



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. xii.

An Act to enable the Company of Proprietors of the *Calder* and *Hebble* Navigation to improve their Navigation, and to amend the Acts relating thereto. [22d May 1834.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for extending the Navigation of the River Calder to Salterhebble Bridge and to Sowerby Bridge in the County of York, and for repealing an Act for that Purpose*: And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to enable the Company of Proprietors of the Calder and Hebble Navigation to make a navigable Cut or Canal from Salterhebble Bridge to Bailey Hall near to the Town of Halifax in the West Riding of the County of York, and to amend the Act relating to the said Navigation*: And whereas the several Works authorized by the said recited Acts have been duly made and completed by the said Company of Proprietors, and a large Sum of Money has been expended by the said Company of Proprietors in making and completing the same, and considerable Sums of Money have been borrowed and are now owing under the Authority and on the Credit of the said last-recited Act: And whereas the said Company of Proprietors are desirous further to improve the said Navigation, and it is expedient that several of the Powers and Provisions contained in the said recited Acts should be altered, amended, extended, and enlarged;

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but

Powers of former Acts extended to this Act.

but inasmuch as the several Purposes aforesaid cannot be carried into execution without the Aid and 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 Acts respectively, and all and every the Powers and Provisions, Authorities, Exemptions, Penalties, Forfeitures, Payments, Tolls, Duties, Rules, Remedies, Directions, Articles, Matters, and Things therein contained, (except such Parts thereof as are varied, altered, or repealed,) shall be extended to this Act, and shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act.

Power to make certain new Cuts and Deviations.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to make and maintain the several Cuts and Canals herein-after mentioned passable for any Boats, Barges, and Vessels navigating the adjoining *Aire* and *Calder* Navigation; that is to say, a Cut or Canal from and out of a certain Cut or Canal belonging to the said Company of Proprietors called *Mirfield Cut*, commencing at, in, or near to the lower End of the said Cut in the said Township and Parish of *Mirfield*, passing through the several Townships and Parishes of *Mirfield* and *Thornhill* in the said West Riding, to join and communicate with and terminate at the upper End of a certain Cut or Canal belonging to the said Company of Proprietors called the *Thornhill Lees Cut*, in the Township and Parish of *Thornhill* aforesaid, with an Aqueduct over the said River *Calder* at or near to a certain Place called *Ravens Wharf* or *Calder Wharf*, in the said Townships of *Mirfield* and *Thornhill*; also a Cut or Canal forming a new Course or Channel for the said River *Calder* at or near to a Place called *Shepley Bridge*, in the Townships of *Mirfield* and *Hopton* in the Parish of *Mirfield* aforesaid; also another navigable Cut or Canal from and out of the said Cut or Canal called the *Thornhill Lees Cut*, commencing at, in, or near to the lower End of the said *Thornhill Lees Cut* at the Lock there called the *Figure of Three Lock*, in the Township and Parish of *Thornhill* aforesaid, passing through the several Townships of *Thornhill*, *Horbury*, and *Shitlington*, in the Parishes of *Thornhill* and *Wakefield* in the said West Riding, to join and communicate with and terminate in or near to the upper End of a certain Cut or Canal belonging to the said Company of Proprietors called the *Upper Broad Cut*, in the Township of *Shitlington* in the Parish of *Thornhill* aforesaid; also another navigable Cut or Canal from and out of a certain other Cut or Canal belonging to the said Company called the *Lower Broad Cut*, commencing at, in, or near to the Lock at the lower End of the said last-mentioned Cut in the said Township of *Horbury* and Parish of *Wakefield* aforesaid, passing through the several Townships of *Horbury*, *Crigggestone*, *Alverthorpe cum Thornes*, *Sandal Magna*, and *Wakefield*, in the Parishes of *Wakefield* and *Sandal Magna* in the said West Riding, to join and communicate with and terminating at, in, or near to a Place called *Portobello*, in the said Township and Parish

of

of *Sandal Magna*, passing through the said Township and Parish of *Sandal Magna*, to join and communicate with and terminate in the said River *Calder* at or near to *Portobello* aforesaid, in the Township and Parish of *Sandal Magna* aforesaid; together with such Improvements in the intermediate and adjoining Parts of the said Navigation as may be necessary in consequence of making such Cuts and Canals; also to make, erect, build, and maintain Docks, Basins, Wharfs, Warehouses, Landing Places, Cranes, and other Works, at or adjoining or near to the several new Cuts or Canals, with proper Conveniences, Roads, and Ways thereto; and also to supply the said several intended Cuts and 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 River *Calder*, and from the Cuts and Canals belonging to the said Company of Proprietors, 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 Company of Proprietors 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 or Canals, Channels, Branches, Docks, Basins, and Works, as the said Company of Proprietors shall see fit.

III. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their Deputies, Officers, Engineers, Surveyors, Servants, and Workmen, to make, construct, and maintain the said navigable Cuts or Canals, Communications or Branches, and other Works hereby authorized to be made, together with proper Houses, Warehouses, Toll Houses, Lock Houses, Basins, Docks, Wharfs, Landing Places, Weighing Machines, Cranes, Steam Engines, and other Engines or Machinery, or other Works, Ways, Roads, and Conveniences adjoining thereto or connected therewith, and to do, perform, and exercise such Powers and Authorities, Matters and Things, for taking and purchasing Lands, Tenements, and Hereditaments, hereby authorized to be taken or used, and which by the said Company shall be thought proper to be taken or used for the Purposes of this Act, and for making, effecting, preserving, improving, completing, maintaining, and using the said proposed navigable Cuts or Canals, and the Branches therefrom, respectively intended to be made by virtue of this Act, as they were by the said recited Acts or either of them authorized to make, erect, set up, construct, maintain, do, perform, and exercise, with respect to the Cuts or Canals, Navigation, and other Works thereby authorized to be made.

Company empowered to make new Works in the same Manner as under former Acts.

