will also diminish and lessen the Value of the said Premises, and the Profits to be derived from the said Trade, and may be otherwise injurious to the said *John Lee* and *Shepley Watson*, their Heirs, Executors, Adminis-

Compens-
ation to
Messrs. Lee
and Watson.

trators,

trators, and Assigns; be it therefore enacted, That the said Undertakers shall, and they are hereby authorized, directed, and required, within Eighteen Months next after the passing of this Act, to make full Compensation, Satisfaction, and Recompence to the said *John Lee* and *Shepley Watson*, their Heirs, Executors, Administrators, and Assigns, for all such Loss, Damage, or Injury, of what Nature or Kind soever, which they the said *John Lee* and *Shepley Watson* have already sustained, or which they, or their Heirs, Executors, Administrators, or Assigns, may hereafter sustain, directly or indirectly, from any Diminution in the Value of their said Lands and Premises, or from the Diminution of the said Trade or any Part thereof, or the Hinderance of any Improvement in the Premises, or in the Extension of the said Trade, arising from the Abandonment of the said Navigation, as at present used from *Broad Reach* aforesaid to the new Lock near the Pasture Fence at the lower End of *Lake Lock*, under the Provisions of this Act, or any of them, or arising from the Non-performance of the said Agreement bearing Date the Tenth Day of *October* One thousand eight hundred, or arising from the Non-performance of the Covenants, or any of them, contained in the said Deed bearing Date the Seventeenth Day of *September* One thousand eight hundred and ten, and also to pay or cause to be paid to the said *John Lee* and *Shepley Watson*, their Heirs, Executors, Administrators, or Assigns, all and every such Sum and Sums of Money as they shall pay, expend, or be put unto, for their reasonable Costs, Charges, and Expences of ascertaining the Amount of such Compensation, Satisfaction, and Recompence as aforesaid, in case of Difference or Dispute about the same; and the said Undertakers are hereby directed and required, within Three Months next after such Compensation, Satisfaction, and Recompence shall have been ascertained and determined in manner by this Act directed, to pay or cause to be paid to the said *John Lee* and *Shepley Watson*, their Heirs, Executors, Administrators, and Assigns, such Sum or Sums of Money as shall have been ascertained and determined to be justly due and payable to the said *John Lee* and *Shepley Watson*, their Heirs, Executors, Administrators, and Assigns, as such Satisfaction, Compensation, and Recompence as aforesaid, together with all such reasonable Costs and Expences as shall be incurred by the said *John Lee* and *Shepley Watson*, their Heirs, Executors, Administrators, and Assigns, in or about the ascertaining the Amount of the same as aforesaid.

Certain Part
of Naviga-
tion not to
be opened
till Com-
pensation is
made.

XXXI. And it is hereby further enacted, That it shall not be lawful for the said Undertakers, by themselves or their Deputies, Agents, Officers, Workmen, and Servants, to open for Public Use the said navigable Cut or Canal from and out of the said River *Calder*, at or near to the said Place called the *Broad Reach* to the said other Place called *Woodnook*, or any Part thereof, until the said Undertakers shall have paid or caused to be paid to the said *John Lee* and *Shepley Watson*, their Executors, Administrators, and Assigns, such Compensation, Satisfaction, and Recompence as aforesaid; and the said Undertakers are hereby also required to maintain in the present State and Condition the Navigation of the said River *Calder* from *Kirkthorpe Lock* to *Penbank Weir*, until the said Undertakers shall have

have paid to the said *John Lee* and *Shepley Watson*, their Executors, Administrators, and Assigns, such Compensation, Satisfaction, and Recompence, in manner aforesaid.

XXXII. And be it further enacted, That in case any Difference or Dispute shall happen or arise between the said Undertakers and the said *John Lee* and *Shepley Watson*, their respective Heirs, Executors, and Administrators, as to the Amount of such Compensation, Satisfaction, and Recompence so to be made to them as aforesaid, such Compensation, Satisfaction, and Recompence shall be assessed and determined by a Jury in such and the same Manner as is by this Act directed with respect to any Difference or Dispute as to the Value of any Lands, Tenements, or Hereditaments hereby authorized to be taken by the said Undertakers for the Purposes of this Act.

In case of Difference between the Undertakers and Messrs. Lee and Watson, a Jury to determine.

XXXIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, not being in possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Trustees of the said Undertakers, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the Trustees of the said Undertakers, their Heirs and Assigns; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Undertakers or their Trustees, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), that then, at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the Trustees of the said Undertakers, their Heirs and Assigns, for the Uses and Purposes of this Act; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Undertakers shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is hereinafter directed in Cases of other Payments into the Bank; and thereupon all the

Mortgagees to convey.

Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the Trustees of the said Undertakers, for the Uses and Purposes of this Act, and the said Undertakers shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments so to be purchased as aforesaid, to the Trustees of the said Undertakers, their Heirs and Assigns, for the Uses and Purposes of this Act; and in default of their doing so, and on Payment of such Money into the Bank of *England*, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for them, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the Trustees of the said Undertakers, for the Uses and Purposes of this Act; and the said Undertakers shall be deemed to be in the actual Possession of the said Premises, to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Application
of Compensation Money
when
amounting
to or exceeding
200*l*.

XXXIV. And be it further enacted, that if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of the said Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Tenant for Life or in Tail, or Person or Persons under any Disability or Incapacity, as hereinbefore mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The Trustees of the Undertakers of the *Aire* and *Calder* Navigation," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled

1 G. 4. c. 35. *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who have been*

entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith: to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made:

XXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Undertakers or their Trustees, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Monies, and the Dividends arising thereon, may be applied in manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required

When under
200*l.* and ex-
ceeding 20*l.*

to

to obtain the Direction or Approbation of the said Court of Exchequer.

Where less than 20%.

XXXVI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the said Undertakers shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Undertakers; or in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Undertakers to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles, the Person in Possession to be deemed entitled.

XXXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments,

ments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interests of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXXIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Undertakers, out of the Monies to be received by virtue of the said Acts or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Exchequer may order Expence of Purchases to be paid by the Undertakers.

XL. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any Lands, Grounds, Messuages, Mills, Buildings, Tenements, Hereditaments, Dams, Weirs, Streams, Brooks, Waters or Watercourses, or as a Recompence for the yearly Produce or Profit thereof, or as a Compensation for Damages, as hereinbefore mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Compensation, within One Calendar Month after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of the Land or Premises which shall be required for the Purposes of this Act, then, upon Payment of such Sum or Sums of Money into the Bank of *England*, as hereinbefore directed and required, for the Use of the Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Undertakers, and their

Power to enter Lands upon Payment or Tender of Purchase Money.

[*Local.*]

26 R

Agents,

Agents, Servants, or Workmen, immediately or at any Time to enter upon such Lands, Tenements, or Hereditaments respectively; and then and thereupon the Lands, Messuages, Mills, Buildings, Tenements, Hereditaments, Weirs, Dams, Streams, Brooks, Waters, or Watercourses, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become the Property of the said Undertakers, to and for the Purposes of this Act, for ever; and such Tender or Payment or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before or until such Payment or legal Tender as aforesaid, it shall not be lawful for the said Undertakers, or any Person or Persons acting by or under their Authority, or under the Provisions of this Act, to dig or cut any Land or Ground, or to take down, remove, or alter any Messuage, Mill, Building, Tenement, or other Hereditament, for the Purpose of making the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works, or any Part thereof, without the Leave or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment; and in case any Person or Persons shall enter upon any such Land, Ground, or Premises, and commit any such Offence, before or until such Payment or legal Tender shall have been made, each and every such Person so offending shall forfeit and pay the Sum of Five Pounds for each and every Day he shall remain or be on such Lands or Premises, to the Proprietor or Proprietors of the Lands or Premises.

Property in
the Canal,
Cuts, &c. to
be vested to
the same.
Uses as the
Navigation.

XLI. And be it further enacted, That all and every the Lands, Grounds, Messuages, Mills, Buildings, Tenements, Hereditaments, Streams, Brooks, Waters and Watercourses to be so purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, upon Payment of the Purchase Money for the same in manner by this Act directed, together with the Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works hereby authorized to be made, and all and every the Messuages, Buildings, Warehouses, Wharfs, Quays, Tenements, and Hereditaments which shall be erected or built or provided under the Powers of this Act, and all the Rates, Tolls, and Duties by this Act granted, shall be and stand vested in the same Trustees, their Heirs and Assigns, in the same Manner, with the like Indemnification, and upon the same Trusts, and for the like Purposes; and the Profits and Advantages to arise under this Act shall be applicable to such and the same Uses and Purposes, as the Property of the said Undertakers in the Navigation of the said Rivers *Aine* and *Calder*, and the Canals, Cuts, and other Works authorized to be made by the said recited Acts, and the Tolls, Rates, and Duties thereby or by either or any of them granted, and the Lands, Buildings, Wharfs, Quays, Tenements, and Hereditaments erected or purchased by virtue thereof, and

and the Profits and Advantages arising thereby or therefrom, are or stand vested in and are applicable to.

XLII. And be it further enacted, That it shall be lawful for the said Undertakers or their Trustees, by Indenture under the Hands and Seals of such Trustees, to grant and convey, by way of absolute Sale for a Consideration in Money, such Part or Parts of the Lands, Tenements, and Hereditaments which shall be purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act; and all such Conveyances from the said Trustees shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands, Tenements, or Hereditaments, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Undertakers to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Tenements, or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that before any such Sale or Disposition of such Lands, Tenements, or Hereditaments shall be so made, the said Undertakers or their Trustees shall first offer to resell the same to the Owner or Owners of the adjoining Lands, the Price at which the same shall be resold being adjusted and settled by a Jury in like Manner as the Price for any Land to be taken in pursuance of this Act is hereinbefore directed to be settled, in case of Difference or Dispute as to the Value thereof; and if such Owner or Owners shall not agree, or shall refuse to repurchase the same, it shall and may be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Riding, Borough, or Place where such Lands, Tenements, or Hereditaments shall be situate, stating that such Offer was made by or on behalf of the said Undertakers, and that such Owner or Owners did not agree or refused to purchase such Lands, Tenements, or Hereditaments, (as the Case may be); and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused.

Undertakers
empowered
to resell
Lands not
wanted.

XLIII. And be it further enacted, That it shall not be lawful for the said Undertakers to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Acts or this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of the said Acts or of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer

Same Person
not to be
Clerk and
Treasurer.

surer or of his Partner, the Clerk for the Purposes of the said Acts or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts or this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall act as Treasurer, or as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall act as Clerk, or as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of the said Acts or this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Undertakers other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to
borrow
Money.

XLIV. And in order to enable the said Undertakers to make and complete the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works, be it enacted, That it shall and may be lawful to and for the said Undertakers to borrow and take up at Interest of any of their own Body, or of or from any other Person or Persons, any such Sum or Sums of Money as to them shall seem fit and convenient, not exceeding in the whole the Sum of Seven hundred and fifty thousand Pounds, by all or any of the Means, Ways, and Methods prescribed and authorized by the said recited Act of the First Year of the Reign of His present Majesty.

Not to affect
any Settlement,
&c.

XLV. And be it also further enacted, That nothing in this Act contained shall extend to revoke, annul, alter, lessen, or abridge any Will, Settlement, Mortgage Deed, or Lease, already made by any of the said Undertakers, of his, her, or their respective Share or Interest in the said Navigation of the said Rivers *Aire* and *Calder*, and the Canal, Cuts, and other Works authorized to be made by the said recited Acts, or to injure or prejudice any Person or Persons having or claiming, by virtue of or under the Authority of any such Will, Settlement, Mortgage Deed, or Lease, any Estate, Right, Title, Interest, or Incumbrance of, in, to, or out of the said Navigation, Canal, Cuts, and other Works, or the Tolls and Duties granted and made payable by the said recited Acts or any of them, or any Part or Parts thereof, or any Securities thereof or thereupon.

Same Rates
to be paid as
at present.

XLVI. And whereas the said Undertakers have at various Times effected, and will, by virtue of the Powers hereby granted, effect considerable Improvements in the said Rivers *Aire* and *Calder*, by means whereof the Navigation of such Rivers will be much shortened; and as the said Undertakers have, for the Convenience and Advantage of the Public, already expended large Sums of Money in carrying such Improvements into Effect, and will incur very great additional

additional Expence in making and maintaining the several Cuts, Canals, Branches, Basins, and other Works hereby authorized to be made, it is just and reasonable that they should be authorized to charge the same Amount of Toll as if the Navigation of the said Rivers had continued of the same Length as heretofore; be it therefore enacted, That notwithstanding any Diminution or Shortening the Length of the Line of the said Navigation or any Part or Parts thereof, in consequence of the Cuts, Canals, and other Improvements hereby authorized to be made, it shall nevertheless be lawful for the said Undertakers, their Heirs and Assigns, and they are hereby authorized and empowered to collect, recover, and receive, to and for their own Use and Benefit, such and the same Amount of Tolls, Rates, and Duties for the said Navigation, or any Part or Parts thereof, so to be shortened as aforesaid, as heretofore have been and are now collected and received upon the present Line of the said Navigation or any Part or Parts thereof; and such and the like Tolls, Rates, and Duties shall from Time to Time and at all Times for ever hereafter be payable to them the said Undertakers, their Heirs and Assigns, without any Deduction or Abatement upon account of the Diminution of the Length of Line and Navigation of the said Rivers or any Part thereof, or upon any other Account or Pretence whatsoever, excepting only in case of any Reduction which may be made in the said Duties by Order or Direction of the said Undertakers, as hereinafter is mentioned and provided.

XLVII. And be it further enacted, That in consideration of the Charge and Expence which the said Undertakers will be at in making and maintaining the said Railways or Tram Roads, it shall be lawful for the said Undertakers, from Time to Time and at all Times hereafter, to ask, demand, take, and recover, to and for their Use and Benefit, for the Tonnage and Tolls of all Coal, Stone, Timber, Goods, Wares, Merchandize, and Commodities which shall be carried or conveyed upon the said Railways or Tram Roads or any Part thereof, such Rates as the said Undertakers shall think fit, not exceeding the Sum of One Penny *per Ton per Mile*, for all Coal, Stone, Timber, Goods, Wares, Merchandize, and other Commodities, and so in proportion for any greater or less Quantity than a Ton.

