



ANNO QUADRAGESIMO OCTAVO

GEORGI II. III. REGIS.

[illegible]

Cap. 48.

An Act for making a Navigable Cut from the East Side of the River *Tees*, near *Stockton*, into the said River near *Portrack*, in the County of *Durham*; and making various other Improvements in the Navigation of the said River between the Town of *Stockton* and the Sea. [27th May 1808.]

WHEREAS the Borough or Town of *Stockton*, in the County of *Durham*, is situate upon the River *Tees*, which River is capable of being rendered much more commodious than at present for the Purposes of Trade, both foreign and domestic, by making and maintaining a Navigable Cut or Canal across a certain Isthmus or Neck of Land, situate in the Parish of and within the Distance of Five Furlongs from the Town of *Stockton* aforesaid, by Means whereof the Course of the said River will be considerably shortened, and a certain Bend or Winding in the present Channel of the said River, lying between *Stockton* aforesaid and *Portrack* in the said County, and extending Two Miles and a Half in Length or thereabouts, and of very difficult and dangerous Navigation, will be cut off and rendered unnecessary for Ships or Vessels trading to and from the Port of *Stockton* aforesaid; and the said River is also capable of much further Improvement by scouring, cleansing, deepening, and otherwise improving such Part or Parts thereof as herein-after mentioned, and establishing certain necessary Regulations

[*Loc. & Per.*] 10 I concerning



concerning the Trade and Navigation thereof, all which Means will conduce to the Benefit and Advantage of the Port and Town of *Stockton* aforesaid, and to the Extension and Increase of the Trade, Navigation, and Commerce of the United Kingdom; and forasmuch as a very considerable Expence will be incurred in making and maintaining the said Navigable Cut or Canal, and in deepening, widening, cleansing, or otherwise improving such Part or Parts of the said River *Tees* as herein-after mentioned, and in preserving the same when so improved, and in carrying into Execution the several Powers or Authorities necessary for completely effectuating the said proposed Alterations and Improvements or connected therewith; and as great Inconvenience, Delay, and Damage which Ships and Vessels now navigating the said River are exposed to for Want of such Alterations and Improvements will be thereby removed; it is reasonable that the Sums necessary to defray such Expence should be paid by the Owners and Masters of Ships and Vessels trading to and from the said River *Tees*: And whereas the several Purposes aforesaid cannot be effected 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 *Watson Alcock, James Atkinson, John Atkinson, Jonathan Backhouse, Thomas Binks, Robert Botcherby, John Barker*, the Executors of *Anthony Bosomworth* deceased, *James Crowe, Robert Christopher, Matthew Crowe, John Christopher, Thomas Christopher, George Coates, Ann Eccles, Thomas Farmer, Thomas Fall, Christopher Fowler, Benjamin Flounders, Thomas Farwell, George Gibson, William Gent, Mary Gregory, Thomas Hubback, Thomas Jennett, John Janson the younger, James Johnson, John Lodge, Harrington Lee, Thomas Meynell, Richard Miles, John Proctor, Messieurs Proctor and Benthams, Michael F. Edward Pease, Francis Richardson Richmond, Joshua Reeve, Sir Stapylton Baronet, Henry Stapylton, George Snowdon, John Stagg, m Sharpe, Isaac Stephenson, William Stamper, Richard Stonehouse, Cuthbert Sharpe, Timothy Sparke, Edward Todhunter, James Taylor, Bright Wals, William Wetherell, Matthew Wadeson*, and the several and respective Executors, Administrators and Assigns of the Person and Persons herein-before named, and also such other Person or Persons, Body or Bodies Politick, Corporate or Collegiate, as shall at any Time hereafter be possessed of One or more Share or Shares in the said Navigation and Undertaking, and the several and respective Executors, Administrators, Successors, and Assigns of such Person or Persons, Body or Bodies Politick, Corporate or Collegiate, shall be and they are hereby united into a Company for the carrying on, making and completing, and maintaining the said intended Navigable Cut or Canal, passable for Ships and other Vessels, and the other Works, Undertakings, and Improvements hereby authorized or directed to be made according to the Rules, Orders, and Directions hereinafter expressed, and shall for that Purpose be One Body Politick and Corporate, by the Name and Stile of *The Tees Navigation Company*, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors and their Successors shall and may have Power and Authority to purchase or take in Exchange Lands, Tenements, and Hereditaments to them and their Successors and Assigns, for the Use of the same Navigation

Proprietors  
Names.



tion and Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it shall be lawful for the said Company of Proprietors and their Successors, and they are hereby empowered from and after the passing of this Act, by themselves, their Deputies, Agents, Officers, Workmen, Servants, or Assistants, to shorten, facilitate, improve, and support the Navigation of the said River *Tees*, from the Bridge across the said River at *Stockton* aforesaid to the Junction of the said River with the Sea; and for that Purpose to make, complete, maintain, and keep Navigable and passable for Ships and other Vessels trading to and from the Port of *Stockton* aforesaid a Cut or Canal communicating at both Ends with the River *Tees* between *Stockton* and *Portrack* aforesaid, and to be cut and made through or across a certain Isthmus or Neck of Land belonging to or reputed to belong to *William Todd*, of *Pickhill*, in the County of *Denbigh*, Gentleman, and being Part of certain Closes, Pieces, or Parcels of Ground, situate in the Parish of *Stockton* aforesaid, and called or known by the Name of *The Holmes* (and which said Isthmus or Neck of Land is bounded on both Sides by the said River *Tees*, and extends in Breadth Two hundred Yards or thereabouts) in the Lines or Directions expressed in the Map or Plan hereinafter mentioned, and to cause the said intended Cut or Canal to become and ever after the same shall be made to continue the Channel of the said River, the old Channel of the said River being nevertheless deemed to be a Creek or Inlet appertaining to the said River; and the said Company of Proprietors and their Successors are hereby fully empowered by themselves, their Deputies, Agents, Workmen, or Servants, to cleanse, scour, cut, dig, open, deepen, straiten, or otherwise improve any Part or Parts of the River *Tees*, with its Creeks and Inlets lying in or within or bordering or adjoining upon the several Townships or Parishes of *Stockton*, *Billingham*, *Coopen*, *Bewley*, *Greatbam*, *Seaton*, *Carew*, and *Stranton*, in the said County of *Durham*; and *Thornaby*, *Stainsby*, *Stainton*, *Aclam*, *Linthorpe*, *Middlesbrough*, *Ormesby*, *Normanby*, *Eston*, *Lackenby*, *Lazenby*, *Wilton*, *Kirkleatham*, *West Coatham*, and *East Coatham*, in the County of *York*, or any of them, or elsewhere between the said Bridge at *Stockton* aforesaid and the Junction of the said River with the Sea, which they shall think proper and capable of being rendered more commodious for the Purposes of Navigation; and also the several Cuts, Brooks, or Streams communicating with any Part of the said River *Tees*, between its Junction with the Sea and the said Bridge at *Stockton* aforesaid, or lying contiguous thereto, and capable of being made to communicate therewith; and for that Purpose to dig, cut through, blast, or otherwise to remove and destroy all or any of the Rocks, Shoals, Shallows, Mud and Sand Banks, and other Obstructions which now are or shall or may be at any Time or Times hereafter situate, lying, or being at or near the Bar or Mouth of the said River *Tees*, or in any Part or Parts of the Channel or Bed of the same River, and hindering or obstructing the Entrance of any Ship or Vessel into the said River from the Sea, or the Progress and Navigation of any Ship or Vessel in any Part or Parts of the said River between its Junction with the Sea and the said Bridge at *Stockton* aforesaid, which the said Company of Proprietors or their Successors shall think capable of being removed or destroyed as aforesaid, and the Removal or Destruction whereof shall be thought expedient for the Improvement of the Navigation of the said River *Tees*; and for the better effectuating the Purposes aforesaid, the said Company of Proprietors and their Successors, Agents, Officers