IV. And whereas a Map or Plan describing the Line or Course of the said Cuts, Canals, Channels, and Branches, and the Estates, Lands, and Grounds in, through, and upon which the same are respectively to be carried or made, together with a Book of Reference

Map and Book of Reference to remain with Clerk of the Peace.

ference thereto, containing Lists of the Names of the Owners and Occupiers, or reputed Owners and Occupiers, of such Estates, Lands, and Grounds, has been deposited at the Office of the Clerk of the Peace for the West Riding of the said County of *York*; be it therefore further 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 and make Extracts from and take Copies thereof at seasonable Times, on Payment of One Shilling for each Time of Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first, and paying for every Copy not exceeding One hundred 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 as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Not to deviate more than 100 Yards from Plan.

V. Provided always, and be it further enacted, That the said Company of Proprietors, their Successors or Assigns, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference.

No Advantage to be taken of any Error or Omission in the said Book of Reference.

VI. Provided also, and be it further enacted, That no Advantage shall be taken of or against the said Company of Proprietors, their Successors or Assigns, or any Interruption be given to the making of the said Canal and other Works hereby authorized to be made, on account of any Error or Omission in the said Map or Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting in and for the West Riding of the County of *York*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be taken without Consent, unless mentioned in the Schedule.

VII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company of Proprietors, their Successors or Assigns, or any other Person or Persons, to take, use, injure, or damage any House or Building, or any Ground which upon the First Day of *January* One thousand eight hundred and thirty-three was the Site of any House or other Building, or any Park, Avenue, Planted Walk, Lawn, or Pleasure Ground, nor any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except such as are specified and contained in the Schedule to this Act annexed.

Breadth of Canal.

VIII. And be it further enacted, That the Lands or Grounds to be taken and used for the said Canal, and the Towing Paths, Banks, and Side Drains thereof, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, shall not exceed Thirty-five Yards in Breadth, measured horizontally, except in such Places where any Basin, Reservoir, Sluice, or Weir shall be made, or where the said Canal shall be

raised higher or shall be cut more than Five 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 or Rafts to turn, lie, or pass each other, or where any Warehouse, 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 Canal, nor more than Sixty Yards in Breadth in any Place, except where the said Canal shall pass through or over any Common or Waste Lands, or where the Owner or Owners of any Lands or Grounds through which the said Canal shall pass shall, by Writing under his, her, or their Hand and Seal or Hands and Seals, consent to the same being made wider in or through his, her, or their Lands or Grounds respectively.

IX. Provided also, and be it further enacted, That in all Cases where it shall be found necessary for the Purposes of this Act to divert or turn any Brook, Stream, or Watercourse, or to cut through, take, or injure any Carriage or Horse Road or Footway, either public or private, so as to render the same impassable 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 Company of Proprietors, their Successors and Assigns, shall, at their own Expence, first make a Cut or Channel for such Brook, Stream, or Watercourse, or a new Road or Way, of no less Width than the former; and when such Cut or Channel, or new Road or Way, shall be completely finished, the Part of the Bed or Channel of such Brook, Stream, or Watercourse, or old Road or Way, so to be taken, used, diverted, or turned, shall be and become vested in Fee Simple in the said Company of Proprietors, their Successors and Assigns, and such new Carriage or Horse Road or Footway altered and made as aforesaid, or the new Bed or Channel of such Brook, Stream, or Watercourse, shall be vested in and for ever thereafter be repaired by the Person or Persons who were by Law bound to repair the old Road or Way, Brook, Stream, or Watercourse, before such Alteration, Disunion, or Diversion.

Before any Brook or Road is diverted or injured, others to be made.

X. Provided also, and be it further enacted, That in all Places where the Line of the said Canal by this Act authorized to be made shall cross any public Carriage Road, the Ascent of every Bridge to be made over the said Canal for the Purpose of such Road shall be not more than One Foot in Thirteen Feet, 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.

Ascents to Bridges, and Fences thereon.

XI. And be it further enacted, That it shall be lawful for all Bodies Corporate or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and 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 all Persons entitled in Reversion, Remainder, or

Persons under legal Disability empowered to sell and convey Land.

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Expectancy after them if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whomsoever seised or possessed of or interested in, any Lands, Tenements, or Hereditaments upon or in or through which the said intended Cuts, Canals, Channels, Branches, Wharfs, and other Works hereby authorized to be made are proposed to be carried or made, to contract for, sell, and convey the same, and every or any Part thereof respectively, to the said Company of Proprietors; and all Contracts, Agreements, Bargains, Sales, Assurances, Acts, and Deeds which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be made according to the Form prescribed by the said recited Act of the Sixth Year of His late Majesty King *George* the Fourth for the Conveyance of Lands taken or used for the Purposes thereof, or as near thereto as the Number of Parties and Circumstances of the Case will admit, and shall be valid and effectual in the Law, to all Intents and Purposes whatsoever; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act: Provided always, that such Money as shall be agreed or awarded to be paid for any such Lands, Tenements, or Hereditaments which any Body Corporate, Trustee, or Person under Disability is hereby capacitated to sell and convey, shall be paid and applied in the Manner directed by the said recited Act in Cases of the like Nature.

Rates to be paid to the Company for Goods placed on Wharfs, &c.

XII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive for the Wharfage and landing of all Goods, Commodities, Articles, Matters, and Things shipped, loaded, landed, or placed in, upon, from, or within the Wharf or Wharfs and Warehouses by this Act authorized to be made, the same Rates or Sums as the said Company are by the said recited Act authorized to take, demand, recover, and receive for the Wharfage or landing of Goods, Commodities, Wares, and Merchandize shipped, loaded, landed, or placed in, from, or upon the public Wharfs or Warehouses, or any of them, belonging to the said Company.

Treasurer upon Receipt of Money to give and sign Receipts.

XIII. And be it further enacted, That upon Payment of any Money which shall arise from the Sale or Sales, by the said Company or their Successors, of any Lands, Tenements, or Hereditaments, or Share or Shares, or Part or Parts, Interest or Interests of and in Lands, Tenements, or Hereditaments as shall have been purchased by the said Company of Proprietors under any of the Powers in the said recited Acts or in this Act contained, it shall be lawful for the Treasurer or Treasurers for the Time being of the said Company 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 such Lands, Tenements, or Hereditaments, Parts, Shares, or Interests as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received, and such Person or Persons shall not afterwards be answerable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

XIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, in addition to the Sums authorized to be raised by the said recited Acts, to raise any Sum or Sums of Money not exceeding in the whole the Sum of Sixty thousand Pounds by all or any of the Ways and Means by which the said Company could previously to the passing of this Act raise any Sum or Sums of Money.