Tolls upon
the Rail-
ways.

XLVIII. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton Weight, a Proportion of the same Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of Miles, and when there shall be a Fraction of a Quarter of a Mile, such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railways or Tram Roads, the said Undertakers shall cause the same to be measured;

Regulations
as to frac-
tional Parts
of a Ton or
Mile upon
the Railway.

[*Local.*]

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and

and Stones or other conspicuous Marks to be set up and for ever maintained, at the Distance of a Quarter of a Mile from each other, with proper Inscriptions.

Exemptions. XLIX. Provided always, and be it further enacted, That no Toll or Duty whatsoever shall be chargeable or payable for any Dung or Manure carried upon the Cuts, Canals, Channels, Branches, Railways or Tram Roads hereby authorized to be made, unless such Dung or Stable Manure shall pass or be carried through One or more of the Locks to be erected upon the said Cuts, Canals, Channels, or Branches authorized to be made by this Act.

Table of
Tolls to be
put up.

L. And be it further enacted, That the said Undertakers shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, upon some conspicuous Parts of the Works of the said Canals, Railways, and Docks respectively, a Table painted in distinct and legible Black Letters on a Board with White Ground, containing a List of all the Tolls and Rates payable to the said Undertakers, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Undertakers to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Boat, Barge, or Vessel, or any Waggon or other Carriage, of any Goods, Wares, or Merchandize or other Things carried or conveyed therein, but for and during such Time as the Board so painted as aforesaid shall remain so affixed.

Masters of
Boats, Carts,
&c. to give
Account of
Lading.

LI. And be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel navigating upon the said Cuts, Canals, Channels, or Branches, or of any Waggon or other Carriage passing upon the said Railways or any Part thereof, shall from Time to Time give in a just and true Account in Writing signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, and Commodities contained in every such Boat, Barge, or other Vessel, Waggon or other Carriage, and of the Place from whence brought, and where intended to be landed or carried, and also the Quantities, Qualities, and Weight of such Goods, Wares, Merchandize, or Commodities as shall have been discharged or taken out of such Boat, Barge, or other Vessel, Waggon or other Carriage, within the Limit of the said Cuts, Canals, Channels, Branches, or Railways, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandize, or Commodities shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of each Rate, and shall produce the Invoice or Bills of Lading to the Collector or Collectors, on Demand; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, and refuse to produce his Invoice or Bills of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof,

or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Undertakers a Sum not exceeding the Sum of Ten Pounds for every such Offence, over and above all the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities.

LII. And be it further enacted, That if any Differences shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel, or having the Care of any Waggon or other Carriage, or the Owner of any Goods, Wares, Merchandize, or other Commodities on board thereof or contained therein, concerning the Weight or Quantity of any such Goods, Wares, Merchandize, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, Merchandize, or Commodities as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of a greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, Waggon or other Carriage, affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, Waggon or other Carriage, shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandize, and Commodities shall appear to be of the same Weight and Quantity, or of less Weight and Quantity than the said Master, Owner, or other Person declared the same to be, then the said Undertakers shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to One or more of His Majesty's Justices acting in and for the West Riding of the County of *York*, or for the Borough of *Leeds*, as the Case may require, on the Oath of any credible Witness or Witnesses, to have arisen from such Detention; but in case it shall at any Time be made to appear to such Justice or Justices, upon the Complaint of the said Undertakers, or any of their Officers, and upon the like Oath of any credible Witness or Witnesses, that such Stoppage and Detention, and weighing, measuring, and gauging, was without reasonable Ground or Belief, or vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, and Commodities, such Damages as shall appear to such Justice or Justices, on the Oath of any credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by the said Undertakers or their Treasurer, or by such Collector, (as the Case may be,) the same shall be recovered from

In case of any Dispute respecting the Weight of Goods, Collectors may weigh, &c.

from the said Undertakers or the said Collector, as the Case may be, by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, or otherwise by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Power of
Justices to
settle Rates
in case of
Disputes.

LIII. And be it further enacted, That in case any Dispute or Disputes shall arise between the Collectors of the Tolls, Rates, or Duties, and the Masters of Boats or other Vessels, Waggons or other Carriages, liable to the Payment of any such Tolls, Rates, or Duties, respecting the Distance which any Boat shall have passed upon the said intended Cuts, Canals, Channels, or Branches, or Railways, or respecting the Proportion of Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall and may be heard and determined by some Justice of the Peace for the said West Riding of the County of *York*, or for the Borough of *Leeds*, who, upon Application made to him, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses (which Oath every such Justice is hereby authorized to administer), and shall determine the Amount of Toll due and other Matters aforesaid in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained.

Canals, &c.
to be free on
Payment of
Rates.

Railway:

LIV. And be it further enacted, That all and every Person or Persons shall have free Liberty, to use with Horses, Cattle, and Carriages, the private Roads and Ways belonging to the said Undertakers (except the Towing Paths), for the conveying any Goods, Wares, Merchandize, or other Things to and from the said intended Cuts, Canals, Channels, or Branches, and Docks, Basins, Wharfs, Quays, and Landing Places belonging thereto, and also, with Boats, Barges, and other Vessels, to navigate, pass and repass, and use the said Cuts, Canals, Channels, and Branches, and, with Waggons and other Carriages properly constructed, to pass on the said Railways or Tram Roads, for the Purpose of conveying any Goods, Wares, Merchandize, or Commodities whatsoever thereon, or on any Part thereof respectively, and also to use the said Docks, Basins, Wharfs, Staiths, Quays, and Landing Places, for the loading and unloading of Goods or other Things, and the said Towing Paths, for the hauling and drawing of such Boats, Barges, and other Vessels, upon Payment of such Tolls, Rates, and Duties for the same respectively as shall be demanded by the said Undertakers, not exceeding the several Tolls, Rates, and Duties hereinbefore mentioned, and subject always to the Rules, Orders, Bye Laws, and Regulations which shall from Time to Time be made by the said Undertakers, under and by virtue of the
Powers,

Powers contained in the said recited Act of the First Year of the Reign of His present Majesty, or of this Act.

LV. And be it further enacted, That all and every the several and respective Rates of Tonnage hereinbefore directed to be taken shall be respectively paid to such Collector or Collectors, or Person or Persons, at such Place or Places, in such Manner, and under such Regulations as the said Undertakers shall from Time to Time appoint or direct; and in case of Refusal or Neglect of Payment of any such Rates or any Part thereof, on Demand, to the Collector or Collectors, or Persons or Persons appointed to receive the same as aforesaid, the said Undertakers, or the Collector or Collectors, Wharfinger or Wharfingers, or other Person or Persons to whom the same ought respectively to have been paid, shall and may seize and distrain and detain the Goods or other Things for or in respect whereof any such Rates or Tonnage ought to have been paid, and the Boat, Barge, or other Vessel laden therewith, or which was laden therewith, or returning from the Voyage, or any other Boat or Vessel of or belonging to the Person or Persons so neglecting or refusing to pay such Rates of Tonnage, and detain the same until Payment thereof shall be made, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Ten Days next after the taking thereof, the same shall be appraised and sold as the Law directs in case of Distress for Rent.

For Recovery of Rates.

LVI. And be it further enacted, That in case any Person or Persons navigating or entrusted with the Care of any Boat, Barge, or other Vessel, upon the said Cuts, Canals, Channels, or Branches, or any of them, or with any Carriage upon the said Railways or any Part thereof, shall, with Intent to avoid or fraudulently to evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load or unload, or take into and upon any such Boat, Barge, or other Vessel, or into or upon any Waggon, Cart, or Carriage, any Goods, Wares, Merchandize, or Commodities whatsoever liable to pay any of the Tolls, Rates, or Duties hereinbefore mentioned, at any other Place or Places than at the public or private Wharfs, Staiths, or Quays upon or belonging to the said Cuts, Canals, Channels, Branches, or Railways, without having previously obtained Permission for that Purpose from some One of the Agents to the said Undertakers, or One of the Collectors of the said Tolls, or in case any Person or Persons shall do any other Act with Intent fraudulently to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay to the said Undertakers any Sum not exceeding Five Pounds.

Penalty on evading Rates.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Undertakers, their Heirs and Assigns, from Time to Time to lessen all or any of the Rates, Tolls, or Duties hereby or by the said recited Acts authorized to be taken upon all or any of the Goods, Wares, or Merchandize, or upon any particular Classes or Descriptions of Goods, Wares, or Merchandize carried or conveyed for special Purposes on the said Rivers, or the Cuts or Canals au-

Power to reduce Dues.

[Local.]

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thorized

thorized by this or the said recited Acts, as also on the said Rail Road or Tram Road, as they shall think proper, and afterwards from Time to Time to advance all or any of the said Rates, Tolls, and Duties which shall have been so lessened, to any Sum or Sums of Money not exceeding the Rates, Tolls, or Duties by this or the said recited Acts respectively authorized to be taken: Provided always, that if at any Time or Times the said Undertakers shall think proper to lessen the said Rates, Tolls, or Duties upon all or any of such Goods, Wares, or Merchandize, or upon such particular Classes or Descriptions of Goods, Wares, or Merchandize carried or conveyed upon the Cut or Canal between *Knottingley* and *Goole*, they shall also be obliged and are hereby required to make, during all such Times as aforesaid, a corresponding and proportionate Reduction of such Rates, Tolls, and Duties taken by them on similar Goods, Wares, or Merchandize, or similar Classes or Descriptions of Goods, Wares, or Merchandize carried or conveyed for special Purposes along the River, Cut, and Canal between *Knottingley* and *Selby*, so that the Navigation along the said River, Cut, and Canal from and to *Selby* shall always be on a similar Footing and equally favoured with the Navigation from and to *Goole*; and provided also, that upon the said Rivers *Aire* and *Calder*, and the new Cuts, Channels, or Branches hereby authorized to be made, Tolls, Rates, or Duties shall be lessened or advanced respectively on the whole Length in equal Proportions upon every Part of the said Rivers *Aire* and *Calder*, and the new Cuts, Channels, or Branches hereby authorized to be made; and provided also, that such Rates, Tolls, or Duties upon all or any of the said Goods, Wares, and Merchandize, or upon such Classes or Descriptions of Goods, Wares, or Merchandize so carried or conveyed for special Purposes upon the said Railways or Tram Roads, shall be lessened or advanced respectively upon the whole of the said Railways or Tram Roads in equal Proportions.

No Wag-
gons, &c. to
pass on the
Railways,
unless con-
structed as
directed by
the Under-
takers.

LVIII. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said intended Railways or Tram Roads (except in crossing the same for the convenient Occupation of the adjacent Grounds, or in passing on any public or private Carriage Road which may happen to cross such Railways or Tram Roads,) with any Waggon, Cart, or Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Undertakers; which Orders and Regulations shall be stuck upon some conspicuous Part of the Toll House erected for the collecting or ascertaining of the Tolls, Rates, or Duties imposed by this Act, nearest to each of the said Railways or Tram Roads; and if any Person or Persons whomsoever shall pass upon any Part of the said Railways or Tram Roads with any Waggon, Cart, or other Carriage not constructed in the Manner hereinbefore directed (except as before excepted), he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the said Undertakers.

Ascent and
Fences to
Bridges.

LIX. And be it further enacted, That in all Places where the Line of the said Cuts, Canals, Channels, or Branches by this Act directed to be made shall cross any public Carriage Road, the Ascent of every

every Bridge to be made over the said Cuts, Canals, Channels, or Branches, or Drains, for the Purpose of such Road, shall be not more than One Foot in Thirteen; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge, and that such Bridges and Fences shall be built of Brick, Stone, or Iron:

LX. And be it further enacted, That where the said Railways or Tram Roads shall cross any Turnpike Road or public Highway, the Ledge or Side of such Railway or Tram Road, for the Purpose of guiding the Wheels of the Carriages, shall not rise above nor shall the same sink more than One Inch below the Level of such Road.

Railways
crossing
Roads.

LXI. And be it further enacted, That the said Undertakers shall and may take and receive, for or in respect of every Ship or Vessel entering into the said Dock or Docks, Basin or Basins, the Rates following; that is to say,

Rates at
Goole Dock.

For every Ship or Vessel coming to or going between the Port of Goole and any Port or Place to the Northward of *Yarmouth*, in *Norfolk*, or any Port or Place to the Southward of the *Holy Island*, for every Ton the Sum of Two-pence:

For every Ship or Vessel coming to or going between the said Port of Goole and any Port or Place between the *North Foreland* and *Shetland*, on the Eastern Side of *England*, except as above, for every Ton the Sum of Three-pence:

For every Ship or Vessel trading between the said Port of Goole and any Port or Place in *Great Britain* or *Ireland* not before described, for every Ton the Sum of Four-pence:

For every Ship or Vessel trading between the said Port of Goole and any Port or Place in *Denmark*, *Sweden*, or *Norway*, below *Elsinore*, or any Port or Place in *Germany*, *Holland*, *Flanders*, *France* to the Eastward of *Ushant*, the Islands of *Guernsey* and *Jersey*, for every Ton the Sum of Sixpence:

For every Ship or Vessel trading between the said Port of Goole and any Port or Place in the *Baltic Seas*, and all other Ports or Places above the *Sound*, or above *Nyburg* in the *Belt*, for every Ton the Sum of Nine-pence:

For every Ship or Vessel trading between the said Port of Goole and any Island or Port or Place in *Europe* to the Westward of *Ushant*, without the *Straits of Gibraltar*, for every Ton the Sum of Nine-pence:

For any Ship or Vessel trading between the said Port of Goole and every Port or Place in the *West Indies*, *North* or *South America*, *Africa*, *Greenland*, or any other Place to the Eastward of the *North Cape of Norway*, all Places within the *Straits of Gibraltar*, and all Islands and Places in the Ocean to the Southward of *Cape Saint Vincent* not hereinbefore named, for every Ton the Sum of One Shilling:

For every Ship or Vessel coming into the said Docks or Basins to be laid up, for every Ton the Sum of One Penny per Week:

For every Vessel under Fifty Tons coming into the said Docks or Basins, and not remaining longer than Forty-eight Hours, the Sum

Sum of Five Shillings; after Forty-eight Hours, for every Ton the Sum of One Penny *per Week*.