Power to make  
Cut, &c.

Workmen,



Workmen, and Servants, are hereby empowered to go, enter, and pass in, upon, over, under or through the Lands and Grounds, Brooks, Streams, Waters, Highways, Roads, Passages, Streets, Commons, and all other Lands or Places of or belonging to the King's Most excellent Majesty, His Heirs or Successors, or any other Person or Persons, Bodies Politic, Corporate or Collegiate, whatsoever, and to set out and ascertain such Part or Parts thereof as they the said Company of Proprietors or their Successors shall think proper, necessary or convenient for making, completing, maintaining, using, and improving the said Cut or Canal, and other Works and Conveniencies; or for more easily carrying into Effect any of the Purposes of this Act, and to bore, dig, cut, trench, and fough, and to remove and lay upon any of the adjoining Grounds, the Earth, Clay, Stone, Rubbish, Trees, Roots of Trees, Gravel or Sand, or any other Matters or Things which may be dug or gotten in the making of the said Cut or Canal, or which may prevent or obstruct the making, completing, maintaining, using, or improving the same, or which may be dug or gotten in the cleansing, scouring, opening, deepening, or otherwise improving such Part or Parts of the said River *Tees* as shall or may be scoured, cleansed, opened, deepened, or otherwise improved as aforesaid, or in carrying into Execution any other of the Purposes of this Act; and also to make all such other Works and Devices as and wherever the said Company of Proprietors or their Successors shall think requisite for the several Purposes of this Act; and also from Time to Time to divert, alter, repair, widen, enlarge, and amend or discontinue the same, and to make and maintain any Carriage, Horse, or other Road or Roads, Way or Ways, Path or Paths, to and from the said Cut or Canal, and any other Works or Conveniencies of or belonging to the said Cut or Canal, and other Works respectively, as shall seem necessary or proper for the making, erecting, finishing, altering or repairing, maintaining, and using the said Cut or Canal, and other Works for the Improvement of the said Navigation, and for carrying Goods and other Articles and Things to and from the said Cut or Canal, and also to place, lay, work, and manufacture any Materials where found, or adjoining to the Place or Places where the said Works or any of them are intended to be made, erected, repaired, or done; and also to dig, take, and carry away for the Use of the said Company of Proprietors or their Successors, any Soil, Clay, Gravel, Rubble, or any other Stone which may be proper or convenient for making and strengthening the said Cut or Canal and other Works, and also for repairing, supporting, maintaining, using, and improving the same, and for effectuating any other of the Purposes of this Act, in or from the Grounds of any Person or Persons, Bodies Politic, Corporate or Collegiate, adjoining or lying contiguous or convenient thereto, or in or from any other Lands or Grounds situate, lying, or being within the several Townships or Parishes of *Stockton, Billingham, Coopen, Bewley, Greatham, Seaton, Carew, Stranton, Thornaby, Stainsby, Stainton, Acklam, Linthorpe, Middlesbrough, Ormesby, Normanby, Eston, Lackenby, Lazenby, Wilton, Kirkleatham, West Coatham, and East Coatham*, aforesaid, or any of them, and to construct, erect, alter, and repair any such Jetties, Dams, Mounds, or other Works or Contrivances in any Part or Parts of the said Cut or Canal, or in any Part or Parts of the said River *Tees*, between the said Bridge at *Stockton* aforesaid, and the Junction of the said River with the Sea, as they the said Company of Proprietors or their Successors shall think necessary or proper for the Purpose of straightening and confining the Current or  
Stream



Stream of the said River, or for the Purpose of diverting the same or the Water thereof from any Part of its present Channel or Bed, situate, lying, or being between the upper and lower Outlet of the said intended Cut or Canal, and conducting or causing the same to run through the said intended Cut or Canal, or for carrying into Effect any other of the Purposes of this Act; and also to construct and erect, do and perform, all and all Manner of other Matters and Things whatsoever, which shall be deemed necessary or convenient by the said Company of Proprietors or their Successors for the making, completing, using, preserving, and improving the said Cut or Canal and the Works connected therewith, and for cleansing, scouring, deepening, straightening, and otherwise improving the Navigation of such Part or Parts of the said River *Tees* as herein-before mentioned, or for carrying into Effect any other of the Purposes of this Act in pursuance and within the true Intent and Meaning thereof, they the said Company of Proprietors and their Successors, Agents, Deputies, Officers, Workmen, and Servants doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned for all such Damages as shall be sustained by the Owners or Occupiers of and other Persons interested in the Lands and Hereditaments, Waters and Watercourses, which shall be taken or used on Behalf of the said Company of Proprietors and their Successors, or which shall be prejudiced, damaged, injured, or affected by the Execution of any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors and their Successors, and their and every of their Deputies, Servants, Workmen, and all other Persons, for what they or any of them shall do by virtue of the Powers hereby granted, or any of them.