Power to raise a further Sum of Money.

XV. Provided always, and be it further enacted, That no Person to whom any such Security for Money shall be made or transferred as aforesaid shall thereby be deemed a Proprietor of any Share, or shall thereby be rendered capable of acting as such at any Meeting of the said Company, for or on account of his or her having lent or advanced any Sum or Sums of Money on the Credit of such Security to the said Company.

Creditors not to be deemed Proprietors.

XVI. Provided always, and be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, from Time to Time to pay off and discharge all or any Part of the Money already borrowed under the said recited Acts, or to be borrowed by virtue of this Act, or any of them, upon giving Six Calendar Months Notice of their Intention so to do to the Person or Persons who shall have advanced the same, or his, her, or their Executors, Administrators, or Assigns.

Power to pay off Securities.

XVII. And be it further enacted, That in case the said Company shall be required or shall be desirous to pay off, and shall accordingly pay off, all or any of the said Securities which they have granted under the said recited Acts, or which they are by this Act authorized to make or grant, or any of them, then and in every such Case it shall be lawful for the said Company, and they are hereby authorized and empowered, immediately or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, such Sum or Sums of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen; but so nevertheless that the said Company shall not in any Event borrow or raise as aforesaid in such Manner or to such Extent as that more than the Sum of Sixty thousand Pounds in the whole shall be owing at any one Time on such Securities, or as a Charge upon the said Undertaking by virtue of this Act.

In case the Securities are paid off, the Company may raise the Amount again.

XVIII. And be it further enacted, That in all Cases where any Share or Shares in the Capital of the said Company shall be held by any Two or more Persons jointly, the Receipt of any One of such Persons

Receipt from joint Proprietors.

Receipts
from Parents
or Guardians
of Minors to
be sufficient
Discharges.

Persons shall be a good and sufficient Discharge to the said Company or their Treasurer for the Money which may become payable under the Provisions of the said recited Acts or of this Act, or any of them, for or in respect of such Share or Shares, and shall discharge the said Company from all Obligation of seeing to its Application or being answerable for its Misapplication: Provided that no Notice in Writing to the contrary shall, previous to any such Payment, have been given to the Treasurer of the said Company by any other Person holding jointly such Share or Shares; and that in all Cases where Money shall be payable to any Proprietor who shall be a Minor, the Receipt of the Parent or of the Guardian or of any One of the Guardians for the Time being of such Minor shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Special
Assembly of
Proprietors
may be
called by
Committees.

XIX. And be it further enacted, That if at any Time it shall appear to any General Committee or to any Select Committee appointed under the Powers of the said recited Acts that a Special Assembly of Proprietors is necessary to be held, it shall be lawful for such General or Select Committee to cause Notice thereof to be given in some Two Newspapers usually circulated in the said West Riding, declaring in such Notices the Place where and the Time when such Assembly is to be held, the same not being less than Ten Days after such Notice given, and the Objects of such Special Assembly being specified in Writing, and such Specification left at the Office of the said Company in *Halifax* aforesaid for the Information and Inspection of the said Proprietors; and the Proprietors are hereby authorized to meet pursuant to any such Notice, and proceed to the Execution of the Powers vested in them with respect to the Business so specified; provided only that at every such Assembly there shall be Proprietors present in Person or by Proxy who shall together be possessed of at least One hundred and fifty Shares in the said Navigation.

Power to
make double
Locks.

XX. And whereas it would greatly expedite the Passage of Boats along the said Navigation if double or parallel Locks were made throughout the said Navigation; be it therefore further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at any Time or Times hereafter, to make and complete, and afterwards to maintain, double or parallel Locks on such Parts of the said Navigation as they shall think fit, and for that Purpose to take and use small Strips or Pieces of Land adjoining or near to the present Locks, sufficient for the making and maintaining such double or parallel Locks, with the Ponds, Basins, Culverts, Piers, Walls, Abutments, Sluices, and Conveniences belonging or necessary thereto, the said Company making Compensation and Satisfaction for the Land required for such Purposes by the said Company: Provided always, that the said Company shall not have Power to take any Land for the Purpose of making such double or parallel Locks above the said Company's Canal at *Brighouse* Locks without the Consent in Writing of the Owner or Owners of such Land; nor shall the said Company have Power to take for any of the Purposes of this or the said recited Acts any Part of the Land belonging to the

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Undertakers of the *Aire* and *Calder* Navigation adjoining or situate upon the South or South-east Side of the *Fall Ing* Locks in the Townships of *Sandall Magna* and *Wakefield* aforesaid, without the Consent in Writing of the said Undertakers.

XXI. Provided always, and be it further enacted, That whenever any Alteration shall be made in the present Locks at *Fall Ing*, either by enlarging the same, or laying the Sills at a lower Level, or making any additional Locks at that Place, that the said Locks called *Fall Ing* Locks, comprising the Fall of the *Soke* Mills at *Wakefield*, shall be Two Sets of double parallel Locks of equal Size and Capacity, the Chambers of each Pair of Locks to serve as Side Ponds to each other respectively, for the Purpose of economizing Water in Times of Drought or Scarcity, and that the same shall be used as Side Pond Locks according to the true Intent and Meaning of the same, at all Times when the Water of the present *Wakefield Soke* Mill Head shall be below the *Soke* Weir, and not running waste in any Manner; and that the Sills of the said Locks may in such Case be laid at any Depth required by the Proprietors of the said Navigation, and a Standard Mark denoting the true Height of the said Weir shall be put up at the *Fall Ing* Locks, and at some other Place accessible to both Parties for reference in case of the Weir or Locks being removed by Accident or otherwise.

Double
Locks to be
erected at
Fall Ing.