Rates,
Charges,
and Rent
for Wharf-
age.

LXII. And be it further enacted, That the said Undertakers shall and may take and receive, for every Article of Goods, Wares, or Merchandize whatsoever, whether subject to any Duty of Customs and Excise, both or either, or not, which shall be landed or deposited upon any of the Quays or Wharfs of or belonging to the said Undertakers, such reasonable Rates, Rent, or Sum, not exceeding the Rates, Rent, or Sum then usually paid in the Port of *London*, for or in respect of Wharfage, unshipping, landing, relanding, loading, housing, weighing, coopering, and sampling of every such Article, and of other Work to be performed in respect of such Goods, as shall be reasonable; and the said Undertakers shall and may take and receive, for every Article of Goods, Wares, or Merchandize whatsoever, whether subject to any Duty of Customs and Excise, both or either, or not, such reasonable Rates or Sums, not exceeding the Sums then usually paid in the Port of *London*, for or in respect of Wharfage, shipping, unhousing, weighing, delivering, and coopering of every such Article, and of other Work to be performed in respect of such Goods, as shall be reasonable; and all such Rates, Rents, and Sums shall be and are hereby vested in the said Undertakers, and to and for their own proper Use and Behoof, for the Purposes of this Act; and the said Undertakers shall from Time to Time make or cause to be made a Table of the Rates, Rent, and Sums so to be charged, and such Table shall be printed, and open to Inspection in the several Offices of the said Undertakers at *Goole*.

Regulations
respecting
the charging
of Dock
Dues.

LXIII. Provided always, and be it further enacted, That all Vessels arriving at and trading inwards into the said Port shall pay the said Rates from the most distant Port or Place from which they shall have traded on that Voyage before they shall enter inwards at the Custom House of the said Port; and all Vessels arriving in Ballast at and trading outwards from the said Port, and also all Ships built within the said Port, shall, on trading outwards, pay the said Rates to the most distant Port to which they shall trade outwards on that Voyage, before they shall clear out at the said Custom House.

Vessels na-
vigating the
Canal not to
be charged
with Dock
Dues at
Goole.

LXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to charge with any of the said last-mentioned Dues any Boat, Barge, or other Vessel navigating upon the said Canal between *Knottingley* and *Goole*, and passing into or out of the River *Ouse*, or entering such Docks from the said Canal, for the Purpose of loading or unloading of any Goods brought down or to be conveyed up the said Canal; provided such Boat, Barge, or other Vessel do not remain in the Docks or Basins for any longer Time than Thirty-six Hours.

Vessels may
lie to unload
within the
Dock for Six
Weeks.

LXV. And be it further enacted, That all Ships or Vessels going into the said Docks or Basins or Cuts, or any of them, shall and may lie there to unload, on paying the above Rates, for the Space of Six Weeks, to be computed from the Time of going into the same, and from and after the Expiration of the said Six Weeks, all such
Ships

Ships or Vessels shall be liable to and actually pay, if so required, an increased or further weekly Rent of One Halfpenny *per* Ton during the then next succeeding Two Weeks, and from and after the Expiration of the said Two Weeks shall pay, if so required, a still further Rate of One Penny *per* Ton for each and every Week that the said Ship or other Vessel shall continue there longer; and that the said Dock Master or Dock Masters shall and they are hereby authorized and directed, upon giving Five Days previous Notice in Writing to the Masters or Owners thereof respectively, to order out all light Ships, and such as are unfit for Service, whenever the same shall encumber the said Basin or Dock, Basins or Docks, or Cuts, or any of them, or impede the Business thereof; and all and every such Master or Masters, or Owner or Owners, of any Ship or Vessel, who shall refuse or neglect so to do shall forfeit for every such Offence the Sum of Five Pounds for every such Refusal or Neglect; and in case of Neglect or Refusal, the Dock Master or Dock Masters, his or their Assistant or Assistants, may remove or cause to be removed all such Vessels out of the said Docks and Basins or Cuts, or any of them, and lay or moor the same in any Part of the River *Ouse* within High Water Mark, as conveniently as may be; and that upon Demand of Payment being made by such Dock Master or Dock Masters, Assistant or Assistants, from the Owner or Owners, Masters, Commanders, or Agents of such Ship or Ships, or other Vessel or Vessels, of the Charges of removing and mooring such Ships or other Vessels, (such Charges and Expences being first allowed by the said Directors, or any Three or more of them,) and upon Neglect or Refusal of such Charges so allowed as aforesaid for the Space of Five Days, it shall be recoverable by Distress and Sale of such Ship or Vessel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus (if any), after deducting the Charges of taking, keeping, and selling of such Distress, to the Owner or Owners, Master, Factor, or Agents, of or for such Ship or Vessel, upon the same being demanded.

LXVI. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act or Acts, and trading or coming to or departing from the said Docks or Basins, and liable to the Payment of the Rates or Duties of Tonnage by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of any Ship or Vessel is hereby required to produce such Certificate or Register, at the Time of Payment of the said Rates and Duties, to the Person or Persons who shall be duly authorized to collect and receive such Duties; and in case of any Dispute in or about the same, or in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of an Act passed in the Sixth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the registering of British Vessels*.

To ascertain the Tonnage or Admeasurement of Ships.

Power to
measure
Ships.

LXVII. And be it further enacted, That for the Purpose of so ascertaining such Tonnage, it shall be lawful for the Collector or Collectors of any of the said Rates or Duties, or such other Person or Persons as the said Undertakers shall in that Behalf nominate and appoint, from Time to Time, and at all convenient and reasonable Times, to enter into, measure, and gauge all such Ships or Vessels; and in case the same shall, upon such measuring or gauging, appear to be of greater Tonnage than shall be set forth and contained in the Account which shall be given thereof, then the Master, Owner, or Person giving in such Account shall pay the Costs and Charges of such measuring and gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner as the Rates and Duties hereby granted or imposed are hereby appointed to be recovered and levied; but if any such Ship or other Vessel shall be found to be of the same or of less Tonnage than the same shall by such Account appear to be of, then the said Collector or Collectors, or such other Person or Persons appointed as aforesaid respectively, shall pay the Costs and Charges of such measuring or gauging, and shall also pay such further Damages as shall appear to Two or more Justices of the Peace for the said West Riding of the County of *York*, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and such Costs, Charges, and Damages shall be recovered and levied on the Goods and Chattels of the said Undertakers, or of their Treasurer, or of their Collector, in the same Manner as other Fines, Penalties, and Forfeitures can or may be recovered and levied under the said Acts or this Act; and if any Master, Commander, or other Officer or Person of or attached to any Ship or other Vessel, or any Person or Persons whomsoever, shall obstruct or hinder any Person or Persons so employed, in or from measuring or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander, Officer, or other Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds, over and above the said Rates and Duties.

Collectors of
Customs
may refuse
to discharge
any Ship
until the
Duties are
paid.

LXVIII. And for the more effectually securing the Payment of the said Rates and Duties, be it further enacted, That the Collector or Comptroller, and every other Officer whatsoever of His Majesty's Customs, shall hereafter be authorized to refuse to give or make out any Cocquet or other Discharge, or take any Report outwards or inwards, for any Ship, Vessel, or Boat using the said Dock and Basin, until the Duties by this Act made payable, according to the true Intent and Meaning hereof, shall be paid unto the Collector or other Person or Persons from Time to Time appointed to receive the same; and that such Collector or Comptroller, or other Officer of His Majesty's Customs, shall and he is hereby required to obey all such Orders and Directions as he shall from Time to Time receive from His Majesty's Commissioners of Customs in relation thereto.

Persons au-
thorized to
go on board
to measure,

LXIX. And be it further enacted, That it shall and may be lawful for the Collector or Collectors, or any other Person or Persons authorized or deputed for that Purpose by the said Undertakers, to go on board

board any Ship or Vessel in the said Docks and Basins, to take the Dimensions of such Ship or Vessel in the Manner hereinbefore directed, and to demand, collect, and receive the said Rates or Duties of Tonnage by this Act directed to be paid for such Ship or Vessel; and upon Nonpayment thereof such Collector or Collectors, Person or Persons, shall and may seize and distrain any such Ship or Vessel, and all the Tackle, Apparel, and Furniture thereto belonging; or any Part thereof; and the same detain and keep until the Rates or Duties due or payable on account thereof; and all Charges incurred by such Seizure and Distress; shall be fully satisfied and paid; and in case of Neglect or Delay in making such Payment; for the Space of Three Days after any such Distress or Distresses shall be taken as aforesaid, then it shall be lawful for the said Collector or Collectors, or other Person or Persons as aforesaid, or any of them, to cause such Distress or Distresses to be appraised by Two or more sufficient Persons not interested therein, to be appointed by the said Undertakers, and afterwards to sell the same, and therewith to satisfy himself or themselves, as well for and concerning the said Rates or Duties of Tonnage so neglected or delayed to be paid, for which a Distress shall have been taken as aforesaid, as for his or their reasonable Charges and Expences in the taking and detaining such Distress or Distresses, and selling the same or any Part thereof, rendering the Overplus (if any) to the Master or Commander of such Ship or Vessel in or from which such Distress or Distresses shall be so taken.

and collect
the Duties.

LXX. And be it further enacted, That no Vessel arriving in Ballast at the said Port of *Goole*, and proceeding to depart from thence in Ballast, shall be permitted or suffered so to depart until a Certificate from the Receiver of the Dock Dues, of the Payment of the Rates due from every such Vessel, shall have been produced to or left with the Dock Master; and if any Vessel liable to such Dock Dues shall depart from the said Docks or Basins, or from the said Port, without the Production and leaving of such Certificate in manner aforesaid, the Owner, Consignee, or Master of such Vessel shall forfeit double the Amount of the Dock Dues which should have been paid, and the Master or Owner of such Vessel shall also be liable to the Penalty of Ten Pounds.

Securing the
Duties on
Ships enter-
ing the Port
in Ballast.

LXXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of His Majesty's Ships of War, or any Ship, Transport, or Vessel employed in or upon His Majesty's Service, in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, or of any Ordnance, Barrack, or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of His Majesty's Post Master General.

Exempting
Vessels in
His Ma-
jesty's Ser-
vice, &c.

LXXII. And be it further enacted, That it shall and may be lawful to and for the said Undertakers, or their Directors, and they are hereby required, from Time to Time, as there shall seem to them to be Occasion, to nominate and appoint a proper Person or proper Persons as Dock Master or Dock Masters at *Goole* aforesaid, and shall and may

Undertakers
or their Di-
rectors to
appoint a
Dock
Master.

from

from Time to Time, as often as they shall see Cause, remove, suspend or dismiss any such Dock Master or Dock Masters; and each and every such Dock Master so from Time to Time appointed shall have full Power and Authority (but subject to the Regulations and Restrictions herein expressed) to direct the mooring, unmooring, moving, or removing of all Ships and other Vessels, Lighters and Craft, coming into, lying, or being in the said Docks and Basins at *Goole* aforesaid, or any of them, and to appoint and regulate the Time or Times and Manner of their Entrance into, lying in, or going out of or from such Docks, Basins, and other Works, or any of them, and to regulate and determine their Position, Manner of loading and discharging therein respectively, and the Time or Times of opening or shutting the several Gates of the said several Docks, Basins, or Works; and in case the Owner, Master, or other Person having the Charge or Command of any Ship or other Vessel shall refuse or neglect to moor, unmoor, place, move, or remove his Ship or Vessel, according to such Direction, immediately after Notice to him or them given in Writing, or left with some Person or Persons on board the said Ship or Vessel for that Purpose, every such Owner, Master, or other Person having the Charge or Command of such Ship or Vessel, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Dock Master may remove Ships.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the said Dock Master or Dock Masters, or his or their Assistants, and he and they is and are hereby required to moor, unmoor, place, move, or remove such Ship or Vessel, and the Charges and Expences thereof respectively shall be repaid by such Owner, Master, or other Person having the Charge or Command of such Ship or Vessel, to the Clerk for the Time being of the said Undertakers; and in case of Nonpayment thereof on Demand, such Charges and Expences may be levied and recovered by such Ways and Means as any Penalties or Forfeitures may by this Act be levied or recovered, or by Action of Debt or on the Case, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and in case any Master, Commander, Mate, Pilot, or other Person or Persons taking the Command of any Ship or other Vessel, or the Owner, Agent, Consignee, or any other Person or Persons whomsoever, shall obstruct or hinder the mooring, unmooring, placing, moving, or removing of any Ship or other Vessel in the said Docks or Basins at *Goole* aforesaid, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Dock Master to direct dismantling, &c. of Vessels in the Docks.