II. And whereas a Survey has been taken to ascertain the Practicability of making the said Cut or Canal, and a Map or Plan describing the Line of the said Cut or Canal, and the Lands through which the same is intended to be made, together with a Book of Reference containing a List of the Names of the Owner or reputed Owner and Occupier of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Durham*; be it therefore enacted, That such Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Durham*, and that all Persons shall at any reasonable Times have Liberty to inspect and peruse the same, or make Copies of the same, as Occasion shall require, at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for each such Examination, and the Sum of Sixpence for every such Copy.

The Plan and Book of Reference to remain with the Clerk of the Peace, subject to Inspection,

III. And be it further enacted, That the said Company of Proprietors or their Successors in making the said intended Cut or Canal, shall not deviate more than Fifty Yards from the Course or Direction delineated in the said Map or Plan and set forth in the said Book of Reference.

Plan not to be deviated from without the Consent of Owners of Lands.

IV. And be it further enacted, That such Embankments as shall be made by the said Company of Proprietors for stopping the present Course of the said River *Tees*, shall be for ever maintained, repaired, and upheld, at the sole Costs and Charges of the said Company of Proprietors and their Successors.

Company required to maintain Embankments at their own Expense.

[*Loc. & Per.*]

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V. And



Bodies Politic,  
&c. em-  
powered  
to sell.

V. And be it further enacted, That after any Lands, Grounds, Tenements, or Hereditaments, shall be so set out and ascertained as aforesaid for making the said Cut or Canal, or any Part thereof, and for providing and constructing the other Works and Conveniences herein mentioned, or any or them, or for any other of the Purposes of this Act; it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations, Aggregate or Sole, Tenants for Life or in Tail, Husbards, Guardians, Feoffees in Trust, Trustees for charitable Purposes, Committees, Executors, Administrators, Attornies, and all other Trustees or Persons whomsoever, not only for and on Behalf of themselves and their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Feme Coverts, Persons beyond the Seas, or other Person or Persons incapable of acting for themselves, and to and for all Feme Coverts who are or shall be seized, possessed, or interested in their own Right, or intitled to Dower or other Interest therein, and for every other Person or Persons whomsoever, who is or are or shall be seized, possessed of, or interested in any Lands, Grounds, and Hereditaments, which shall be so set out and ascertained for the Purposes of this Act, to contract for, sell, or convey the same, and every Part thereof, unto the said Company of Proprietors or their Successors, or to agree with the said Company of Proprietors or their Successors, for any Recompence to be made for the Lands, Tenements, or Hereditaments, to be taken or used for the Purposes of this Act, or for the Compensation and Satisfaction for Damage which may be done to any such Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and if it shall happen that by making the said Cut or Canal, or the Roads, Works, or other Conveniences and Improvements hereby authorized to be made, the Property of any Land Owner or Land Owners shall be separated or divided so as to separate any Messuage, Dwelling House, or Farm House, Stables, Sheds, or other Conveniences, from any Part of the Farm Lands or Hereditaments held therewith, or otherwise to render the Occupation thereof inconvenient, it shall be lawful for all such Bodies Politic, Corporate and Collegiate, or other Person or Persons as aforesaid, if they shall think proper so to do, to contract for, sell, and dispose of all or any Part of such Lands, Tenements, or Hereditaments, so separated and divided either to the said Company of Proprietors or to any Person or Persons whomsoever, for such Price or Prices in Money or other Equivalent as to such Person or Persons so contracting to sell the same shall seem reasonable, provided nevertheless that no such Sale as shall be made under or by virtue of this Power to any Person or Persons whomsoever (save and except the said Company of Proprietors or their Successors) shall be made without the Consent and Approbation of the Commissioners hereby appointed, or any Five or more of them, to be testified in Writing under their Hands, either at any Meeting of the said Commissioners to be held by virtue of this Act, or otherwise howsoever; and all such Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage or Custom, to the contrary thereof in any wise notwithstanding, and all Persons, Bodies Politic, Corporate or Collegiate, whomsoever, so conveying, 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, and all such



Contracts, Agreements, Sales, Conveyances, and Assurances, as shall be made to the said Company of Proprietors, or their Successors, under or by virtue of any of the Powers or Authorities of this Act, shall be made at the Expence of the said Company of Proprietors, or their Successors, and according to the following Form, or as near thereto as may be; *videlicet* :

I *A. B.* of                      in Consideration of the Sum of                      to me paid by the *Tees* Navigation Company, the Receipt whereof is hereby acknowledged, or in Consideration of the Annual Rent of                      to me to be hereafter yielded and paid by Yearly or Half-yearly Payments (as may be agreed upon) by the *Tees* Navigation Company, for certain Lands and Hereditaments situate in                      conveyed to me by the *Tees* Navigation Company, by Writing under their Hands and Seals, bearing even Date herewith, do hereby grant and release to the said Company and their Successors, all [*describing the Premises to be conveyed*] to hold to the said Company and their Successors and Assigns for ever, by virtue of and according to the true Intent and Meaning of a certain Act of Parliament passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled, [*insert the Title of this Act*] In Witness whereof I have hereto set my Hand and Seal the                      Day of                      in the Year of                      our Lord                      ?

Form of Conveyance to the Company of Proprietors.

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; which said Conveyances, Assignments and Assurances, so made to the said Company of Proprietors as aforesaid, shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time when requested, deliver attested Copies thereof to any Person or Persons requesting the same, and shall have and receive Sixpence for every One Hundred Words of each such attested Copy, and so in Proportion for any less Number of Words; and every such Conveyance as aforesaid which shall be made to any Person or Persons whomsoever, other than and except the said Company of Proprietors or their Successors, shall be according to the following Form :

I *A. B.* of                      do hereby, by virtue and in pursuance of a certain Act of Parliament passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled, [*insert the Title of this Act*], and by and with the Consent and Approbation of Five or more of the Commissioners appointed under or by virtue of the said Act, testified by their Signatures hereto, and in Consideration of the Sum of                      to me in Hand paid by *C. D.*                      at or before the Sealing and Delivery of these Presents, the Receipt whereof I do hereby acknowledge, grant and release to the said *C. D.*                      all [*describe the Premises*] to hold to the said *C. D.*                      his Heirs and Assigns for ever. As Witness my Hand and Seal this                      Day of                      17

Form of Conveyances to other Persons.

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel.