XXII. And whereas it would be of considerable Advantage and Utility if a direct Communication was established between the Town of *Dewsbury* in the said West Riding of the County of *York* and the said Navigation; be it enacted, That it shall be lawful for the said Company, if they think fit, to apply any Part of the Monies hereby authorized to be raised to build and erect a Bridge over the River *Calder* at the North Extremity of *Dewsbury Old Cut*, belonging to the said Company, and to make Communications between the same and the said Town of *Dewsbury*: Provided always, that the previous Consent in Writing of the Owner or Owners of the Land on the *Dewsbury* Side of the said River on which such Bridge and Communications shall be made shall be first obtained thereto: Provided always, that the said Bridge shall not be deemed to be a County Bridge, but the said Company shall be liable to the Repair thereof.

Company
may build a
Bridge over
the *Calder* at
North Ex-
tremity of
Dewsbury
Old Cut.

XXIII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to contract from Time to Time with any Person, Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, who shall be willing to sell, for the Purchase of any Parcel or Parcels of Land, Buildings, or Hereditaments, not exceeding in the whole Fifty Statute Acres, in addition to such Land as the said Company now possesses or are hereby authorized to take, in such Place or Places as they shall deem eligible or convenient, for the Purpose of making, erecting, forming, and providing any Wharf or Wharfs, and any Coal or other Yards, Locks, Basins, Staiths, Messuages, Warehouses, or other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or con-

Empowering
the Company
to purchase
50 Acres of
Land.

veyed or intended to be carried or conveyed upon the said Navigation, or for making any convenient Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Navigation which the said Company shall judge requisite and necessary; and it shall and may be lawful for all Bodies Politic, Corporate, and Collegiate, Corporation Aggregate and Sole, Trustees, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Buildings, and Hereditaments whatsoever, for the Purposes aforesaid or any of them, or for any Purpose connected with the said Navigation, and that without inquiring or ascertaining, or being bound to inquire or ascertain, whether the Lands, Buildings, or Hereditaments so sold, granted, or conveyed to the said Company will or will not, together with other Lands and Hereditaments previously purchased by the said Company for the same Purposes or any of them, amount to or make up a greater Quantity of Land than Fifty Statute Acres in the whole.

Company restrained from purchasing more than Fifty Statute Acres from incapacitated Persons.

XXIV. And whereas the said Company, in addition to the Lands hereby authorized to be taken for making the said Canal and other Works, are enabled to purchase of Persons and Corporations willing to sell the same Fifty Statute Acres of Land by virtue of this Act, for the Purpose of making, erecting, forming, and providing additional Wharfs, Coal or other Yards, Basins, Messuages, Staiths, Warehouses, and other Buildings and Conveniences: And whereas it is expedient to restrain the said Company from selling Lands so purchased from Corporations, or from Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Corporations, or Persons being under legal Disability or Incapacity, in lieu of the Land so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Corporation, Trustee, or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Feme Covert or Cestuique Trust or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Fifty Statute Acres; and in case the said Company shall purchase such Fifty Statute Acres from any Corporations or other Persons under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Fifty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or of or from any other Corporation or Person being under legal Disability or Incapacity, nor for the same nor for any other Corporation or Person being under legal Disability or Incapacity to sell to the said Company any other Lands in lieu of such Fifty Statute Acres of Land or any Part thereof so sold or disposed of by the said Company.

Power to buy small Pieces of Land ad-

XXV. And be it further enacted, That it shall and may be lawful for the said Company to purchase from any Person willing to sell the same, over and besides the Land herein-before authorized to be purchased

chased and taken, any small Pieces or Parcels of Ground lying adjacent to or near the said Navigation, Towing Paths, or other Works, containing any Stone or other Materials proper for maintaining and repairing such Part of any such Towing Paths or other Works where such Materials shall be wanted for that Purpose, not exceeding the Quantity of Twenty Statute Acres.

adjacent to Canal containing Materials.

XXVI. And be it further enacted, That where, by means of making or maintaining any Part of the said Navigation hereby authorized to be made, the adjacent Lands or Grounds shall be deprived of their usual Watering Places for Cattle, then and in such Case the said Company, their Successors and Assigns, shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining the said Navigation for Cattle to drink out of and water at, and in every such Ground where they were heretofore accustomed to drink and water as aforesaid, and to supply the said Watering Places with Water from and out of the said Canals if necessary.

Where Cattle are deprived of Watering Places, others to be provided.

XXVII. And be it further enacted, That the Owner or Master of every Boat or other Vessel navigating within the Limits of, in, through, or upon any Part of the said Navigation shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Boat or other Vessel, or any of the Boatmen, Watermen, or Drivers belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works in, upon, or near such Navigation, and by loading or unloading any Boat or other Vessel, and for any Trespass or Damage that may be done to the Proprietor of any Building, Erection, Lands, or Tenements adjoining to the same or any of them, other than is authorized by this Act or the said recited Acts or any of them; and the said Owner or Master of such Boat or other Vessel as aforesaid shall and may be sued and prosecuted for the same in any Court of Record whatsoever, and if found guilty, or a Verdict pass against him, or Judgment be given against him upon Demurrer or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit, or if the Damage sustained or the Penalty incurred be under the Sum of Five Pounds, then the same may be recovered before any Justice of the Peace acting in and for the said West Riding, in a summary Way, upon due Proof before such Justice.

Boat Owner or Master answerable for Damages, &c. done by any of his Crew.

XXVIII. And be it further enacted, That it shall be lawful for the said Company, by any Bye Law, from Time to Time to authorize and permit any Boat or Vessel of the Description usually called Fly or Bale Boats, carrying light Goods, Merchandize, or other Articles, to have a general Preference in the Use of the said Navigation, and to pass any Lock or Locks before any other Boat or Vessel, provided such Fly or Bale Boat be within Three hundred Yards from the Lock at which such Preference of Passage is given.

Preference may be given to Fly Boats.