LXXIV. And be it further enacted, That every such Dock Master shall have full Power and Authority to order all Ships and Vessels entering the said Docks, Basins, and other Works, or any of them, to be dismantled, in such Manner as he may think proper and safe for the Vessels entering the said Docks and Basins, and for the Prevention of Accidents or Mischief to other Ships, Lighters, Craft, or other Vessels, or to the said Docks and Basins; and during the Time of every Ship's Delivery, or when discharged of her Cargo, to have such Quantity of Ballast on board, or dead Weight in her Hold, as he may judge

judge requisite for such Ship or Vessel; and no Ship or Vessel shall be allowed to enter the said Docks and Basins, or any of them, unless she shall be so dismantled; and shall not be unladen, so far as to render her insecure through the Want of Weight in her Hold, or such Quantity of Ballast on board, as the said Dock Master or Dock Masters may think expedient; and every such Dock Master shall also have full Power and Authority to give Directions for topping, bracing, or striking Yards and Masts, taking in running Bowsprits, and for having substantial Hawsers and Towlines and Fastenings to the Dolphin, Mooring Craft, Buoys, or Mooring Posts, and also to regulate the Equipment, rigging, and lading of all Ships and Vessels in the said Docks or Basins, or any of them, as he shall think necessary; and in case he shall judge any Act or Proceeding in the rigging, lading, or Equipment of any Ship or Vessel, injurious to the Safety of such Ship or Vessel, or to other Ships or Vessels in, or entering, or departing from the said Docks, or to the said Docks or Works, to give Notice to the Master or other Person having the Charge or Command of such Ship or Vessel to discontinue and alter the same; and in case such Master or other Person shall not, according to such Direction, suspend or alter such Act or Proceeding immediately after Notice given to him or them, or some Person or Persons on board the said Ship or Vessel, for that Purpose, or if any Ship, Lighter, Craft, or Vessel shall be left in the said Dock or Docks, Basin or Basins, without any Person or Persons on board, every such Master or other Person having the Command of such Ship or Vessel, or the Owner or Owners thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and the Owner or Owners of such Ship or Vessel shall also be answerable for all the Injury that may be sustained by any other Ships or Vessels, or by the said Undertakers, through Neglect thereof.

LXXV. And for the better making and preserving a free and clear Passage and Entrance from the River *Ouse* into and out of the said Docks and Basins, for all Ships, Vessels, Lighters, Barges, Craft, and Boats of every Description, be it further enacted, That if any Master or other Person having the Charge or Command of any Ship, Lighter, Barge, Craft, Boat, or Vessel of any Description whatsoever, shall place or permit or suffer the same to remain in the River *Ouse* within One hundred Yards of any of the Entrances to any of the said Docks, Basins, or Cuts, or any of them, except as aforesaid, and shall not immediately, on being thereunto required by the said Dock Master or Dock Masters, remove such Ship, Lighter, Barge, Craft, Boat, or other Vessel, every such Master and other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also any Sum not exceeding Ten Shillings for every Hour that such Obstruction shall remain after such Notice; and in case the Master or other Person having the Command of such Ship, Lighter, Barge, Craft, Boat, or Vessel, shall not remove such Ship, Lighter, Barge, Craft, Boat, or Vessel, immediately upon being required so to do, it shall be lawful for the said Dock Master or Dock Masters, and his or their Assistants, to remove the same.

For keeping
Entrances
to Docks, &c.
clear.

Timber not to be left in the Docks longer than Forty-eight Hours without Consent.

LXXVI. And be it further enacted, That no Wood or Timber which shall be delivered within the said Dock or Basin, Docks or Basins, or Cuts, or any of them, shall be permitted to lie or remain therein for a longer Time than Forty-eight Hours after the Delivery thereof, without the Leave or Consent of the Dock Master for the Time being, or his Deputy, and so as the same can or may be given without annoying or prejudicing any Ship or Vessel within the said Dock or Basin, Docks or Basins, or Cuts, or any of them, or injuring or obstructing the free Navigation thereof; and in case the same shall not be removed before the Expiration of the said Forty-eight Hours, or within such further Time as shall be so allowed as aforesaid, the Owner or Owners thereof shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to remove Vessels, when it may be necessary to cleanse or scour the Docks or Basins.

LXXVII. And be it further enacted, That every Master, Owner, or other Person having the Charge of any Ship or Vessel lying in the said Docks or Basins, shall at all Times when required by the Dock Master remove such Ship or Vessel from the Place where the same may happen to lie, to any other fit Place within the said Docks or Basins, whenever it may be requisite, for the Purpose of scouring, cleansing, or dredging the said Docks or Basins, and in default thereof forfeit any Sum not exceeding Ten Pounds.

For putting down Buoys and Moorings.

LXXVIII. And be it further enacted, That it shall be lawful for the said Undertakers, and their Servants, Agents, and Workmen, to put down and maintain Two or more Buoys with Moorings at or near each Entrance from the River *Ouse* into the said Docks, Cuts, or Basins, to the Intent that Ships, Barges, and other Vessels may safely and conveniently enter into and go out of the said Docks, Cuts, and Basins.

For regulating Moorings, at the Buoys.

LXXIX. And be it further enacted, That no Ship, Vessel, Lighter, or Craft shall lie at the Buoys of the said Undertakers in the River *Ouse*, save only such as is or are intended to go into, or within Three Hours last past shall have come out of the said Docks, Basins, or Cuts; and every Master, Pilot, and other Person or Persons having the Charge or Command of any Ship, Vessel, Lighter, or Craft lying or moored at the said Buoys or any of them, shall remove therefrom such Ship, Vessel, Lighter, or Craft under his or their Command within One Hour after being required so to do by the said Dock Master, his Deputy or Assistants, under a Penalty not exceeding Five Pounds for every Hour such Ship, Vessel, Lighter, or Craft shall remain at any of the said Buoys after such Requisition as aforesaid.

Penalty for removing or injuring Buoys.

LXXX. And be it further enacted, That every Person who shall remove or wilfully run down or run foul of any Buoy or Buoys so to be put down as aforesaid by the said Undertakers, shall, besides being liable to the Expence of replacing or making good any Damage occasioned thereby, forfeit for every such Offence any Sum not exceeding Five Pounds, to be recovered in the same Way as other Penalties by this Act imposed.

LXXXI. And be it further enacted, That if any Person or Persons shall throw, cast, or put away any Ballast, Earth, Dust, Ashes, Stones, or other Things into any of the said Docks, Basins, or Entrances, or into or upon any of the Works to be made in pursuance of this Act, to the Injury or Prejudice thereof, or do any other Annoyance to the same respectively, or any Part thereof, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

To prevent Nuisances in the Docks.

LXXXII. And be it further enacted, That if any Person or Persons shall damage, break, demolish, or throw down any Lamp or Lamps, Lamp Iron or Irons, Post or Posts, which shall or may be set up near unto or about the said Docks and Basins respectively, or any of them, or near unto and about any Buildings which shall, in pursuance of this Act, be erected in or near the said Docks or Basins and other Works, or any of them, or shall wilfully extinguish the Light or Lights within any such Lamp or Lamps, or damage the Post, Pillar, Pipe, Cover, Iron, or other Furniture thereof, it shall and may be lawful for any Person or Persons whomsoever who shall see such Offence committed, and also for any other Person or Persons, to arrest the Offender or Offenders by Authority of this Act, and without any other Warrant or Authority to convey him, her, or them into the Custody of a Peace Officer, in order to be taken before some Justice or Justices of the Peace for the County, Riding, or Place wherein the Offence shall be committed; or it shall be lawful for the said Justice or Justices, upon Oath made of the Commission of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; and upon the Party or Parties accused being brought before such Justice or Justices, or upon Oath made before him or them that such Party or Parties cannot be found or apprehended, such Justice or Justices shall proceed to Examination upon Oath of any Witness or Witnesses who shall appear to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either upon Confession or upon such Evidence as aforesaid, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, and moreover shall make full Satisfaction to the said Undertakers (as the Case may be), or to such Person as shall be duly appointed to receive the same, for the Damage so done; and such Damage, being ascertained by such Justice or Justices, may be levied and recovered from such Offender or Offenders in manner hereinafter directed for Recovery of Penalties incurred by virtue of this Act.

Penalty on breaking or extinguishing Lamps.

LXXXIII. And be it further enacted, That for the better and more effectually governing and well regulating the Masters of all Ships and Vessels resorting to the Docks and Basins at *Goole* aforesaid, and also all Mariners, Watermen, and others using the said Docks and Basins, and for directing in what Manner such Persons shall conduct and behave themselves, and navigate their respective Ships, Vessels, and Craft, of whatsoever Denomination, in such Docks and Basins, and the Entrances thereof, it shall be lawful for the said Undertakers to constitute, ordain, and provide from Time to Time such Bye Laws, Rules, and Orders as they shall think fit, in like Manner

Power to make Bye Laws to regulate Masters of Ships, Watermen, and others using the Docks within the Port of *Goole*.

Manner and Form, and under and subject to the same Rules and Regulations, as they are authorized by the said recited Act of the First Year of the Reign of King *George* the Fourth to make Bye Laws for the good Government of the said Navigation, for mooring, unmooring, and navigating all Ships and Vessels and all Craft whatsoever using the said Docks, Basins, Entrances, and Quays, and Conveniences thereto belonging, and also in what Manner the Masters and Mariners of all Ships and Vessels and Craft whatsoever shall conduct and behave themselves within the same, and generally for them the said Undertakers to constitute, ordain, and provide all such reasonable Bye Laws, Rules, and Orders, for the good Rule and Government of the said Docks, Basins, Buildings, and Works now erected or hereafter to be made, erected, or placed, under the Authority of this Act, or of the said recited Act of the First Year of the Reign of His Majesty King *George* the Fourth, as to them in their Discretion shall seem meet; and also from Time to Time, as they shall think fit, to repeal, alter, or amend such Bye Laws, Rules, and Orders, or any of them; and also ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or evading the same, or any of them: Provided always, that no such Penalty or Forfeiture shall exceed the Sum of Ten Pounds for One Offence; and that no such Bye Laws and Regulations shall be contrary or repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions of this Act.

The Undertakers or their Directors may annul any Orders of Dock Masters, and give others.

LXXXIV. Provided always, and be it enacted, That it shall and may be lawful to and for the said Undertakers or their Directors to confirm, alter, or annul and make void, as they shall see cause, all or any Part of any Order or Orders, Direction or Directions, which shall be given or made by any Person or Persons in respect of the stationing, placing, anchoring, mooring, unmooring, moving, or removing of any Ship or Vessel whatsoever, under the Authority of this Act, within the said Docks, Basins, and other Works at *Goole*, and to give such further or other Order or Orders, Direction or Directions therein, as they the said Undertakers or their Directors shall think right and proper.

Orders given by the Directors not to affect the Responsibility of the Person having the Charge of any Ship or Vessel.

LXXXV. Provided also, and be it enacted, That the several Orders and Directions to be from Time to Time given by the said Undertakers or their Directors, or by any such Dock Master, or by any Person or Persons acting by virtue of or under the Authority of the said Undertakers, to the Master or other Person having the Charge or Command of any Ship or Vessel within the said Docks, Basins, or other Works at *Goole* aforesaid, or any of them, shall not extend or be construed to extend to lessen or diminish any Responsibility which the said Master or other Person or Persons shall be subject or liable to in respect of such Ship or Vessel, or the Cargo thereof.

Vessels not to enter Docks with Gunpowder or loaded Guns on board.

LXXXVI. And be it further enacted, That if the Master or other Person having the Charge or Command of any Ship or other Vessel shall permit or suffer such Ship or other Vessel to enter any of the said Docks, Basins, or Cuts, having on board any Gunpowder, or having any Gun or Guns thereof not unloaded or discharged, or shall take,
or

or cause or permit or suffer to be taken, on board such Ship or other Vessel, any Gunpowder, or cause or permit or suffer to be loaden or charged any Gun or Guns thereof during the Time such Ship or other Vessel shall remain in any of the said Docks, Basins, or Cuts, then and in every such Case every such Master and other Person having the Charge or Command of such Ship or other Vessel so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

LXXXVII. And be it further enacted, That it shall not be lawful for any Person or Persons to have or keep, or cause to be had or kept, any Fire, Candle, or Lamp lighted (Candles or Lamps to be kept in Lanterns by and for the Use of the Officers of His Majesty's Customs during their Attendance on board Ships or Vessels only excepted), or to smoke any Tobacco or other Material used for smoking on board any Ship or Vessel within the said Dock or Basin, Docks or Basins, or Cuts, or any of them, at any Time or Times whatsoever, either in the Day-time or in the Night-time, upon pain of forfeiting for every such Offence any Sum not exceeding Five Pounds.

Penalty on keeping Fires or Lights, or smoking, on board Ships.

LXXXVIII. And be it further enacted, That no Tar, Pitch, Resin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings, Shavings of Wood, or combustible Things whatsoever, shall be suffered to be or remain on the Quays or Wharfs of the said Docks and Basins at Goole aforesaid, or any Part thereof, or upon the Deck of any Ship or Vessel in the said Docks and Basins, for above the Space of Twelve Hours after passing the Custom House Officers; and in case such Goods and Things cannot be conveniently removed or got off from such Quays or Wharfs, or Ships Decks, by Daylight, that then and in every such Case the Owners of such Goods and Things respectively shall be obliged and are hereby required to set and maintain, at their own Expencc, a sufficient Number of careful and sober Persons to guard and watch over the same for such and so many Hours, according to the Season of the Year, as the said Dock Master or his Assistant or Assistants shall direct and appoint; and in case the Owner or Owners of such Goods or Things, or the Master or Mate of any Ship or other Vessel, shall make Default herein, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Tar, &c. to be removed at a certain Time.

Penalty on Default.

LXXXIX. And be it further enacted, That in case any Person or Persons whomsoever shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Ship or Vessel lying in the said Docks or Basins shall be moored or fastened; such Person or Persons shall for every Offence forfeit and pay the Sum of Five Pounds.

Penalty on cutting Ropes, &c.

XC. And be it further enacted, That the Master or Owner of any Barge, Boat, Vessel, or Waggon, navigating or passing upon or using the said Cuts, Canals, Docks, or Railways, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief as shall be done

Owners of Boats, &c. answerable for Damage done by their

Vessels,
Horses, or
Servants.

done by his Boat, Barge, Vessel, or Waggon, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, Drivers, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, Trams, or other Works in, upon, or belonging to the said Cuts, Canals, Docks, or Railways, either by loading or unloading, or by navigating or driving, any such Boat, Barge, Vessel, or Waggon, or by any other Means whatsoever, and also for any Trespasses or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near to the said Cuts, Canals, Docks, or Railways, by leaving open Gates or otherwise, and for any Trespasses whatsoever, contrary to the said several Directions and Restrictions in this Act contained, or any of them; and every such Master or Owner shall, upon Conviction before any One Justice of the Peace, either upon Confession, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided such Damages do not exceed the Sum of Twenty Pounds, and upon Nonpayment on Demand the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied, or if the Damages shall exceed the Sum of Twenty Pounds, then the same may be sued for and recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

Masters to
recover from
their Ser-
vants any
Sums for
their Default.