VI. Provided

VI. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, and Sales, of or concerning any Lands, Tenements, or Hereditaments which shall be Copyhold or Customary, or of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the Court of the Manor of which the same are holden or Parcel, according to the Custom of such Manor, and such Lands, Tenements, or 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 made, unless the Lord or Lords, Lady, or Ladies of the Manor for the Time being shall be desirous of enfranchising the same, in which Case such Lord or Lords, Lady or Ladies notwithstanding Coverture and whether sole or married, is and are hereby empowered so to do notwithstanding he, she, or they shall be seized of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but in as much as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would prevent such Lord or Lords, Lady or Ladies from receiving such Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation in like manner as he, she, or they would have done in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities; and in case the said Lord or Lords, Lady or Ladies of the said Manor shall decline to enfranchise the respective Parcels of Copyhold or Customary Land held or Parcel of the said Manor which shall be purchased by or vested in the said Company for the Purposes aforesaid, he or they shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him or them in respect to such Fines, Heriots, and other Services, the Enjoyment of which shall be diminished or lost by the vesting and continuing of such Copyhold or Customary Premises in a Body Corporate, which Recompence and Satisfaction and also the Apportionment or Appportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements of which a Part only shall be taken for any of the Purposes of this Act, if not settled by Agreement between the Parties, shall be ascertained and settled by the Commissioners hereby appointed in such Manner and subject to such Verdict of a Jury if required as is herein-after directed.

Power to  
Company of  
Proprietors to  
sell Lands, &c.  
not wanted.

VII. And whereas, in order to carry into effect the Purposes of this Act and to avoid Disputes with the Owners of Lands, Grounds, or Hereditaments which may be thereby injured or affected, the said Company of Proprietors may purchase Lands, Buildings, or Hereditaments not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of and by Indenture under their common Seal absolutely to grant and convey such Part or Parts of the Lands or Hereditaments which shall be so purchased by and conveyed to the said Company of Proprietors as aforesaid, and as shall not be wanted for the Purposes of this Act, and also to lay out and appropriate any Part of the said Lands and Premises as and for a Way and Ways, Avenue or Avenues, Passage or Passages, and that all such Conveyances from the said Company of Proprietors shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Rents,  
or



or Premises, or any Part or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors 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, Rents, or Premises shall be sold, or for so much thereof respectively as in such Receipts shall be expressed to be received, and such Person or Persons shall not be answerable for any Losses, Misapplication, or Nonapplication of such Purchase or other Money or any Part thereof : Provided always, that the said Company of Proprietors before they shall sell or dispose of such Lands and Hereditaments, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County where such Lands or Hereditaments shall lie, by some Person or Persons no way interested in the said Lands or Hereditaments, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, shall be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

such Lands to be first offered for Sale to the Persons of whom obtained.

VIII. And be it further enacted, That in all Conveyances to be made by the said Company of Proprietors under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Word *Grant* shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or other Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, from the said Company of Proprietors for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances for quiet Enjoyment thereof against the said Company of Proprietors, their Successors and Assigns, and all claiming under them indemnified and saved harmless by the said Company of Proprietors and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises thereby granted to be made by the said Company of Proprietors, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances, or any of them, and that such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators and Assigns respectively, shall and may in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances respectively.

The word Grant, in Conveyances from the Company of Proprietors to amount to certain Covenants.

IX. And be it further enacted, That all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors as the Consideration of any such Sale as aforesaid, shall be paid, applied, and disposed of in such and the like Manner as the Rates and

Application of Purchase Monies received by the Company.

[Loc. & Per.]

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Duties



Duties on Tonnage charged or imposed by this present Act are hereby directed to be paid, applied, and disposed of.

Directing  
Works to be  
made for  
securing the  
Lands of  
Thomas  
Hustler, Esq.  
from Damage  
by the New  
Cut.

X. And be it further enacted, That the said Company of Proprietors and their Successors do and shall, and they are hereby directed and required, at their own Costs and Charges, immediately after the said Cut or Canal shall have been made and the Water admitted through the same, and before the First Day of *October* in the Year in which the said Cut or Canal shall be made, to raise, erect, and make, or cause to be raised, erected, and made in and upon certain Lands commonly called or known by the Name of the *Holmes*, belonging to *Thomas Hustler* of *Acklam*, in the said County of *York*, Esquire, opposite to the East End of the said intended Cut or Canal, such Jetties, Embankments, Dams, Mounds, and other Works, as in the Judgement and Opinion of Two sufficient Engineers, One to be chosen by the said Company of Proprietors or their Successors, and the other by the said *Thomas Hustler*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Lands called the *Holmes*, shall be sufficient for the Purpose of protecting and defending the said Lands called the *Holmes*, from being at any Time overflowed, flooded, penetrated, worn away, or damaged in any Manner whatsoever by the Stream or Current of Water flowing or reflowing through the said intended Cut or Canal; and also all such other Dams and Works as shall effectually prevent the other Lands and Grounds of the said *Thomas Hustler*, now adjoining the River *Tees*, and lying to the South of the said Lands called the *Holmes*, from being overflowed, flooded, worn away, or damaged by the Flux and Reflux of the Tide in the present Channel of the said River, so far as such Damage shall be derivable from the Alteration intended to be made in the Course of the said River; and that the said Company of Proprietors and their Successors do and shall, at their own Costs and Charges from Time to Time as often as Occasion shall require, and more especially after Notice given to the Clerk for the Time being of the said Company by the said *Thomas Hustler*, his Heirs or Assigns, or the Owner or Owners for the Time being of any of his said Lands and Grounds, or his or their Tenant or Tenants, that the said Works made for the Protection and Defence of the said Lands of the said *Thomas Hustler*, or any of them or any Part thereof, have been broken down or damaged, or are in want of Reparation, immediately and without Delay well and effectually restore, repair, amend, uphold, support, and maintain the same Works, so as to make and continue the same adequate for the Protection and Defence of the Lands and Grounds of the said *Thomas Hustler* from every Damage and Injury as herein-before mentioned.

In case the  
Company shall  
neglect to  
make the  
Works, Mr.  
Hustler may  
make them at  
the Expence of  
the Company.