XXIX. And be it further enacted, That if any Person shall wantonly, or through Carelessness or Negligence, open or cause to be opened any

Penalty on wilfully or carelessly

wasting the
Water.

any Lock or Clough belonging to the said Navigation, or shall in such Manner suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof, or if any Person shall wilfully flush or draw off the Water from any Part of the said Navigation, or shall leave any of the Cloughs open and running, after any Boat or other Vessel shall have passed any Lock belonging to any Part of the said Navigation, or if any Person shall draw or cause to be drawn any Clough in the Lock Gates on the said Navigation, so as to mispend or waste the Water in any Part of the said Navigation, or shall obstruct the Passage of the said Navigation, or wilfully hinder any Boat or Vessel from passing thereon, or shall wilfully and maliciously do any other Act to the Prejudice of the said Navigation, or to the Hindrance of any Person or Persons lawfully using the same, every such Person so offending in any of the said Particulars, and being thereof convicted before One Justice of or for the County, Division, or Place where such Offence shall be committed, upon the Oath of One Witness, shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

For prevent-
ing Boats
stopping at
improper
Places and
Times.

XXX. And be it further enacted, That it shall not be lawful to or for any Boat or Vessel (unless compelled by some inevitable Accident or other reasonable Cause) to stop or lie on any Part of the said Navigation in the Daytime longer than may be necessary for loading or unloading, receiving or delivering Goods in, to, or out of such Boat or Vessel, or to lie or be moored in the Night on any Part of the said Navigation other than and except at some Wharf or Quay, or in some Basin or Place appointed for Boats or Vessels to lie or moor in, or for any Boat or Vessel whilst moored in any Part of the said Navigation to have her Mast up, under the Penalty of a Sum not exceeding Forty Shillings for every Offence.

Penalty on
Persons
floating Tim-
ber, or ob-
structing the
Navigation,
or trespass-
ing on
Lands ad-
joining.

XXXI. And be it further enacted, That if any Person shall float any Timber in or upon the said Navigation, or shall suffer the Loading of any Vessel navigating thereon to lie over the Sides thereof, so as by such floating or loading to obstruct the Passage of any other Boat, Barge, or other Vessel, or to do any Damage thereto, or to any of the Works already made or to be made by virtue of this Act, or shall load or unload any Goods or Articles in or over any of the Locks or Aqueducts of the said Navigation, or shall navigate or cause to be navigated any Boat or other Vessel through or upon the said Navigation without a Rudder to steer or guide the same, or without a skilful Person, or a sufficient Number of skilful Persons, on board to steer and manage such Boat or other Vessel, and also a Person attending to the Horse or Horses drawing the same, or shall cut down any Corn or Grass growing on any Lands adjoining or contiguous to the said Navigation, without the Consent of the Owner thereof respectively, or shall wilfully commit any Trespass on any such Lands, or shall wilfully obstruct any Person engaged or employed in the Execution of this Act, every Person so offending in any of the Cases aforesaid shall, on Conviction thereof in manner aforesaid, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XXXII. And

XXXII. And be it further enacted, That if any Person shall overload any Boat or other Vessel navigating through or upon the said Navigation, so as by such overloading to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Person having the Care of the Boat or Vessel so obstructing the Passage as aforesaid, remove the same so as to allow a free Passage for such other Boat or Vessel, every such Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

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

XXXIII. And be it further enacted, That if at any Time or Times hereafter any Collector, Surveyor, or Agent of the said Company shall have reasonable Cause to suspect that any stolen Goods is or are concealed on board any Boat or Vessel passing along or being upon the said Navigation, it shall be lawful for such Collector, Surveyor, or Agent, assisted by such Person or Persons as may be deemed necessary for that Purpose, to stop and detain such Boat or other Vessel, and to search and examine the same, and to seize and detain any such Goods as shall be found on board such Boat or Vessel, and also to apprehend and detain any suspected Person found concealed therein, and also the Boatmen and other Persons navigating such Boat or Vessel, and to take such Boatmen and other Persons, and also any Person found concealed in such Boat or Vessel, with all reasonable and convenient Dispatch, before a Justice of the Peace, to be dealt with according to Law.

Power to search for stolen Goods.

XXXIV. And be it further enacted, That the said Company shall and they are hereby authorized, in such Parts of the said Navigation as shall not be of a sufficient Breadth for admitting a Boat or other Vessel to turn about and lie in, or Two Boats or other Vessels to pass each other, to open or cut and keep opened proper Spaces or Places in the Lands adjoining to the said Navigation, for the turning, lying, and passing of any such Boat or Vessel in such Manner as they shall think proper.

Places for Boats to turn or lie in, &c.

XXXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners for the Time being of any Lands or Grounds through which the said Cuts or Canals shall pass, for making, erecting, or using any Wharfs, Quays, Landing Places, Coal or other Staiths, Cranes, Weigh Beams, or Warehouses, in or upon their own Lands, Grounds, or Wastes adjoining or near to the said Cuts or Canals hereby authorized to be made, or from loading or landing any Goods or Merchandize or other Things thereupon, or upon the Banks lying between the same and the said Cuts or Canals, or for making or using proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other, so that the making, erecting, or using thereof respectively shall not and do not obstruct or prejudice the Navigation of the said Cuts or Canals, or the Towing Paths on the Sides thereof; and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays,

Land-owners may erect Warehouses

[*Local.*]

3 F

Landing

Landing Places, Cranes, Weigh Beams, and Warehouses respectively shall be and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds or Wastes, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses upon their own Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates or Duties granted to the said Company of Proprietors, their Successors and Assigns, for Tonnage, shall not be thereby reduced or altered: Provided always, that if any such Lord or Lords, Owner or Owners, shall not within the Space of Twelve Months after Notice given in Writing by or on behalf of the said Company of Proprietors, their Successors and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes is or are intended to be used by them for the Purposes of erecting Warehouses and Buildings for the Use of the said Navigation, make and erect on such Part or Parts of such Lands, Grounds, or Wastes sufficient Warehouses and Buildings on some Plan to be approved of by any Three of His Majesty's Justices of the Peace acting in and for the said Riding, not being Proprietors in the said Navigation, or shall not maintain the same in substantial Repair, then and in every such Case the said Company of Proprietors, their Successors and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes for erecting such sufficient Warehouses and Buildings, first making Satisfaction for the same in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

Gunpowder,
&c. to be re-
moved within
a certain
Time.