XCI. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, Vessel, or Waggon, navigating, passing upon, or using the said Cuts, Canals, Docks, or Railways, and other Works hereby authorized to be made, shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his or their Boatmen, Watermen, or Drivers, or any of them, contrary to the Provisions in this Act contained, such Boatmen, Watermen, or Drivers; and each and every of them, shall be liable to repay such Penalty or Damages, with the Costs thereof, to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty, Satisfaction, or Damages, and that the same, and the Costs thereof, have not been repaid to him or them by such Boatmen, Watermen, or Drivers, or any of them, although demanded, (such Oath to be made before any One Justice of the Peace for the County, Riding, Borough, or Place where such Penalty or Satisfaction shall have been recovered,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

New Roads
to be made
where any
present
Roads are
diverted or
injured.

XCII. And be it further enacted, That in all Cases where it shall be found necessary for the Purposes of this Act to take or use any Carriage Road or Horse Road, or Footway, either public or private, or any Part thereof, so as to render the same impassable, unsafe, or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Un-

dertakers shall, at their own Expence, make or complete and put into good Repair a new Road or Way, of a Width not less than the former; and when such new Road or Way shall be so made or completed, and put into good Repair, the same shall be for ever thereafter repaired and kept in repair by such Person or Persons as ought by Law to repair the old Road or Way in case such Alteration or Diversion was not made; and the Part of the old Road or Way so to be altered or diverted, taken or used, shall thereupon be and become the Property of the said Undertakers, and such Part thereof as shall not be wanted for the Purposes of this Act shall or may be sold or disposed of as any other Land purchased by virtue of this Act, and not wanted for the Purposes thereof, may, under the Provisions of this Act, be sold or disposed of, but the first Offer of the Purchase of such Piece of old Road or Way shall be made to the Owner or Owners of the Land which shall be next adjoining to the Land taken and used for the Purpose of making such new Road or Way; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Way, and shall not agree with the said Undertakers or their Trustees for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled and ascertained, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury; and in case such Owner shall refuse to pay such Money, upon Demand made thereof by the Clerk of the said Undertakers, and Tender of the Conveyance of such old Road or Way, the same shall and may be recovered by the said Undertakers by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase any such old Road or Way, it shall and may be lawful for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said West Riding of the County of *York*, or before One of His Majesty's Justices of the Peace for the Borough of *Leeds*, if such Road or Way shall be within the same, stating that such Offer has been made by or on Behalf of the said Undertakers, and that such Owner has not agreed or hath refused to purchase such old Road (as the Case may be); and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner: Provided nevertheless, that if the Lands of One or more Persons shall be adjoining to such old Road or Way as aforesaid, each and every such Owner shall be entitled to the first Offer of so much of the old Road or Way as is lying immediately adjoining to his, her, or their Land respectively, in manner aforesaid.

XCIII. And be it further enacted, That the said Undertakers shall, at their own Costs and Charges, make, erect, or set up and complete, and from Time to Time maintain and support, a good and sufficient Bridge or Bridges, Arch or Arches, or Passage or Passages, across the Cuts, Canals, Channels, or Branches, and Drains and Water-courses;

Bridges or
Arches to
be made
where the
Canal, &c.
crosses
Roads.

courses, hereby authorized or intended to be made, in all Places where the same shall cross any Carriage Road or Footway, either public or private, for the Use of the Public or of the Persons entitled to use such Roads or Ways respectively, and shall also, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many other convenient Roads, Bridges, Arches, or Passages, over or across the said Cuts, Canals, Channels, or Branches, and Drains or Watercourses, in such Places and in such Manner as the Justices of the Peace of the said West Riding of the County of *York*, or the said Borough of *Leeds*, as the Case may require, shall, at their General Quarter Sessions, from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills and Hereditaments, adjoining to such Cuts, Canals, Channels, or Branches, Drains, and other Works, or any of them respectively.

Roads, &c.
to be made,
or temporary
Passages
provided,
before mak-
ing Canals,
&c.

XCIV. Provided always, and be it further enacted, That the said Undertakers shall not make the said Cuts, Canals, Channels, and Drains, or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any common Highway, public Bridleway, or Path, until they shall have made and completed a new Carriage Road, Bridleway, or Footpath, Bridge, Arch, or Passage as aforesaid, or until they shall at their own Costs and Charges have made and provided a good and sufficient temporary Road, Bridleway, Footpath, Bridge, Arch, or Passage over or across the said Highway, public Bridleway, or Footpath.

The River
Aire, from
Nether Mills
to *Thwaite*
Cut, to be
kept open.

XCV. Provided always, and be it further enacted, That the said Undertakers shall and they are hereby required, notwithstanding the Powers and Authorities to them hereby given and granted, from Time to Time and at all Times hereafter to keep open, and well and sufficiently maintain navigable and passable for Boats, Barges, and other Vessels, the Navigation of the said River *Aire*, from the Mill Pond of *Nether Mills* in *Leeds* to *Thwaite Cut*, in as good, ample, and sufficient Manner, to all Intents and Purposes, as the said Part of the said Navigation of the said River *Aire* hath been heretofore used and enjoyed.

Allowing
the Owners
of Lands to
make Branch
Canals and
Railways.

XCVI. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Canals and Railways, or any other Person or Persons whomsoever, to cut or make, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches, Railway or Railways, from their respective Lands or Grounds, to communicate with the said Canals and Railways, and to make, at their own Expence, such Openings in the Sides of the said Canals and Railways as may be necessary and convenient for effecting such Communication, the same being done in such Manner and at such Times as shall cause as little Let, Hinderance, or Molestation as may be to the said Canals and Railways, or the Persons using the same: Provided always, that the Person or Persons making every such Branch shall give to the said Undertakers Twenty-one Days previous Notice of his or their
Intention

Intention to make such Opening, and, if thereunto required by the said Undertakers, he or they shall also make, erect, and maintain to such Branch, to the Satisfaction of the said Undertakers, a proper and sufficient Stop Gate or Stop Gates, in order to prevent the Water from being taken, drained, or wasted out of the said Canals by means of making any such Branch to communicate therewith: Provided also, that in every Case where such Branch shall be made, or be intended to be made, so as to cut through, injure, or damage the Towing Path of the said Canals, the Person or Persons making such Branch shall erect and build, previous to such cutting through, Injury, or Damage, and at all Times thereafter maintain, repair, and support, as Occasion shall require, a Bridge over such Branch, of such Dimensions and Construction, and in such Situation, as shall be approved of by any Two Justices of the Peace for the West Riding of the County of *York*, with proper Approaches to such Bridge from and to the Towing Path of the said Canals, suitable for the Use and Convenience of the Men and Horses employed in the towing, haling, or drawing of Ships, Boats, Barges, or other Vessels passing upon the said Canals, such Bridge to be built of Brick, Stone, or Iron; and the said Undertakers shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches, Railway or Railways, so to be made by any such Owner or Occupier, or Person or Persons as aforesaid.

XCVII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Owner or Owners, or Occupier or Occupiers of any Lands or Grounds lying adjoining or near to the said Railway or Tram Road hereby authorized to be made, from making any Rail Road, Tram Road, common Road, or Watercourse, to, from, or across the said Railway or Tram Road hereby authorized to be made, and to use such Tram Road, Rail Road, common Road, or Watercourse, for the Benefit of themselves and of all and every other Person and Persons to whom they may from Time to Time give Leave, and in such Way and for such Purposes as they may require, so that such Tram Road, Rail Road, common Road, or Watercourse do no Injury to and do not prevent the free Passage over, upon, and along the said Railway or Tram Road hereby authorized to be made by the said Undertakers.

Roads may be made across the Railway by the Owners of adjoining Lands.

XCVIII. And be it further enacted, That the said Undertakers shall and they are hereby authorized, directed, and required to preserve, repair, maintain, and uphold the Navigation of the said River *Calder* from a certain Place called *Penbank Weir* to the said other Place called the *New Lock* at the lower End of *Lake Lock* aforesaid, except as next hereinafter mentioned, navigable and passable for such Boats, Barges, and other Vessels as now navigate the same; and also to preserve and maintain the Navigation of the said River *Calder* from a certain Place called *Foxholes Bight* aforesaid, to the Coal Staiths or Coal Wharfs belonging to the said *John Lee* and *Shepley Watson*, at or near a certain other Place called *Bottom Boat* in the Township of *Stanley cum Wrenthorpe* aforesaid, such Navigation of the River *Calder* to be not less than Sixty Feet in Width at the Surface, and not less than Thirty-five Feet in Width at the Bottom, and Seven

Certain Parts of the Navigation of the *Calder* to be maintained by the Undertakers.

[Local.]

26 Z

Feet

Feet in Depth, clear of all Obstructions ; and also to make, complete, and maintain the said navigable Branch or Canal from *Foxholes* aforesaid to *Foxholes Bight* aforesaid, such last-mentioned navigable Branch or Canal to be not less in Width than the Lock next immediately below it in the new Line of the Canal made under this Act, and not less than Seven Feet in Depth, clear of all Obstructions, for the Passage of Boats, Barges, and other Vessels.

Penalty on not maintaining said Navigation.

XCIX. And be it further enacted, That if the said Undertakers shall, at any Time after Notice in Writing shall have been given to some Clerk or Agent of the said Undertakers, and left at their Canal Office at *Wakefield*, wilfully neglect or refuse to preserve, repair, maintain, and uphold the Navigation of the said River *Calder*, from the said Place called *Penbank Weir* aforesaid to the said new Lock at the lower End of *Lake Lock* aforesaid, navigable and passable for such Boats, Barges, and other Vessels as now navigate the same as aforesaid, or to preserve and maintain the said navigable Branch from *Foxholes* aforesaid to *Foxholes Bight* aforesaid, or the Navigation of the said River *Calder* from *Foxholes Bight* aforesaid to the said Coal Staiths or Coal Wharfs at or near *Bottom Boat* aforesaid; (such Navigation of the said River *Calder* to be not less than Sixty Feet in Width at the Surface, and not less than Thirty-five Feet in Width at the Bottom, and not less than Seven Feet in Depth clear of all Obstructions, and such navigable Branch or Canal to be not less in Width than the Lock next immediately below it in the new Line of Navigation made under this Act, and not less than Seven Feet in Depth, clear of all Obstructions, for the Passage of Boats, Barges, and other Vessels), that then and in every such Case, and so often as the same shall happen, the said Undertakers shall forfeit and pay the Sum of Fifty Pounds for each and every Day the Navigation of the said River *Calder*, and navigable Branch respectively, shall not be so preserved, repaired, maintained, and upheld, after such Notice as aforesaid, contrary to the Provisions in this Act contained.

Boundary Stones to mark the Townships of Goole and Hook.

C. And be it further enacted, That the said Undertakers shall and they are hereby required, by proper and durable Marks and Boundary Stones, to set out and designate the Boundary between the respective Townships of *Goole* and *Hook* aforesaid, over and across the said Docks, Wharfs, and Quays hereby authorized to be made, as far as the same is or can be practicable.

Justices may proceed by Summons for Recovery of Penalties.

CI. And be it further enacted, That in all Cases in which by the said Acts or this Act any Penalty or Forfeiture is made recoverable by Information before a Justice or Justices of the Peace or other Magistrate, it shall and may be lawful for any Justice or Justices or other Magistrate to whom Complaint is authorized to be made, of any Offence against the said Acts or this Act, to summon the Party complained against before him or them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice or Justices, or other Magistrate ;

Magistrate; and all such Proceeding by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes as if an Information in Writing was exhibited.

CII. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons, for any Penalty or Penalties contained in this Act for Breach or Non-performance of any Contract or Contracts entered into, it shall be lawful for the said Undertakers, from Time to Time, to compound or agree for such Sum or Sums of Money as they shall think proper, instead of receiving the whole of such Penalty or Penalties, but the Sum so compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract.

Undertakers may compound Penalties for Breach of Contract.

CIII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under the said Acts or this Act, or otherwise, for any Claim or Compensation against or for or on behalf of the said Undertakers, and also in all Prosecutions commenced or instituted by or on behalf of the said Undertakers, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions and Suits or Proceedings, it shall be lawful for the Clerk for the Time being of the said Undertakers, in his own Name, for or on behalf of the said Undertakers, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or be deemed to be necessary for the Purpose of exonerating, releasing, or discharging all and every of any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Undertakers, in order to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceedings, which any Plaintiff or Defendant may do in any Suit, Action, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Matter, or Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were under the Seal of the said Undertakers.

Clerk of the Undertakers may grant Releases to Witnesses.

CIV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the said Acts or this Act, as or by way of Compensation or Satisfaction for any Costs, Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by such Undertakers, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Undertakers to the Party or Parties entitled to receive the same within Fourteen Days after Demand in Writing shall have been made from the Clerk to the said Undertakers or their Treasurer, in pursuance of the

In case of Nonpayment of Compensation for Damages, &c.

the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Undertakers by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned (on Demand) to the said Undertakers, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of the said Acts or this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Officers
under this
Act not to
be incom-
petent Wit-
nesses.

CV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Rates or Duties, or respecting any Matter or Thing relating to the said Navigation or Undertaking, no Person or Persons acting by or under the Authority of the said Undertakers, or in their Service, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation.

Recovery
and Appli-
cation of
Penalties.