XI. And be it further enacted, That if the said Company of Proprietors shall refuse or neglect well and effectually to restore, repair, amend, uphold, support, and maintain the said Works in Manner afore said, for the Space of One Week next after such Notice given as afore said, then and in such Case it shall be lawful for the said *Thomas Hustler*, his Heirs and Assigns, or such Owner or Owners for the Time being as afore said, to restore, repair, amend, uphold, support, and maintain the said Works, so as to make them adequate for the Protection and Defence of such Lands and Grounds from the Damage and Injury herein-before mentioned; and that the said Company shall pay and reimburse to the said *Thomas Hustler*, his Heirs or Assigns, or such Owner or Owners as afore said,



aforesaid, the Expences by them or any of them incurred in and about the restoring, repairing, amending, upholding, supporting, and maintaining the said Works in Manner aforesaid, on Demand for that Purpose made in Writing, and delivered to the Clerk for the Time being of the said Company.

XII. And be it further enacted, That if the said Company shall neglect or refuse to pay and reimburse to the said *Thomas Hustler*, his Heirs or Assigns, or such Owner or Owners as aforesaid, for the Space of One Calendar Month next after such Demand made and delivered as aforesaid, all such Expences so by him or them incurred as aforesaid, then and in such Case it shall be lawful for the said *Thomas Hustler*, his Heirs or Assigns, or such Owner or Owners as aforesaid, to appoint a Receiver of the Tonnage Rates or Duties arising by virtue of this Act, and to take and receive such Tonnage Rates or Duties for his or their own Use, until he or they shall have received full Satisfaction for the said Expences so by them or any of them incurred as aforesaid, with Interest for the same at and after the Rate of Five *per Cent. per Annum*; or otherwise to raise by Mortgage of the said Tonnage Rates and Duties, (such Mortgage being made by Deed under the Hand and Seal of the said *Thomas Hustler*, his Heirs or Assigns, or such Owner or Owners as aforesaid) a Sum or Sums of Money equal to the Expences so by him or them incurred in or about the Premises, together with the Interest as aforesaid then due for the same; and further, that such Receiver so appointed as aforesaid, or such Mortgagee of the Tonnage Rates or Duties, or his Assigns, shall be entitled to receive the said Tonnage Rates and Duties, until complete Satisfaction of such Expences or Payment of such Sums of Money so raised by Mortgage of the said Tonnage Rates and Duties as aforesaid; and the Powers of the Receiver or Collector, to be appointed by the said Company shall during such Time be suspended.

Power to recover the Damages incurred by Mr. Hustler.

XIII. Provided always, and be it further enacted, That the Right Honourable Lord *Harewood*, Baron of *Harewood* in the County of *York*, his Heirs or Assigns, and his or their Tenant or Tenants, or the Owner or Owners, Occupier or Occupiers of, or other Person or Persons who shall or may be interested in a certain Wind Corn Mill, Granary, Storehouse, and other Buildings and Premises situate, lying, or being at or near a certain Place called *Mandale* in the Parish of *Stainton* aforesaid, and near to or adjoining upon the said River *Tees*, in case such Mill, Granary, Storehouse, and other Buildings and Premises shall, by carrying into Effect any of the Purposes of this Act be injured, damaged, diminished in Value or otherwise affected, and also the said *Thomas Hustler*, or the Person or Persons who for the Time being shall be the Owner or Owners of or entitled to the said Lands or Grounds now of the said *Thomas Hustler* and his or their Tenant and Tenants, and all and every the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, Sole or Aggregate, whose Lands, Tenements, or Hereditaments, shall be used or taken for making the said intended Cut or Canal, Roads, Ways, and other Works and Improvements, hereby directed or authorized to be made, or whose Lands, Tenements, Rights of Fishing, Mills, Forges, or other Hereditaments, shall by carrying into Effect any of the Purposes of this Act be injured, damaged, or affected, and the Occupier

Compensation to be made to Lord Harewood and other Persons whose Property may be injured by making the Cut, &c.



In case the Company and Parties cannot agree, Compensation to be settled by Commissioners.

Yearly Sums to be charged on Rates.

In case the same be not paid within Thirty Days, Commissioners may appoint a Collector, or the same may be recovered by Action or Distress.

cupier or Occupiers thereof, or other Person or Persons, interested therein respectively, shall and may accept and receive Compensation and Satisfaction for the Value of such Lands, Grounds, or other Hereditaments, which shall be used or employed for the Purposes of this Act, and for the Injury, Loss and Damage, which shall or may be sustained by their or any of their Lands and Grounds, Granaries, Storehouses, Free Fisheries, Rights of Fishing, Mills, Forges, or other Works and Hereditaments, by carrying into Effect any of the Purposes of this Act, either in Gross Sums or by Annual Rents, (except in the Case of Spiritual Persons to whom all such Compensations are directed to be made by an Annual Rent in Manner herein-after mentioned) as shall be agreed upon by and between the Owners and Occupiers respectively, or any of them, and the said Company of Proprietors or their Successors; and in case the said Company of Proprietors and the said Parties interested in such Lands and Grounds or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners herein-after appointed, in such Manner and subject to such Verdict of a Jury, if required, as is herein-after directed; and all such Yearly Rents or Sums as shall be agreed on between the said Company of Proprietors and the said Parties interested in such Lands and Grounds, or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Tonnage Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors either Yearly or Half-yearly, as the same shall be agreed to become due and payable; and in case the same shall not be paid within Thirty Days after the same shall so become due and payable, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at any Meeting to be held by virtue of this Act, and they are hereby required by an Order under their Hands to appoint one or more Person or Persons to receive the Tonnage Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such Yearly Rents or Sums shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office as they shall judge proper and sufficient, and every Person so appointed shall be deemed a Collector of the same Rates, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereof a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the same Rates by the said Company of Proprietors, until such Yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be to him, her, or them fully satisfied and paid; or it shall be lawful for such Bodies Politick, Corporate or Collegiate, Trustees, or other Person or Persons to whom such Yearly Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same with Costs of Suit by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Goods or Effects of the said Company of Proprietors which shall be found upon the said Cut or Canal, or the said River *Tees*, or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging (Information of such Distress being immediately given to the said Company of Proprietors by Notice in Writing delivered to their Clerk, or to any Collector of the Tonnage Rates hereby granted, or other known Officers) and to detain the same until Payment of such Yearly Rents



or Sums then due and owing together with reasonable Charges attending such Distress, and if such Distress shall not be redeemed within Ten Days next after making the same, and Notice thereof given in Writing as aforesaid, then such Goods or Effects so distrained shall and may be sold or disposed of in such Manner as the Law directs in case of a Distress for Rent.