XXXVI. And be it further enacted, That no Gunpowder, Spirits of Turpentine, Wool Waste, Shoddy, or other combustible Things whatsoever shall be suffered to be or remain on the Quays, Wharfs, or Warehouses of the said Navigation, or any Part thereof, for above the Space of Twelve Hours after landing the same; and that in case such Goods and Things cannot be conveniently removed or got off from such Quays or Wharfs 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 Expence, a sufficient Number of careful and sober Persons to guard and watch over the same until removed; and in case the Owner or Owners of such Goods or Things, or the Master or Mate of any Boat, Barge, or other Vessel, shall make default herein, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on
default.

Penalty on
cutting
Ropes, &c.

XXXVII. 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 Boat or Vessel in the said Navigation shall be moored or fastened, or any Rope used or deposited on board any Vessel, such Person or Persons shall for every Offence forfeit and pay the Sum of Five Pounds.

Wilfully
damaging or
destroying
Works, &c.

XXXVIII. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, cut through, damage, or destroy any Bank, Lock, Reservoir,

Reservoir, Dam, or other of the Works made or built under or by virtue of the said recited Acts or either of them, or which may be made or built by virtue of this Act, or do any other wilful Hurt or Mischief to, or obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining of the said Navigation or any Part thereof, every Person so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and every such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to transport such Person for the Space of Seven Years in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, or, in mitigation of such Punishment, may, if such Court think fit, award such Sentence as the Law directs in Cases of Felony; or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of some credible Witness before a Justice for the County, Division, or Place wherein such Offence shall be committed, shall forfeit and pay any Sum not less than double the Value or Damage proved upon Oath to be done, at the Discretion of such Justice.

XXXIX. And be it further enacted, That it shall be lawful for the said Company, at any General or Special Assembly of the said Company, to authorize and empower their General or Select Committee, out of any surplus Monies or otherwise, from Time to Time to purchase any Share or Shares in the said Navigation which may at any Time or Times be offered for Sale by any Proprietor or Proprietors dissenting from the Measures or Opinions of a Majority of any Meeting of Proprietors, or by any other Proprietor or Proprietors wishing to sell the same, and to direct that such Share or Shares shall merge in the Capital or Joint Stock of the Company, or that the same shall be transferred to the Clerk or Clerks of the said Company, or to some other Person or Persons, in Trust for the said Company; and such Share or Shares may in such last-mentioned Case at any Time or Times thereafter be sold for the raising of any Sum or Sums of Money which may be wanted for or towards the Maintenance, Improvement, or Support of the said Navigation or any Part thereof, or otherwise for the Benefit of the said Navigation, or may be merged in the said Capital or Joint Stock, as any such General or Special Assembly shall direct.

Company
may pur-
chase Shares.

XL. And be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed a Secretary or Clerk in the Execution of the said recited Acts or this Act, or the Partner of such Secretary or Clerk, or any Person in the Service or Employ of such Secretary or Clerk or of his Partner, to be a Treasurer for the Purposes of the said recited Acts or this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be the Secretary or Clerk of the said Company for the Purposes of the said recited Acts or this Act; and if any Person shall accept both the Offices of Secretary or Clerk and Treasurer for the Purposes of the said recited

No Person
to hold the
Offices of
Secretary or
Clerk and
Treasurer at
the same
Time.

recited Acts or this Act, or if any Person, being the Partner of such Secretary or Clerk, or in the Service or Employ of such Secretary or Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Secretary or Clerk in the Execution of the said recited Acts or this Act, or shall act as Deputy of such Secretary or Clerk, or in any Manner officiate for such Secretary or Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Navigation
to be free for
all Persons.

XLI. And be it further enacted, That all and every Person and Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways belonging to the said Company of Proprietors (except the Towing Paths), for the conveying of any Goods, Wares, Merchandize, or other Things to and from the said intended Canal and Cuts or Branches, and Wharfs, Quays, and Landing Places belonging thereto, and also, with Boats, Barges, and other Vessels, to navigate, pass, and repass and use the said Canal and Cuts or Branches, for the Purpose of conveying any Goods, Wares, Merchandize, or Commodities whatsoever thereon respectively, and also to use the said Wharfs, Staiths, Quays, and Landing Places for the loading and unloading of any Goods or other Things, and the said Towing Paths for the hawling and drawing of such Boats, Barges, and other Vessels, upon Payment of such Rates, Tolls, and Duties for the same respectively as shall be demanded by the said Company of Proprietors, not exceeding the several Rates, Tolls, and Duties herein-before mentioned or referred to, and subject always to the Rules, Orders, Bye Laws, and Regulations which shall from Time to Time be made by the said Company of Proprietors under and by virtue of the Powers in the said recited Acts or this Act contained.

Rights to
Mines, &c.
not to be
prejudiced.

XLII. 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, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds in, upon, or through which the said Canal, or any Towing Paths, Roads, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniences aforesaid shall be made, to the Mines or Minerals lying and being within and under the Lands or Grounds to be set out or made use of for such Canal, Towing Paths, Roads, Wharfs, Quays, Trenches, Sluices, Passages, or Watercourses, or other Conveniences aforesaid, or any of them, but all such Mines or Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs, Executors, Administrators, or Assigns respectively; and it shall be lawful for the Lord or Lords, Lady or Ladies of such Manor or
Manors,

Manors, or such Owner or Owners of such Lands or Grounds respectively (subject to the Conditions and Restrictions herein mentioned), to work, get, drain, take, and carry away to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said intended Canal, Roads, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or other the Conveniences aforesaid, or any of them; any thing herein contained to the contrary notwithstanding.