CVI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by the said last-recited Act and this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying, recovering, and applying whereof is not otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the County, Riding, Borough, or Place in which the Offence shall be committed, on Complaint to him for that Purpose exhibited upon the Oath of any Person or Persons, or on the solemn Affirmation of any Person or Persons being of the Society called Quakers, or on the Confession of the Party offending, (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, (the reasonable Charges of such Distress and Sale being first deducted); and in default of such particular Appropriation thereof as herein mentioned, one Moiety thereof shall be paid to the Overseers of the Poor of the Parish or Place where the Offence

Offence shall be committed, to be by them applied for the Use of the Poor of such Parish or Place, and the other Moiety thereof shall be paid to the Informer; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the County, Riding, Borough, or Place in which the Offence shall be committed, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Eight Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied, if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit the Offender or Offenders to the House of Correction or common Gaol for the said County, Riding, or Place, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with the Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice), shall be sooner paid and satisfied, or such Offender or Offenders shall be otherwise discharged by due Course of Law.

CVII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Suit to be brought or commenced by virtue of the said Acts or this Act, for any Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made, by or on behalf of the Party or Parties who shall have committed every or any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any Action, by Leave of the Court where such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall judge fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

CVIII. And be it further enacted, That so much of the said recited Act of the Fourteenth Year of the Reign of King George the Third as enacts that the Defendant or Defendants shall in the Cases therein mentioned

[Local.]

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mentioned

Plaintiff not
to recover
after Tender
of Amends.

Costs of
Suits.

mentioned have Treble Costs, shall be and the same is hereby repealed, and that in all Actions brought in pursuance of this Act or the said recited Acts, whether for Penalties or otherwise, single Costs shall be recovered.

Provision for
Deficiencies
of Land
Tax.

CIX. And whereas, by reason of making Alterations in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Places herein mentioned; be it therefore enacted, That for preventing the same the said Undertakers shall, from and after the said Undertakers shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Undertakers shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, to or in aid of any such Parish, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments of the Land Tax within such Parish or Place, by reason or means of taking down or using, for the Purposes of this Act, any Houses, Buildings, or Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act; and the Treasurer or Collector to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments.

If Land not
contracted
for within
Five Years,
Power to
cease.

CX. And be it further enacted, That if the said Undertakers shall not within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands, Tenements, or other Hereditaments which they are by this Act empowered to purchase (or so much thereof as shall be deemed necessary or proper) for the Purposes of making the said intended Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works hereby authorized, then and thenceforth those Powers, which are hereby granted to such Undertakers for such Purposes only, shall cease, determine, and be utterly null and void, save and except with the Consent of the Owner of such Lands, Tenements, or Hereditaments.

Canal, &c.
to be com-
pleted within
a certain
Period, or
Powers to
cease.

CXI. And be it further enacted, That in case the said intended Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, and other Works shall not be completed and made navigable and passable, so that Boats, Barges, Waggon, Carts, and other Carriages properly constructed may pass along the whole Line, within the Space of Fifteen Years from the passing of this Act, then, from and immediately after the Expiration of the said Term of Fifteen Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except in respect of so much (if any) of the said Cuts, Canals, Channels, Branches, Railways, Tram Roads, Docks, Basins, or any of the Works hereby authorized to be made, as shall have been completed and made navigable and passable within the said Term of Fifteen Years.

CXII. And

CXII. And be it further enacted, That the said Cuts, Canals, Channels, Branches, Docks, Basins, and other Works, or any of them, hereby authorized to be made navigable and passable as aforesaid, shall not be subject or liable to the Control, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute to Sewers, except in Cases of Drainage.

Canal, &c. not to be subject to the Commissioners of Sewers.

CXIII. And be it further enacted, That the Lords or Lord or Owners or Owner of any Manor or Manors through which the said Cuts, Canals, Channels, and Branches shall be made, shall be entitled to the several and exclusive Right of Fishery of and in so much of the said Cuts, Canals, and Branches as shall be made through the Commons or Waste Lands within his, her, or their Manor or Manors respectively, or through any other Lands or Grounds lying within such Manor or Manors, wherein such Lords or Lord or Owners or Owner now have or hath or are or is entitled to the Right of Fishery in the Brooks and Waters now being in such last-mentioned Lands and Grounds respectively, and that the Owner or Owners of all other Lands and Grounds through or in which the said Cuts, Canals, Channels, and Branches shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Cuts, Canals, and Branches as shall be made through or in his, her, or their Lands or Grounds, so as by the Use and Exercise of any such Right of Fishery as aforesaid the said Cuts, Canals, Channels, and Branches, or the Towing Path, Banks, or other Works and Conveniences hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or extracted from or out of the said Cuts, Canals, Channels, and Branches, and so as the said Undertakers, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying of any Fish in the said Cuts, Canals, Channels, or Branches, which shall be taken or killed or destroyed through or by means of the necessary letting off the Water out of the same respectively, or for or on account of any Repairs or Works to be done in or about the same.

Rights of Fishery reserved to the Lords of Manors, &c.

CXIV. Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, or affect the Right of any Lord or Lords of any Manors, Commons, or Waste Grounds, or of any Owner or Owners of any Lands or Grounds in or through which the said intended Canal, Branches, Rail Roads, or other Works hereby authorized, or any of them, shall be made, in or to the Mines and Minerals lying or being within or under the Lands or Grounds so made use of for such Canal, Branches, Rail Roads, or other Works, or any of them, or within or under the Lands or Grounds which may be purchased by the said Undertakers under the Provisions of this Act; but all such Mines and Minerals of every Sort or Kind shall be and are hereby reserved to such Lord or Lords of such Manors, Commons, or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs and Assigns, as fully, to all Intents and Purposes, as if this Act had not been made or passed; and it shall and may be lawful for the Lord or Lords of such Manors, Commons, or Waste Grounds, and such Owner or Owners of such Lands or Grounds

Mines reserved to the Lords of Manors or other Proprietors.

Grounds respectively, to win, work, and get all such Mines, Minerals, and to take and carry away all Coals, Iron, Stone, and other Minerals which shall be gotten therein, to his and their own Use, as fully and effectually as if this Act had not been passed; provided that in working such Mines and Minerals no Injury shall be done to the said intended Canal or Cuts, or to any of the Works hereby authorized; any thing herein contained to the contrary notwithstanding.

Mines not to be worked to Injury of Canal.

CXV. And be it further enacted, That for the better preventing any Damage or Injury being done to the said intended Canal, Cuts, or other Works hereby authorized to be made, by the winning, working, or getting of any Mines of Coal or other Minerals hereby reserved as aforesaid, contrary to the Directions of this Act, it shall be lawful for the said Undertakers, their Agents and Servants, from Time to Time and at all Times hereafter, to enter upon any Lands or Grounds through or near to which the said Canal and Branches shall pass, wherein any Mines, Coal Pits, or Delphs shall or may be dug or opened, or Works for discovering or winning the same shall be made, and likewise, after having giving Twenty-four Hours Notice to the Person or Persons who shall be working, winning, or getting such Mines, Beds of Coal, or other Minerals, of his or their Wish or Intention so to do, to enter into such Works, Mines, Coal Pits, or Delphs, and there to view, search, measure, latch, and use all other lawful, fair, and reasonable Means for ascertaining the Distance of the working Parts of such Mines, Coal Pits, or Delphs, or Works, for discovering the same respectively, from the said intended Canal, Branches, and other Works hereby authorized; and for those Purposes to make use of the Ropes, Gins, Windlasses, and other Machinery belonging to the Owners or Workers of such Mines, Coal Pits, Delphs, or Works, for the Purpose of descending into and ascending from such Works, Pits, Delphs, or Mines, and examining the State thereof; and in case it shall appear to the Satisfaction of Two indifferent competent Persons, one to be chosen by the said Undertakers, and the other by the Owner or Owners, Worker or Workers of any such Coal Pits, Delphs, or other Works, or to such Third indifferent competent Person, to be named and chosen by the Two first-named indifferent Persons as Umpire between them, in case they shall disagree in the Premises, that any such Mines, Coal Pits, or Delphs have been worked or gotten, or that any Works have been carried on for the Discovery or getting of such Mines or Coal, contrary to the Directions of this Act, the Owners or Occupiers of such Mines, Coal Pits, or Delphs, shall, upon Notice to that Effect being given to him or them, or to any of the Agents or Workmen employed in such Mine or Mines, Pit or Pits, Delph or Delphs, immediately desist from working and prosecuting the same in the Course or Direction or in the Manner objected to in such Notice; and it shall be lawful for the said Undertakers, and to and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges of the Owner or Owners of such Mines, Pits, or Delphs respectively, to enter into and upon all such Mines, Pits, Delphs, and Works, and from Time to Time use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe

safe: the said intended Canal, Branches, or other Works, such Expences, Costs, and Charges to be recovered by the said Undertakers by Action of Debt or on the Case in any of His Majesty's Courts of Record, and such Costs and Charges shall be paid into the Hands of the Treasurer to the said Undertakers, to be applied for the Purposes of this Act: Provided always, that if after such Notice having been given as aforesaid the Owners or Occupiers of any such Mines, Pits, or Delphs shall continue to work and prosecute the same in the Course or Direction, or in the Manner objected to, he or they shall be liable to make good, not only to the said Undertakers, any Damage which may be occasioned to the said Canal and Branches by the sinking of the Bed or Bottom thereof, or by the Stoppage of the Trade of the Navigation, or otherwise, in consequence of such improper working and Prosecution of the said Mines, Pits, or Delphs, but also to any other Person or Persons, any Injury occasioned to him, her, or them, or to his, her, or their Lands, Tenements, or Hereditaments, Goods or Chattels, by the breaking down of the Banks of the said Canal and Branches, and the overflowing of the Water therein, in consequence of such improper working, and Compensation for all such Damages or Injury as aforesaid to be recovered from such Owners or Occupiers by Action of Debt or on the Case in any of His Majesty's said Courts of Record.

CXVI. Provided always, and be it further enacted, That nothing herein contained shall be construed to affect in any respect the Rights which have been and are claimed by the Most Honourable the Marchioness of *Hertford*, to a certain Cut called *Cryer Cut*, but that such Claims shall stand in every respect the same as if this Act had not passed.

For protect-
ing March.
Hertford's
Rights in
Cryer Cut.

CXVII. And whereas the said Undertakers are hereby authorized to construct a Railway or Tram Road, with proper Works and Conveniences, for the Passage of Waggon, Carts, and other Carriages, from the East End of the said Cut called the *Methley Cut*, across the River *Aire*, to communicate with a certain Place called the *Astley Coal Staith*, the Property of Sir *John Lowther* Baronet, in the Township of *Preston* in the Parish of *Kippax* in the said West Riding; be it further enacted, That it shall not be lawful to the said Undertakers, by themselves or their Deputies, Agents, Officers, Servants, or Workmen, to open for Public Use the navigable Cut or Canal hereby authorized to be made, from and out of the *Methley Cut* aforesaid, to join and communicate with the said River *Aire* at or near to *Methley Lower Coal Staith* aforesaid, until they shall have built and completed across the said River *Aire*, for the Purpose of such Communication with the said *Astley Coal Staith*, a Bridge of such Form, Site, and Dimensions as shall be directed by *Thomas Telford*, or by *Alexander Nimmo*, Civil Engineers, and in case of the Deaths of the said *Thomas Telford* and *Alexander Nimmo*, by such other Civil Engineer as shall be named by the said Sir *John Lowther*, his Heirs and Assigns, for that Purpose, and which Bridge and Railway the said Undertakers, their Heirs and Assigns, are hereby directed and required to build, and from Time to Time, and for ever

Bridge to be
built across
the River
Aire, to com-
municate
with the
*Astley Coal
Staith*, the
Property of
Sir *John
Lowther*,
Baronet.

[Local.]

27 B

afterwards,

afterwards, to maintain and keep in good and sufficient Repair; and whenever such Bridge or Railway shall be rendered unfit for all or any of such Purposes, either from Accident or from the Want of sufficient Repair, the said Undertakers, their Heirs and Assigns, shall make full and sufficient Compensation to the said Sir *John Lowther*, his Heirs and Assigns, for the Interruption of such Communication.

Depth of a certain Part of Canal.

CXVIII. And be it further enacted, That the said Undertakers shall be bound and obliged to maintain the Navigation of the Cut or Branch from the *Knottingley* and *Goole* Canal into the River *Aire*, at or near a certain Place called *Bank Dole*, and of the said River *Aire* from thence to *Haddlesey Old Lock*, and of the said Canal from *Haddlesey* to the River *Ouse* at *Selby*, at all Times of the Depth of Five Feet and no more above the Sill or Threshold of the highest Lock on the said last-mentioned Line of Navigation from the *Goole* Canal to *Selby*; any thing in this or the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Undertakers to increase the Area of Nether Mill Dam.

CXIX. And be it further enacted, That the said Undertakers shall and they are hereby required, in making and executing the said Cut, Canal, and other Works connected with and adjoining to the Dam or Head belonging to the said Mills called *Nether Mills*, to increase the Area of the said Dam or Head at the least Four hundred and seventy-five thousand Square Feet, which increased Dam or Head for ever hereafter shall be deemed and taken to be a Part of the Dam or Head of the said *Nether Mills*, as a Recompence and Compensation for the increased Quantity of Water required to pass Vessels through the First Lock to be built on the said Cut, hereinafter called the *Hunslet Lock*; and that such increased Area shall at all Times (except when the Water shall be so high as to run over the Waste Weir to be built adjoining the said *Hunslet Lock*) be open and connected with the present Pond or Head, without the Intervention of any Stop or Counter Gates: Provided always, that it shall and may be lawful to and for the said Undertakers, from Time to Time, to alter and change the Situation of the said *Hunslet Lock*, but so as the same shall not thereby be placed higher up the said Cut than Fifty Yards from the Situation marked in the Section of the said Cut lodged with the Clerk of the Peace for the West Riding of the County of *York*; and provided also, that no Side Clough or other Works shall be put in or made by which Water can run waste past the said *Hunslet Lock*, or out of the said *Hunslet Mill Head*, or the said *New* otherwise *Knostrop Mill Head*, into the Canal below, nor shall any Waste Weir be made for running Water past the said Lock, or out of the said Heads of Water respectively, which shall be more than Twelve Feet in Width, nor less than Three Inches higher than the Tops of the Deals or Dam Boards now or from Time to Time to be placed upon the said *Nether Mills Weir*, or *Hunslet Mills Weir*, or *New Mills Weir* respectively; provided also, that the Waste or Regulating Weir to be built at *Rothwell Heigh Lock* shall not be more than Eight Feet Three Inches below the Top of the Deals on the said *Nether Mills Weir*, and that the Length and Breadth of all the Locks on the proposed Cuts between *Leeds* and *Ferrybridge* shall be of the

the same Lengths and Breadths as the Locks now built on the said Canal between *Knottingley* and *Goole*.