XIV. And be it further enacted, That *John Arden, Christopher Anstey Clerk, Rowland Burdon, George Brown, Charles Baillie Clerk, John Bell, Robert Bell, William Braithwaite, John Brewster Clerk, Edward Brown, George Barrington Clerk, Warcop Confett, Robert Chaloner, Robert Crowe, Thomas Crathorne, John Carr, Alderson Hartley Colling, Robert Colling of Hurworth, Robert Colling of Barmpton, Robert Clarke, James O'Callogan, William Chaytor, Lawrence Dundas, Heneage Dundas, William Dent, Richard Dickson, Thomas Davison, Sir John Eden Baronet, Robert Eden, William Eden, Benjamin Evans Clerk, Thomas Ewbank Clerk, David Burton Fowler, Richardson Ferrand, George Stanley Faber Clerk, Thomas Robinson Grey, John Grey, William Grey, Sir Robert D'Arcy Hildyard Baronet, Henry Hildyard Clerk, Thomas Hustler, John Hegg, Thomas Ellerby Hixon, John Hixon, Nathaniel Lewis Hollingsworth, William Ward Jackson, George Meynell, George Markham Clerk, Dean of York, John Douthwaite Nesham, Richard William Christopher Peirfe, Charles Plumtree Clerk, John Peacock, Matthew Russell, John Russell Rowntree, Leonard Raisbeck, George Sutton, William Sleigh, George Sayer Clerk, Marshall Stonehouse, Christopher Smith, Samuel Smith, Gordon Skelly, Sir Charles Turner Baronet, Sir Henry Vane Tempest Baronet, John Trotter, Rowland Webster, Rowland Webster the younger, Robert Wilkinson, Thomas Wilkinson of Newbus Grange, James Walker, William Wilson, John Waldy, John Wharton, Christopher White, and their Successors, to be elected in manner herein-after mentioned, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Matters, Questions, and Differences which shall or may arise between the said Company of Proprietors, and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Mills, Mines, Waters, Hereditaments, or Premises which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted, and for continuing a sufficient Number of Commissioners for putting this Act in Execution; be it further enacted, That when any of the Commissioners hereby appointed or to be elected in Manner herein mentioned shall die or refuse to act, or shall cease to reside in the said County of *Durham* or the North Riding of the County of *York*, the surviving or remaining Commissioners shall and they are hereby empowered from Time to Time, at some Meeting to be held for that Purpose, by Writing under their Hands to elect and appoint another Person in the Place of every Commissioner so dying or refusing to act, or ceasing to reside in the said County of *Durham* or the North Riding of the said County of *York*, and all such Commissioners so to be appointed shall from the Time of their respective Appointments have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named Commissioners in and by this Act.*

Commission-  
ers Names.

Power for  
Commission-  
ers to chuse  
new Com-  
missioners.

XV. And be it further enacted, That in case it shall happen that the surviving or remaining Commissioners shall at any Time neglect or refuse

In their de-  
fault Justices  
at Quarter Ses-

[Loc. & Per.]

10 M

upon



fi  
ons may ap-  
point them,

upon any Vacancy to nominate or appoint a new Commissioner, or that for Want of a proper Number of Commissioners in the Neighbourhood it shall be difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in case the Commissioners nominated in this Act or hereafter to be elected under and by virtue thereof shall be reduced to a less Number than Ten, then and in any of the said Cases it shall be lawful for the said Company from Time to Time to make Complaint thereof to the Justices of the Peace for the said County of *Durham* assembled at any Quarter Sessions of the Peace holden for the said County, who are hereby authorized to receive and hear the said Complaint, and upon due Proof thereof being made to them to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit to be Commissioners for the Purposes of this Act, and the said Commissioners so nominated and appointed shall from thenceforth have the like Powers and Authorities as if they had been named in this Act.

Commissioners  
may act as  
Justices of the  
Peace.

XVI. And be it further enacted, That any of the said Commissioners who shall be Justices of the Peace for the said County of *Durham* and the North Riding of the said County of *York*, or either of them, may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act.

Commissioners  
not to act in  
certain Cases.

XVII. Provided always, and be it further enacted, That no Person shall act as Commissioner in any Case in the Execution of this Act during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor of the said Undertaking or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case when he shall be in anywise interested or concerned in the Matter in Question, nor unless he shall reside in the said County of *Durham* or the North Riding of the said County of *York*, and shall be seized in his own Right or in the Right of his Wife, and not as a Mortgagee at the Time of such his acting, of an Estate of Freehold or Copyhold or Customary, or both in Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred Pounds, or unless he shall be possessed of a Personal Estate or a Real and Personal Estate together, of the clear Value of Three thousand Pounds, nor shall any Person act as a Commissioner in the Execution of this Act (otherwise than giving Notice of the First Meeting of the Commissioners, and administering an Oath or Affirmation in the Words following to the other Commissioners) until he shall have taken such Oath or Affirmation before any One or more of the said Commissioners who is or are hereby authorized and empowered to administer the same; (that is to say),

Oath to be  
taken by  
Commission-  
ers.

‘ I *A.B.* do swear [*or*, being one of the People called *Quakers*, do solemnly affirm] That I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by an Act made in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled, [*insert the Title of this Act*]

‘ So help me God.’

And



And no Person shall act as a Commissioner at any Meeting of Commissioners (except at the First Meeting to be held by virtue of this Act, and at any Adjournment thereof to be held within One Calendar Month of such First Meeting) unless he shall have taken the said Oath at some other Meeting One Calendar Month at least previously to the Time of his claiming to act as a Commissioner; and if any Person not being qualified as herein-before is mentioned or hereby made incapable to act as a Commissioner shall nevertheless presume to act as such in the Execution of the Powers hereby given or any of them, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to the said Company of Proprietors, to be recovered with full Costs of Suit by Action of Debt in any of His Majesty's Courts of Record at *Westminster* or in the Court of Pleas at *Durham*, in which Action no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparance shall be allowed; and such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence being required on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of the Powers granted by this Act: Provided always, that all Awards, Orders, and other Acts and Proceedings of any Person as a Commissioner in the Execution of this Act, previously to his being convicted of the said Offence, shall be valid and effectual, as if such Person had taken the Oath herein-before prescribed and had been otherwise duly qualified according to the Directions of this Act.

Penalty for Commissioners acting without being properly qualified.

Acts of such Commissioners valid nevertheless.