XLIII. And be it further enacted, That if the Owner or Worker, Owners or Workers of any Coal or other Mine or Mines shall, in pursuing such Mine or Mines, work so near in the Opinion of the said Company of Proprietors to the said Canal or other Works hereby authorized to be made as to endanger or damage the same, or to endanger or damage the further working of the said Mine or Mines, then it shall be lawful for the said Company of Proprietors to treat and agree with the Owner or Worker or Owners or Workers of all such Coal and other Minerals as may be near or under the said Canal or other Works as shall be thought proper to be left for the Security and Preservation of the said Canal and other Works, or Mine or Mines as aforesaid; and in case the said Company of Proprietors and such Owner or Worker or Owners or Workers of such Mine or Mines shall disagree about the Satisfaction to be made for such Coal or other Minerals, the same shall be ascertained and determined by a Jury in manner directed by the said last-recited Act with regard to the Value of Land thereby authorized to be purchased for the Purposes thereof, which Jury shall and they are hereby authorized and required, by the Ways and Means prescribed by the said recited Act, to assess and determine what Satisfaction such Owner or Worker, Owners or Workers of such Mine or Mines ought to have and receive from the said Company of Proprietors on being restrained from working such Mine or Mines; and upon Payment or Satisfaction made to such Owner or Worker, Owners or Workers of such Mine or Mines, by the said Company of Proprietors, according to the Verdict or Judgment of such Jury; such Owner or Worker, Owners or Workers of such Mine or Mines shall be and they are hereby perpetually restrained from working such Mine or Mines within the Limits for which such Satisfaction shall by the said Jury be adjudged and declared to extend.

If Mines are worked so as to endanger the Navigation, the Company may purchase them.

XLIV. And for the better discovering Persons who shall or may open, dig, sink, or carry on any Work for the getting of Coal or other Minerals contrary to the Directions of this Act, be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves or their Agents or Servants, at any Time or Times in the Daytime, to enter upon any Lands or Grounds through or near which the said Canal and Works hereby authorized to be made shall be or pass, wherein any Coal or other Mines shall or may be dug or opened, and likewise to enter into such Coal or other Mines, and for that Purpose to make use of any of the Gins, Ropes, or other Tackle belonging to such Mines for being let down or drawn up, and there to view, search, dial, latch, measure, and use all other Means for discovering the Distance of the said Canal or Works from the working

Company may enter Mines to inspect Works.

Part of such Mines respectively ; and in case it shall appear that any Mine hath been worked or got contrary to the Directions of this Act, it shall be lawful for the said Company of Proprietors, and for their Agents, Servants, and Workmen, at the Expence, Costs, and Charges of the Owner or Owners or Proprietor or Proprietors of such Mines respectively, to enter into and upon all such Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal and other Works ; and such Expences, Costs, and Charges shall be recovered by the said Company of Proprietors in such and the same Manner as the Rates granted and payable upon the said Navigation are to be recovered, and shall be paid into the Hands of the Treasurer or Receiver for the Time being to the said Company of Proprietors, to be applied for the Purposes of this Act and the said recited Acts: Provided always, that nothing herein contained shall extend or be construed to extend to restrain or prevent any Owner or Owners of such Mine or Mines, his or their Heirs or Assigns, or his or their Lessees, Agents, Servants, or Workmen, from making One or more Drift or Drifts, Way or Ways, Passage or Passages, not exceeding Five Feet each in Width, in or under the Coal lying in his or their Lands under the said Canal or near thereto, which shall be left or directed to be left for the Preservation of the said Canal and other Works, in order by such Drifts, Ways, or Passages to make and preserve a Communication between such of the said Coal as lies in his or their Lands on either Side of the Canal, leaving between each of the said Drifts, Ways, or Passages Posts or Pillars of Coal not less than Five Yards in Breadth, unless the said Company of Proprietors and the Owners of the said Coal for the Time being shall agree to any other Breadth, Satisfaction being made for all such Coal as shall be so left in such Manner, and so to be ascertained as herein-before directed.

Company to make Compensation if Mine Owners are prevented working them by virtue of the Act.

XLV. Provided also, and it is hereby enacted, That if by means of the said Canal, or of any Restriction, Clause, Matter, or Thing in this Act contained, or of any Power or Authority hereby given, the said Owner or Owners of any Mine or Mines, their Heirs or Assigns, or his or their Lessees, Agents, Servants, or Workmen, shall be restrained, prevented, or hindered from getting any Part of the Coal lying within their Lands aforesaid, then and in such Case the said Company of Proprietors shall and they are hereby required to make full Satisfaction and Compensation to the said Owner or Owners, their Heirs or Assigns, for the Value of all such Coal as he or they shall be so restrained, prevented, or hindered from getting ; such Compensation and Satisfaction to be ascertained and settled on such Application and by such Means as are herein-before provided touching or concerning the Coal which may be directed to be left for the Preservation of the said Canal as aforesaid.

Separation to be made by a Lock between Hagues and Cooks Mills.

XLVI. And whereas it is desirable that a Separation should be made by a Lock between the Dam of the Mills called *Hagues* and *Cooks* or *Dewsbury* Mills and the said Navigation in *Thornhill Lees Cut* ; be it therefore further enacted, That the said Company shall and they are hereby required and authorized, when the said Works above

Thornhill Lees Cut shall be executed, to cause the Top Water of the said *Thornhill Lees Cut*, situate above the Locks called the *Double Locks* in such Cut; to be raised to the Height of at least Twelve Inches above the Summit Level of the present Weir of *Hagues* and *Cooks* or *Dewsbury Mills Dam*.