CXX. And be it further enacted, That from and immediately after any of the Cuts, Canals, or other Works hereby authorized shall be so far completed as to require Water to be drawn from the Dam or Head of the said *Nether Mills*, for the passing of Boats or other Vessels through any Lock or Locks to be constructed under the Authority of this Act between the present *Leeds Cut* and the *Methley Lower Coal Staith*, it shall not be lawful for the said Undertakers to place, continue, or suffer any Deals or Dam Boards upon any of the Dams or Weirs belonging to the said several Mills called *Nether Mills*, *Hunslet Mills*, *New otherwise Knostrop Mills*, and *Thwaite Mills*, or any of them, of a greater Height than Six Inches; and if there shall be any Dam Boards upon any of the said Mill Dams or Weirs, there shall be Dam Boards of equal Height (but in no Case exceeding Six Inches) upon such of the said Mill Dams or Weirs as shall be above the same, so that an Equality may be preserved in the Height of the said Mill Dams; and in case any of the said Dam Boards shall be of greater Height than Six Inches, or of unequal Height, and the said Undertakers shall neglect or refuse to remove the same after Ten Days Notice by or on behalf of the Party or Parties complaining, left at their Office at *Leeds* or *Wakefield*, and shall be thereof convicted before Two or more Justices of the Peace in and for the Riding, Borough, or Place where the Offence shall be committed, on the Oath of Two or more credible Witnesses, they shall forfeit and pay such Sum as the said Justices shall direct, not exceeding Five Pounds for every Day such Dam Boards shall continue of an unequal Height, or of a greater Height than Six Inches, one Moiety of such Penalty to go to the Informers, and the other Moiety to such Owner or Occupier of the said Mill or Mills, or other Person or Persons who shall suffer any Loss or Damage thereby; and in default of Payment thereof the same shall be recovered in like Manner as other Penalties are directed to be recovered by this Act: Provided always, that nothing herein contained shall in any way affect any Question which shall or may be raised prior to the Completion of such Works respecting such Dam Boards, or the legal Height of the same.

After the Completion of the new Cuts, no Dam Boards to be erected upon Mill Dams of greater Height than Six Inches.

CXXI. And whereas it is expedient that a more summary Mode shall be provided for obtaining Compensation for Injury, done to the Owners or Occupiers of Mills or Lands upon, adjoining, or near to the said Rivers below *Ferrybridge*, by the raising or altering the Dams or Weirs of the said Rivers, or by not striking and laying flat the Boards upon such Dams or Weirs during Floods; be it enacted, That the said Undertakers shall and they are hereby required to make full Compensation, Satisfaction, and Recompence (over and above any Penalty by the said Acts on this Act imposed) to the Owner or Owners, Occupier or Occupiers of any Mill, Lands, or Tenements below *Ferrybridge*, who, after the Expiration of Three Years from the passing of this Act, shall suffer or sustain any Loss, Damage, or Injury by the raising or altering of any of the Deals or Dam Boards upon any Dams or Weirs upon the said Rivers, or either of them,

Providing a summary Mode of Compensation in case of raising the Dam Boards above their present Height.

above

above their present actual Height, or, in case of any Neglect of the Person or Persons having the Charge or Care of any Boards upon any such Dams or Weirs, or any of them, in not striking and laying flat such Deals or Boards during any Times of Flood, whenever the Current of the River shall be Eleven Inches in Height over such Deals or Boards, by reason of which Neglect any such Owners or Occupiers shall suffer or sustain any such Loss, Damage, or Injury, such Compensation, Satisfaction, and Recompence, where the same shall not exceed Ten Pounds, or where a larger Sum than Ten Pounds shall not be claimed in respect thereof, to be ascertained and determined by any Two of His Majesty's Justices of the Peace, at their Petty Sessions for the Riding, Borough, or Place where such Damage or Injury shall be done or arise, in a summary Way; and the same shall be recovered, and the Payment thereof enforced, from the Person or Persons having the Charge or Care of any such Boards, in and by such Ways and Means as any Penalty or Forfeiture by this Act imposed is made recoverable: Provided always, that nothing in this Act contained shall extend to take away, diminish, or otherwise interfere with any Right, Protection, Compensation, or Satisfaction which *Samuel Crompton* Esquire possessed at the Time of the passing of this Act, or which he would have possessed if this Act had not been passed.

Passage
Tolls for
Locks.

CXXII. And whereas in and by the said recited Act of the Fourteenth Year of the Reign of His late Majesty King *George* the Third it is enacted, that it should and might be lawful for the Owner, Farmer, or Occupier of every the Mills called the *Nether Mills*, *Hunslet Mills*, *New Mills*, and *Thwaite Mills*, respectively for the Time being, to demand and take, for his own proper Use, of the Master, Owner, or Person intrusted with the Care of every Boat, Barge, Lighter, or other Vessel passing up and down the said River *Aire*, with any Goods, Wares, or Merchandize on board for which any Tonnage Rates or Duties should be payable by virtue of the same Act, the Sum of One Shilling as a Passage Toll for passing the Lock or Locks next adjoining to the Pond or Head of Water belonging to every such Mill, for the Loss of Water to every Mill or Pond respectively, and for the Owner, Farmer, or Occupier of the *Fleet Mills* for the Time being to demand and take, for his own proper Use, of the Master, Owner, or Person intrusted with the Care of every Boat, Barge, Lighter, or other Vessel loaded as aforesaid, if passing up the said River, the Sum of One Shilling, and if passing down the said River, the Sum of Sixpence, as a Passage Toll for passing the Lock next adjoining to the Pond or Head of Water belonging to the said *Fleet Mills*, for the Loss of Water to the said Mills or Pond; and upon Nonpayment to take such Measures for Recovery of the same as in the said Act is mentioned; and it is in and by the said Act also enacted, that when any Person or Persons whomsoever shall pass through any of the Locks belonging to the said Mills called *Nether Mills*, *Hunslet Mills*, *New Mills*, and *Thwaite Mills*, with any Pleasure Boat or Boats, he or they should pay to the Owner or Occupier of such Mills not exceeding the Sum of One Shilling as a Recompence for the Loss of Water: And whereas by reason of making the said Cuts and Canals and other Improve-

ments in the said River *Aire* hereby authorized to be made, the Course of the said Navigation will be changed, and Water will be taken from the said Mills or Ponds for supplying the said Cuts and Canals, and for the passing of Vessels through the Locks to be erected thereon; be it therefore enacted, That when and so soon as any Water shall be drawn from the Pond or Head of Water of or belonging to any of the said Mills respectively, or from any Part of the River *Aire* above the same, for the supplying of any of the said Cuts, or any Lock or Locks to be constructed thereon, the respective Owners for the Time being of each and every of the said Mills which shall be situate upon or below the Level on the said River from whence such Supply of Water shall be drawn, shall thenceforth have and be entitled to demand, take, and receive, for their own Use, of the Master, Owner, or Person intrusted with the Care of every Boat, Barge, Lighter, or Pleasure Boat as aforesaid, (such Vessels as are conveying Materials for the Repairs of the Navigation only excepted), the said respective Tolls of One Shilling, or Sixpence, as the Case may be, for each Lock of Water taken in passing up or down through such Lock or Locks, as if the same had been situate upon or adjoining to the Heads or Ponds of Water of or belonging to the said Mills respectively, for the Loss of Water to every Mill or Pond respectively; which said Passage Tolls granted by the Fourteenth Year of the Reign of His late Majesty King *George* the Third, for passing any Lock or Locks next adjoining to the Pond or Head of Water belonging to every such Mill, for the Loss of Water to every Mill or Pond respectively, (in case the same shall become payable by or for the passing of any Vessel through such Lock or Locks,) as well as the Passage Tolls hereby granted for passing any Lock or Locks to be erected on the Cuts and Canals hereby authorized, shall thenceforth be paid by the Master, Owner, or Person intrusted with the Care of such Boat, Pleasure Boat, or other Vessel, to the said Undertakers or their Lock Keepers, Clerks, Agents, or Servants, who are respectively hereby authorized to demand and receive the same, in the Name and for the Use of the said Mill Owners respectively entitled thereto, at the first Lock at which the said Tolls shall become payable, or at such other Place or Places on the Line of the said Navigation as the said Undertakers shall from Time to Time for that Purpose appoint; and upon Non-payment thereof by the said Master, Owner, or Person intrusted with the Care of every such Boat or other Vessel, the same shall be recovered in like Manner as is directed in the said recited Act of the Fourteenth Year of the Reign of His late Majesty King *George* the Third, with respect to the Passage Tolls thereby granted, and subject to the same Provisoos and Restrictions; and the said Undertakers are hereby required to keep or cause to be kept a true and exact Account of all Vessels which shall pass through such Lock or Locks, (which Account shall be open to the Inspection and Examination of the Owner, Farmer, or Occupier of such Mills, at all seasonable Times, who at all such Times shall be entitled to take a Copy of or Extract from such Account at his own Expence); and at the End of every Calendar Month the said Undertakers shall pay over the Sum and Sums of Money so collected (after deducting therefrom

[*Local.*]

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at and after the Rate of One Penny in each Shilling so collected, for the Expences which they shall be put unto in and about such Collection, and the keeping of such Accounts as aforesaid,) to the Owners, Farmers, or Occupiers of the said respective Mills, and in default of Payment thereof, the same shall be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Extending
certain Pro-
visions of
14 G. 3. to
this Act.

CXXIII. And be it further enacted, That the said intended Basins at *Leeds*, and the Cuts or Canals and Alterations hereby authorized to be made in the said Navigation, shall be considered and deemed to be and taken as Part of the Navigation of the said Rivers *Aire* and *Calder*; and all and every the Powers, Provisoos, Directions, Restrictions, Penalties, and Forfeitures contained in the said recited Act of the Fourteenth Year of the Reign of his late Majesty King *George* the Third, with respect to the Tolls, Rates, and Duties thereby granted, and with respect to Boats or other Vessels being navigated or passing over, or Timber being floated over, any of the Dams or Weirs upon the said Rivers or either of them, and respecting the Liability of Masters or Owners of Boats or other Vessels for any Damage, Spoil, or Mischief to be done by their respective Boats or other Vessels, or by any of the Boatmen or Watermen belonging to or employed in the Care or Management thereof, or on board the same respectively, and respecting the passing of Locks by Boats or other Vessels, and the shutting of the Gates and Cloughs belonging thereto, and respecting the unlawful opening or leaving open of any Lock or Clough belonging to the said Navigation, or to any Mill or Mills on the said Rivers or either of them, so as to mis-spend or waste the Water thereof, and to prevent the Owner or Occupier of any Mill or Mills on the said Rivers or either of them from drawing up or opening, shutting or putting down, after Notice, any Clough or Cloughs, as in the said last-mentioned Act specified, and for making Compensation to the Owners or Occupiers of such Mills for so drawing up or opening, putting down or shutting such Cloughs, and respecting the Repairs of the Cloughs, Weirs, Dams, Banks, or Reservoirs of any Mills upon the said Rivers or either of them, and respecting the stopping, stanging, or raising of the Wheels of any Mill or Mills within the Limits of the said Navigation (except for the Purposes therein mentioned), and respecting the drawing of Water by the Owner or Occupier of any such Mills, or by the said Undertakers, below the respective Limits in the said last-mentioned Act for that Purpose specified, and to be ascertained as therein mentioned, and respecting the taking or using more than One Lock full of Water, for passing any Boat or other Vessel through any of the Locks belonging to the said Navigation, or respecting the taking or using Water for the flashing of any Boats or other Vessels, as therein mentioned, shall extend and be applicable to the said intended Basins, Cuts, or Canals and Alterations, as fully and effectually as if the same had originally been Part of the Navigation of the said Rivers *Aire* and *Calder*, and as if such Powers, Provisoos, Directions, Restrictions, Penalties, and Forfeitures had been inserted and contained in this present Act.

CXXIV. And

CXXIV. And be it further enacted, That from and after the Completion of the several Cuts, Canals, and other Works hereby authorized, it shall not be lawful for the said Undertakers to place or continue any Deals or Dam Boards upon any of the Dams or Weirs situate upon the said Rivers *Aire* and *Calder*, or either of them, above *Ferrybridge* aforesaid, of a greater Height than Eleven Inches above the Crown or Top of such Dams or Weirs respectively; (save and except as hereinbefore provided with respect to *Nether Mills*; *Hunslet Mills*, *New Mills* otherwise *Knostrap Mills*; and *Thwaite Mills*); and if the said Deals or Dam Boards shall be continued of a greater Height than Eleven Inches upon any of the said Dams or Weirs, after Ten Days Notice in Writing shall have been left at the Office of the said Undertakers at *Leeds* or *Wakefield*, and they shall be thereof convicted before any Two Justices of the Peace for the said West Riding, on the Oath of Two or more credible Witnesses, they shall forfeit and pay such Sum, as the said Justices shall direct, not exceeding Five Pounds *per* Day for every Day such Deals or Dam Boards shall be continued of a greater Height than Eleven Inches as aforesaid; one Moiety whereof shall go to the Informer, and the other Moiety to such Charity as the said Justices shall direct; and in default of Payment thereof, the same shall be recovered in such Manner as is directed for the Recovery of other Penalties by this Act.

Not to continue Dam Boards more than Eleven Inches in Height, after the Completion of the Cuts, &c.

CXXV. And be it further enacted; That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect any Rights, Dues, Duties, and Payments, Powers, Privileges, Jurisdictions, or Authorities, which the Mayor and Burgesses of the Town or Borough of *Kingston-upon-Hull* are now lawfully entitled to, or can or may so lawfully or equitably claim to have.