XVIII. And be it further enacted, That upon Application to be made in Writing by and on the Behalf of the said Company of Proprietors, or of any Owner or Occupier of any Lands, Tenements, or Hereditaments to be affected by the said Canal, Roads, or other Works, or by the Execution of any of the Powers granted by this Act unto any Three or more Persons qualified to act as Commissioners for the Purposes of this Act, requesting them to appoint a general Meeting of the said Commissioners, the Commissioners so applied to shall and they are hereby required within Seven Days after such Request to give Notice of a General Meeting to be held at such Time and Place as shall be expressed in such Notice, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request shall be made; and the said Commissioners shall and they are hereby required at such their First Meeting to appoint out of Three Persons to be nominated by the said Company of Proprietors such One of them as the said Commissioners shall think proper to be their Clerk, and the said Commissioners may if they shall think proper from Time to Time at any of their subsequent Meetings, remove any such Clerk and appoint another in his Stead out of Three Persons to be nominated by the said Company of Proprietors; and every such Clerk shall be paid for his Time, Care, and Trouble in the Execution of his Office by the said Company of Proprietors; and all the Orders and Proceedings of the said Commissioners, as well at their said First Meeting as at any other subsequent Meeting, shall be regularly entered by their Clerk in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company of Proprietors; and such Entries being signed by such Number of Commissioners respectively as are empowered by this Act to make such Orders or carry on such Proceedings, or by their Clerk by the Orders and

First Meeting of Commissioners.

Clerk to Commissioners to be elected.

Proceedings to be entered in a Book.

Book to be Evidence.

Directions



Fourteen  
Days Notice to  
be given of  
adjourned  
Meetings.  
No Order valid  
except made at  
a public  
Meeting.

Directions of such Number of Commissioners as aforesaid who shall be assembled at any such Meeting or Meetings shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity, but no such first or other Meeting whatsoever of the said Commissioners, except such adjourned Meetings as herein-after mentioned, shall be had at any Time for putting into Execution any of the Powers or Authorities vested in the said Commissioners by this Act, unless Fourteen Days previous Notice at least of every such intended Meeting shall be given in Two or more Newspapers usually circulating in the Counties of *York* and *Durham*, or either of them; and every Meeting of the said Commissioners by virtue of this Act shall be publick, and no Order, Direction, or Determination of the said Commissioners or any of them touching any of the Matters and Things herein contained (except in such Cases as are hereby otherwise directed) shall be valid and effectual, unless the same shall be made or done at a Meeting to be held in pursuance of this Act, and that all the Powers and Authorities by this Act given to or vested in the said Commissioners (excepting such as may be executed without their being assembled at any Meeting or Meetings) shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at any such Meeting not being less than Five, and that at every such Meeting One of the said Commissioners present shall be appointed Chairman, who in case of an equal Division of Voices shall have the casting Vote.

Meeting to be  
called on Ap-  
plication of  
the Company  
or the Pro-  
prietors of  
Lands.

XIX. And be it further enacted, That from Time to Time upon any Application to be made in Writing by or on the Behalf of the said Company of Proprietors, or by any Owner or Occupier of any Lands or Hereditaments to be affected by the making of the said Canal or Works, or by carrying into Effect any of the Purposes of this Act, to the Clerk of the said Commissioners, requesting him to appoint a special Meeting of the said Commissioners, the said Clerk shall and he is hereby authorized and required within Fourteen Days next after such Request or Application made to give Publick Notice in manner aforesaid of such Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request or Application shall be made to him as aforesaid, and the said Commissioners are hereby empowered and required notwithstanding any previous or intervening Adjournment of their Meetings to assemble at the Time and Place so to be appointed in order to put into Execution the Powers and Authorities hereby given to and vested in them, respecting any Matter for which such special Meeting shall be required, and in case the Business to be transacted at any general or special Meeting of the said Commissioners to be held in pursuance of this Act shall not be finished on or within the Day appointed for such Meeting, or if a sufficient Number of Commissioners shall not attend for that Purpose, then and in such Case any One or more of the Commissioners who may be then present shall adjourn such Meeting to such Time and Place or Times and Places as such One Commissioner or the major Part of such Commissioners if there shall be more than One present at any such Meeting or Meetings shall think proper and convenient, but no such Adjournment shall be made for a longer Time than Two Calendar Months, and if it shall happen that there shall not appear at any Meeting to be held under the Powers of this Act any Commissioner

Power to  
adjourn Meet-  
ing.



or Commissioners to adjourn, or if they shall omit to make an Adjournment, then and in such Case and as often as the same shall happen the Clerk to the said Commissioners shall and may by public Notice to be given in Manner aforesaid appoint the Commissioners to meet at the House or Place where the last Meeting of the said Commissioners was appointed to be held or was holden, within Twenty-one Days next after the Day on which such former Meeting was to have been held or was holden, or any Three or more of the said Commissioners may at any Time or Times revive or continue the Meetings of the said Commissioners by calling another Meeting to be holden at such Time or Times as any such Three Commissioners shall appoint, and at any Place within Fifteen Miles of the said Cut or Canal or other Works, public Notice being given in manner aforesaid by the same Commissioners of all such Revivals and Continuations of the said Meetings; provided always, that every special Meeting of the said Commissioners to be held upon such Request or Application as aforesaid for hearing or determining any particular Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors and any other Person or Persons shall be held at some Place within Two Miles of the Place where such Complaint or Dispute shall arise.

XX. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and required at any of their Meetings to examine Witnesses on Oath to be administered by them, touching every Matter which may in pursuance of this Act be submitted to the Consideration of the said Commissioners, and they are hereby empowered by Writing under their Hands and Seals to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of Proprietors (either in Gross or by Annual Rent or Payment) for the absolute Purchase of or as a Recompence for the Use of the Lands, Grounds, or Hereditaments which shall be set out and ascertained as aforesaid for making the said Cut or Canal or any Part thereof and for other the Purposes herein mentioned, and also to adjust and determine the Compensation to be made by the said Company of Proprietors for any Damages which may or shall be at any Time or Times hereafter sustained by any Bodies Politic, Corporate or Collegiate, or by any Person or Persons respectively being Owners of or interested in any Lands, Grounds, Tenements, Mills, Mines, or other Hereditaments for or by reason of the severing or dividing the same, or by reason of the making, using, repairing, or maintaining the said Cut or Canal and the Roads, Ways, Passages, or other Works or Conveniences about the same, or by the flowing, leaking, or oozing of Water over or through the Banks of the said Cut or Canal or by diverting the said River into the same, or by the Reason or Means of the Execution of any of the Powers herein contained.