XLVII. And be it further enacted, That the said Company shall and they are hereby required at all Times for ever hereafter, at their own proper Cost and Expence, to keep open, navigable, and in good and sufficient Repair the said Lock called the *Figure of Three Lock*, and the said River *Calder* below there, in the Township or Parish of *Thornhill* aforesaid, so as to enable Vessels to pass and repass out of and into the said *Thornhill Lees Cut* from the said River *Calder* below the said *Figure of Three Lock*, in order to afford Accommodation and Convenience to the Owners and Occupiers for the Time being of the Mill situate on the Banks of the said River called or commonly known by the Name of *Whitakers Mill*; a Lock for the free and uninterrupted Passage of all Vessels from out of the upper End of *Thornhill Lees Cut* into *Dewsbury Mill Pond*, at or near a certain Place called *Ravens Wharf* or *Calder Wharf*, in order to afford Accommodation to the Owners and Occupiers for the Time being of the Warehouses, Brewery, Mills, Lands, Wharfs, and Premises situate there; the present Lock for the like Purposes at or near the lower End of a certain Cut or Canal belonging to the said Company called *Mirfield Cut*; and to keep in repair and navigable so much of the Cut called *Upper Greenwood Cut* as will afford sufficient and proper Convenience and Accommodation to the Mills and Premises there from such Lock; a Bridge, Road, and convenient Passage over and across the proposed new Canal to communicate with and afford Access to the *Dewsbury* and *Elland Turnpike Road*, for the Use and Convenience of the Owners and Owner for the Time being of the Mills, Lands, Tenements, Hereditaments, and Premises situate, lying, and being below the said *Mirfield Cut* or Canal.

Company to keep Figure of Three Lock and the River Calder below it open and navigable.

XLVIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to any of the Tolls which the said Company are entitled to receive by virtue of this Act, or respecting any Matter relating to the said Navigation, no Person acting under the Authority of or in the Service of the said Company shall, for that Reason alone, be in any Manner incapacitated from giving Evidence respecting such Dispute, Suit, or Litigation.

Company's Servants not incompetent Witnesses.

XLIX. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this Act or otherwise for any Claim or Compensation against or on behalf of the said Company, and also in all Prosecutions commenced or instituted by or on the Behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Member of the Select Committee, or for the Clerk or Clerks, or either of them, or the principal Agent for the Time being of the said Company, not being personally interested otherwise than as a Proprietor

Any Member of Select Committee, or Clerk or Solicitor of the Company, may grant Releases to Witnesses.

of

of Shares in the said Undertaking, in his own Name, for and on the Behalf of the said Company, to sign, execute, and deliver every such general or other Release as may be deemed to be necessary, for the Purpose of exonerating and releasing any Person who may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company, in order to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release and Act respectively shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same were under the Seal of the said Company.

Justices may proceed by Summons in the Recovery of Penalties.

L. And be it further enacted, That in all Cases in which by this or either of the said recited Acts any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, or against either of the said recited Acts before the passing of this Act, it shall be lawful for such Justice of the Peace to summon before him the Party complained against, 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 to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For securing transient Offenders.

LI. And be it further enacted, That it shall be lawful for any Proprietor, Collector, Surveyor, or other Officer of the said Company, and such Person as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace for the said West Riding, within their respective Jurisdictions, without any other Warrant or Authority than this Act for so doing, and such Justice is hereby empowered and required to proceed immediately on the Conviction or Acquittal of such Offender or Offenders.

Service of Notice by the Company.

LII. And be it further enacted, That in all Cases where it may be necessary for the said Company to give any Summons or Notice to any Body Politic, Corporate, or Collegiate, or to any Person soever, under the Provisions or Directions contained in this or the said recited Acts, or either of them, such Summons or Notice may be given in Writing, signed by the Clerk, Attorney, or Solicitor for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

LIII. Pro-

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give any Power or Authority to the said Company to make or execute any Work, or to do any Act, Matter, or Thing, which shall or may have the Effect of contravening or setting aside any of the Conditions mentioned or contained in a certain Memorandum of Agreement dated the Eleventh Day of *February* One thousand eight hundred and fifteen, made between *Thomas Bradley* of *Halifax* in the County of *York*, Engineer to the Company of Proprietors of the *Calder* and *Hebble* Navigation, for and on the Behalf of the said Company, on the one Part, and *Nicholas Brown* of *Huddersfield* in the said County, for and on behalf of the Honourable and Reverend *John Lumley Savile* (now the Earl of *Scarborough*), on the other Part, but that the said Agreement, and the Conditions and Provisions therein mentioned or contained, shall be and remain of the same Force and Effect as the same were of at the Time of the passing of this Act.

Saving
Rights of
the Earl of
Scar-
brough.

LIV. And be it enacted, That if the said Works shall not have been completed within the Space of Five Years from the passing of this Act all the Powers and Provisions given and granted by this Act in respect thereof shall from thenceforth cease and become void, save only and except as to so much of the said Works as shall have been completed within the Time aforesaid.

Works to be
completed
in a certain
Number of
Years.

LV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences relating to the same, or in any way incident thereto, shall be paid by the said Company out of the Money already or to be hereafter received under the said recited Acts or this Act, in preference to any other Payments whatsoever.

Expences of
this Act.

LVI. 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.

Public Act.

The SCHEDULE to which this Act refers.

No. in Plan.	Owners or reputed Owners.	Occupiers.	Description of Property.
<i>Township of Mirfield.</i>			
46	Joshua Ingham Esq.	George Thornton	Dock Sheds and Dock.
47	Ditto	Richard Sykes	Ship Inn.
49	Ditto	Widow Gill (Leaseholder and Occupier.)	Plot of Ground and Garden.
51	Ditto	Widow Gill	Potato Garth.
52	Ditto	Samuel Langley (Leaseholder and Occupier.)	Cottage and Garden.
55	Richard Wheatley	Widow Hirst	Warehouse.
56	Ditto	Ditto, or her Under-tenants.	Cottage.
68	William Stancliffe	David Sheard	Shed.
<i>Township of Shitlington.</i>			
4 (a)	George Lane Fox Esq.	Milnes and Stansfeld	Limekilns.
5	Ditto	Ditto	Counting-house.
6 (a)	Ditto	Sir John Lister Lister Kaye Bart.	Stable.
7	Ditto	Ditto	Limekilns and Shed.
<i>Township of Horbury.</i>			
4 (a)	The Company of Proprietors of the Calder and Hebble Navigation.	Themselves or their Under-tenant.	Cottage and Garden.
4 (b)	Ditto	Ditto	Plantation.
6	William Craven	Joseph Waller	Limekilns.
7	Ditto	Ditto	Navigation Inn.
15	Poor of Horbury	John Hutchinson	Coalyard and Shed.
<i>Township of Criggleston.</i>			
6	John Charlesworth	John Burton	Old Limekilns and Pasture.