Reserving Rights of Corporation of Hull.

CXXVI. And be it further enacted; That nothing in this Act contained shall extend, or be deemed or construed to extend, to take away, impeach, diminish, change, or affect any Right which the Guild or Brotherhood of Masters and Pilots Seamen of the *Trinity House* of *Kingston-upon-Hull* are now legally invested with, or can or may lawfully or equitably have or claim, of and from the Freighters, Masters, or Owners of all Ships or Vessels using or trading from or to the Port of the said Town of *Kingston-upon-Hull*, or to any of the Places within the Limits and Liberties thereof; (that is to say,) in all Havens, Creeks, and other Places whereof the Customer of *Hull*, by virtue of his Office, heretofore had or now hath any Authority to take any Customs, and of and from the Merchants or Consignees of Cargoes imported into and exported from the said Port, or the Limits thereof as aforesaid, for or in respect of the Goods, Wares, and Merchandize so imported and exported, certain Dues, Duties, and Payments, by the Names of Primage, Great Fines, and Small Fines respectively; and also of and from the Masters and Owners of all Ships and Vessels (Ships belonging to His Majesty and Fishing Vessels excepted), using or passing any of the Buoys by the said Guild or Brotherhood fixed, placed, and continued upon or near the Sands in the said River *Humber*, for the Improvement and more safely navigating of the same River,

Saving the Rights of the Trinity House of Hull.

River, a certain Rate or Duty called Buoyage, in proportion and according to the Tonnage or Burthen of such Ships or Vessels.

Nothing herein to give greater Effect to the Commission appointing Goole to be a Port.

CXXVII. And be it further enacted, That nothing in this Act or in the Preamble thereof contained shall extend or be construed to extend to give greater or more Effect to the Commission hereinbefore mentioned, appointing *Goole* a Port, or to any Proceedings under the said Commission, than the same respectively are by Law entitled to, and that no Enactment in this Act contained shall extend or be construed to prejudice or affect any Rights, Dues, Duties, or Payments, Powers, Privileges, Jurisdictions, or Authorities, granted to the Dock Company at *Kingston-upon-Hull*, by certain Acts respectively passed in the Fourteenth, the Forty-second, and Forty-fifth Years of the Reign of his late Majesty King *George* the Third, for making and maintaining Docks, Quays, and Wharfs at *Kingston-upon-Hull* aforesaid, or any or either of them, or which the said Dock Company would have been legally entitled to or invested with if this Act had not passed.

General Saving of Rights.

CXXVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, as well in right of his Duchy of *Lancaster*, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, or their Successors, Heirs, Executors, and Administrators, (other than and except the several Persons Bodies Politic and Corporate, in respect of such Rights and Interests as are intended to be hereby barred and destroyed,) all such Rights, Titles, and Interests, (except such as are hereby intended to be barred and destroyed,) as they, every or any of them, had and enjoyed, or could or might have had or enjoyed, in case this Act had not been passed.

Expences of this Act how to be paid.

CXXIX. And be it further enacted, That all the Costs, Charges, and Expences incident and attending the obtaining and passing this Act shall be paid and discharged by the said Undertakers out of the Money which shall arise, or be received by virtue of the Powers of this Act, together with lawful Interest for the same from the Time of advancing or disbursing the same.

Public Act.

CXXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

The SCHEDULE.

Owners.	Occupiers.	Description of Property.
<i>Township of Leeds, in the Parish of Leeds.</i>		
Trustees of St. John's Hospital in Leeds.	Undertakers of the Aire and Calder Navigation.	Twenty Yards in Width to be taken from the West End of a Piece of Ground now occupied as a Wharf, called Warehouse Hill, otherwise Low Tenters.
Undertakers of the Aire and Calder Navigation.	William Clark and George Pickhard.	Warehouses.
Thomas Micklethwaite	Grimshaw, Brady, and Robinson	Street or Road, called Simpson's Fold, otherwise Dock Street.
Ditto - - -	Himself and Grimshaw, Brady, and Robinson.	Flax Mill.
Heirs or Devisees of the late John Cadman.	Themselves - - -	Workshops, &c.
Ditto - - -	Thomas Blackburn - - -	Warehouse.
Ditto - - -	Solomon Robinson - - -	House.
Ditto - - -	Mrs. Cadman - - -	House.
Ditto - - -	Themselves - - -	House, Outhouse, Yard, and Garden.
Hannah Cooper -	William Butterfield -	Outhouse and enclosed Yard.
Ditto - - -	John Poe - - -	Cottage.
Ditto - - -	Samuel Harrison - - -	Ditto.
John Micklethwaite -	Thomas Kay - - -	Ditto.
Hannah Cooper -	John Goodall - - -	Workshop.
Ditto - - -	John Atkinson - - -	Cottage.
Ditto - - -	John Lee - - -	Ditto.
Ditto - - -	George Hirst - - -	Ditto.
Ditto - - -	Daniel Lonsdale - - -	House, Outhouse, and Garden.
Ditto - - -	William Hardwick - - -	Cottage.
Ditto - - -	Michael Lambert - - -	Ditto.
Ditto - - -	Widow Armitage - - -	Ditto.
Thomas Kendall and Hannah Cooper.	- - -	Ditto and Garden.
Hannah Cooper -	George Routh - - -	Street, Road, or Yard.
Ditto - - -	Christopher Hopwood -	Cottage.
Ditto - - -	Herself - - -	Ditto.
Ditto - - -	Thomas Preston - - -	Ditto, Garden, and Yard.
Ditto - - -	William Watson - - -	Ditto.
John Micklethwaite	Thomas Kay - - -	Two ditto.
Ditto - - -	Benjamin Hardwick -	Stable.
Ditto - - -	Thomas Kay, James Giles, John Giles, and Moses Giles.	Two ditto.
Thomas Kendall -	- - -	Ropery and Tenter Ground.
John Rowley -	Unoccupied - - -	Inclosed Ground.
Ditto - - -	Solomon Robinson -	Cottages.
John Rowley -	Himself - - -	Ditto.
Ditto - - -	James Campby - - -	Cottages, Yard, and Outhouse.
Benjamin Taylor -	Thomas and Jeremiah Scott	House.
Elizabeth Hobson -	George Routh - - -	Warehouse and Yard.
Ditto - - -	Herself - - -	Cottage.
Jonathan Patchett -	Unoccupied - - -	Ditto, Yard and Outhouse.
		House, Shop, Yard, and Outhouse.

Owners.	Occupiers.	Description of Property.
Jonathan Patchett	Unoccupied	House and Yard.
Ditto	William Sowerby	Cottage.
Ditto	John Howe	Ditto.
Ditto	Thomas Rowley	Ditto.
Ditto	William Hale	Ditto.
Ditto	-	Enclosed Yard.
Christopher Benson	John Armitage	Cottage.
Ditto	Thomas Swan and Ellen Scholey	Ditto.
Ditto	William Seller	Ditto.
Ditto	Himself	House.
Ditto	Unoccupied	Ditto.
Ditto	-	Enclosed Yard.
Elizabeth Allison	Moses Giles	Flock Manufactory and Yard.
Ditto	Thomas Walsh & Samuel Lee	Stone Yard.
Ditto	William Price	Gig House, Stable, House, and Garden.
Ditto	Abraham Barrett	Cottage.
Ditto	Thomas Holliday	Ditto.
Ditto	John Sykes	Ditto.
Ditto	Nicholas Cook	Ditto.
Ditto	James Blayds	Ditto.
Ditto	John Musgrave	Ditto.
Ditto	William Brunton	Ditto, and Workshops.
Ditto	Sarah Fletcher	Ditto.
Ditto	Robert Midgeley	House.
Ditto	John Marsland	Elephant and Castle Public House, Yard, Stable, and Brewhouse.
Ditto	William Price	Surgery, Stable, and Outhouses.
Ditto	William Crossland	Stables and Yard.
Ditto	Thomas Holliday	Several Workshops and enclosed Yard.
Ditto	Richard Clark	House.
Ditto	Unoccupied	Yard, Workshops, and Stables.
Ditto	-	Mesne Yard and Frontsteads.
Ditto	Elizabeth Gill	Cottage and Yard.
John Watson	James Kershaw	Cottage.
Ditto	Himself	Workshop and Cottage.
Ditto	William Dawson	Cottage.
Ditto	Richard Watson	Ditto.
Ditto	George Wainwright	Ditto.
William Hardwick	Anne Nichols	House.
Ditto	Himself	House, Stables, Yard, and Waggon Warehouse.
Ditto	Samuel Tetley	Cottage.
Ditto	William Forster	Ditto.
Ditto	Benjamin Hardwick	Ditto.
Ditto	William Shooter	Ditto.
Ditto	William Moses	Ditto.
William Hardwick	William Wright	Cottage.
Ditto	John Mountain	Ditto.
Ditto	John Weare	Ditto.
Ditto	William Pearson	Ditto.
Ditto	James Copley	Ditto.
Ditto	James Anderson	Ditto.
Ditto	John Plows	Ditto.
Ditto	Peter Joy	Ditto.
—	—	Street or Road called Waterloo Street.
—	—	Street, Road, or Yard.

Owners.	Occupiers.	Description of Property.
John Hall -	Himself -	Duke William Inn, Mesne Yard, Stables, and Brewhouse.
William Sykes -	Moses Giles and Stephen Mitchell	Dryhouse.
John Blayds, Esquire.	William Nunns -	Ropery and Workshops.
Ditto -	Charles Brown and Son	Tenter Ground.
William Chadwick, Esq.	Rev. George Richmond	Garden.
Ditto -	Charles Chadwick and Co.	Tenter Ground.
Peter Rhodes, Esquire	— Benson	Gardens.

Township of Hunslet, in the Parish of Leeds.

William Chadwick, Esq.	John Scott -	Stable
Colonel John Vincent	John and Edward Brooke	Tenter Ground.
John & George Sayner	Themselves -	Tenter Ground and Garden.
Ditto -	John Ingram -	Gardens and House.
Pym Nevins, Esquire	William Burnet -	Garden.
Ditto -	Himself -	Garden.
Ditto -	Thomas Walton -	Garden.
James Aspin -	Himself	Warehouse and Garden.
Ditto -	Benjamin Thompson -	Cottage.
Undertakers of the Aire and Calder Navigation, and James Atkinson.	Unoccupied -	Millgoit and Yard.
William Varley -	John Stephenson -	Malthouse, Stable, and Yard.
Ditto -	Himself -	Garden.
John Farrer -	Himself -	Orchard.
John Hurst -	Himself -	Dryhouse, Cottage, Garden, and enclosed Yard.
Undertakers of the Aire and Calder Navigation, Peter Rhodes, Esq. and James Atkinson.	John Walton -	Garden.
William Fenton, Esq. and the Heirs or Devises of James Fenton.	Isabella Routh -	Garden.
Ditto -	John Moon -	Garden and Outhouse.
Ditto -	Mary Chapman -	Cottage and Garden.
Ditto -	William Pitts -	Ditto.
Ditto -	Joseph Spurr -	Ditto.
Ditto -	George Duttan -	Ditto.
Charles Stuart } Joseph Thomson } Mrs. Gunson }	Thomas Banks - } Charles Stuart - }	Garden.
Ditto -	Joseph Thompson -	Cowhouse.
William Fenton, Esq. and the Heirs or Devises of James Fenton.	Edward Hides -	Piggery.
Ditto -	Benjamin Balmforth -	House and Stable.
Charles Stuart } Joseph Thomson } Mrs. Gunson }	Joseph Spurr - }	Stable and Outhouse.
Ditto -	Charles Stuart -	Garden.
Ditto -	- -	Yard and Footpath.
William Mann -	Himself -	Enclosed Yard.
Charles Stuart } Joseph Thomson } Mrs. Gunson }	Charles Stuart - }	Piggery.

Owners.	Occupiers.	Description of Property.
Rev. Ralph Brandling Undertakers of the Aire and Calder Navigation.	John Sunderland -- Themselves and others -	Garden. Wharf.
<i>Township of Rothwell, in the Parish of Rothwell.</i>		
Undertakers of the Aire and Calder Naviga- tion.	Christopher Matterson.	Lockhouse, Outhouse, and Garden.
Lord Stourton	} John and Joseph Charles- worth, Lessees } Benjamin Preston, Tenant } Rev. Henry Brown -	Public House and Garden.
Ditto -		Race Course.
Marchioness of Hertford		Undertakers of the Aire and Calder Navigation, or their Under-tenant George Ing- ham.
<i>Townships of Oulton-with-Woodlesford, in the Parish of Rothwell.</i>		
John Blayds, Esq.	} William Firth - John Learoyd - } William Ramsden - } William Hoyle - - }	Cottages.
Ditto -		Jolly Sailor Public House, Out- house, &c.
CALDER.		
<i>Township of Stanley-cum-Wrenthorpe, in the Parish of Wakefield.</i>		
Marchioness of Hertford	Thomas Harrison -	Orchard and enclosed Yard.
Ditto -	Herself - - -	Plantation.
Ditto -	Thomas Harrison -	Willow Garth.
J. P. Heywood, Esq.	Robert Wilson - -	Yard, Garden, and Orchard.
John Lee and Shepley Watson.	Edward Tasker -	Garden.
Trustees of the General Poor of the Town and Parish of Wake- field.	Robert Lake or Joseph Proud	Cottage and Garden.
William Bingley, Esq.	Thomas or Robert Lake -	Enclosed Yard, &c.
<i>Township of Goole, in the Parish of Snaith.</i>		
Thomas Hornsby -	James Sned - - -	Cottage and Garden.
<i>Township of Hook, in the Parish of Snaith.</i>		
Thomas Tuke -	} George Birks, Lessee } Thomas Jackson, Tenant } Himself - - - } Himself - - - }	Cottage, Stable, Orchard, and Gar- den.
William Calvert -		Barn, Stable, and Garden.
Thomas Walker -		Garden and Yard.