Commissioners  
to have  
Power to ex-  
amine Wit-  
nesses on Oath,  
and to adjust  
Purchase  
Monies,  
Compensation,  
&c.

XXI. Provided always, and be it further enacted, That if the said Company of Proprietors or their Committee for the Time being, or any such Body Politic, Corporate or Collegiate, or any Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, shall be dissatisfied with any such Judgment or Determination, and shall give Notice thereof in Writing to the Clerk to the said Commissioners within Twenty-one Days next after the same shall have been made, or shall refuse or neglect

Jury to be  
summoned in  
certain cases.

[Loc. & Per.]

to N

lect



left to submit any such Matter to the Determination of the said Commissioners, or if any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons shall refuse to receive upon due Tender thereof made such Purchase Money or the first Payment of such Annual Rent or such Recompence as shall be so determined to be paid, or shall upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of or affected by virtue of this Act, for the Space of Twenty-one Days after such Notice, Neglect, or Refusal to treat or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from or shall be incapable of treating as aforesaid, or shall not within the before mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of and to the Interest which they claim therein, then and in every such Case the said Commissioners shall and they are hereby empowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the County in which the Matter in Question shall arise; and in case any such Sheriff of the County in which the Matter in Question shall arise or his Under Sheriff shall be One of the said Company of Proprietors or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in Question, then to any One of the Coroners of such County who shall not be so interested as aforesaid; and in case all the said Coroners of such County shall be so interested, then to the last Person who filled the Office of Sheriff of such County and who shall not be interested as aforesaid, commanding such Sheriff, Coroner, or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for Trials or Issues in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Eight nor more than Fourteen Days after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by or 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 every such Jury or Jurymen shall be liable and subject to the same Regulations and to the same Pains and Penalties for Default as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby empowered and required by a Summons or Notice to be signed by any Three or more of the said Commissioners, either previous to or at the Time of any such Meeting or Meetings, to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question, and to hear and examine such Witness or Witnesses upon Oath, and the said Commissioners may order and authorize the said Jury or any Six or more of them to view the Place or Places, or Matter or Matters

Manner of  
summoning,  
&c.

Power of  
Commissioners  
to summon  
Witness.



ters in Question; which Jury upon their Oaths (which Oaths as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer) shall enquire of, assess, and ascertain the Sum of Money or Annual Rent to be paid for the Purchase or Use of such Lands or other Hereditaments or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same, and the said Commissioners shall give Judgment for such Purchase Monies, Rent, or Recompence so to be assessed by such Jury; which said Verdict and the Judgment thereupon pronounced as aforesaid shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate and Collegiate, and all other Persons, and shall not be removed by *Certiorari* or other Process into any of His Majesty's Courts of Record at *Westminster* or any other Court, any Law or Statute to the contrary notwithstanding.

Jury to assess  
Purchase  
Monies,  
Damage, &c.

Verdict to be  
final.

XXII. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit any Sum not exceeding Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined or to give Evidence, every Person so offending having no reasonable Excuse to be allowed by the said Commissioners shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hands and Seals of the said Commissioners by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus after such Penalty and the Charges of Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid shall go and be paid to the Person or Persons who shall appear to the said Commissioners to be injured by the Default of such Person, and all other Penalties as aforesaid shall be applied in such Manner as the said Commissioners shall direct and appoint.

Penalties on  
Sheriffs and  
Persons mak-  
ing Default.

XXIII. And be it further enacted, That all and every Person and Persons who in any Examination to be taken by virtue of this Act shall wilfully give false Evidence before the said Commissioners, or 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 liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Persons giving  
false Evidence  
may be prose-  
cuted for  
Perjury.

XXIV. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses is, are, or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly as herein-before directed, the said Commissioners shall and they are hereby required according to their Discretion to give and award to each of the said Jurors and Witnesses in every such Case such several and respective Sum and Sums of

Recompence  
to Jury and  
Witnesses.



By whom to be  
paid.

of Money as shall be a reasonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Case where a Verdict shall be given for more Money or for a greater Annual Rent as a Recompence or Satisfaction for the absolute Sale of any Lands or Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property than had been previously offered by or on Behalf of the said Company of Proprietors before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid, or where any Verdict shall be found for any Damages where the Dispute is for Damages only and where no Compensation had been previously offered or tendered in respect thereof by or on Behalf of the said Company of Proprietors, or where by Reason of Absence or other Impediment or Disability, there shall not be found any Person or Persons at hand who may be legally by virtue of the Powers of this Act or otherwise capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Company of Proprietors as herein-before mentioned, then and in all such Cases all the Expences of calling such Commissioners, summoning such Jury, and taking such Verdict, shall be settled by the said Commissioners and be defrayed by the said Company of Proprietors, but if any Verdict shall be given for the same Sum or Rent that had been previously offered by or on Behalf of the Company of Proprietors, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with or make Conveyances to or receive Compensation from the said Company of Proprietors, by any Bodies Politic, Corporate or Collegiate, or by any Person or Persons whomsoever who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey or receive such Compensations as aforesaid, then and in all such Cases (except when by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Verdict shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have had such Concerns, Controversies, or Disputes, which said Costs and Expences having been so settled shall and may be deducted out of the Monies so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, in case such Costs and Expences shall not exceed the Amount of the Sum or Sums so assessed and adjudged; but if it shall happen to exceed the same, then the Balance may be recovered by the said Company of Proprietors against the Person or Persons with whom they shall have had such Concern, Controversy, or Dispute by an Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas at *Durham*.

Persons re-  
questing a  
Jury to enter  
into a Bond.

XXV. And be it further enacted, That all and every Person or Persons making Complaint and requesting a Jury to be summoned shall before



the said Commissioners shall issue out their Warrant for that Purpose, enter into a Bond with Two sufficient Sureties to the Treasurer to the said Company of Proprietors in a Penalty of One hundred Pounds with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict in case the same shall be given for no greater or for a less Sum or Rent than had been offered by or on Behalf of the said Company of Proprietors, or than had been assessed by the Commissioners before the summoning and returning the said Jury or Juries for the Purchase of or as a Recompence for any Lands or Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages where the whole Dispute was whether any Damage was or was not done as aforesaid.

XXVI. And be it further enacted, That the said Commissioners shall not nor shall any of them be obliged or allowed 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 Application shall have been made in relation thereto by or on Behalf of such Person or Persons to the said Company of Proprietors, or to their Treasurer or Clerk, or to their known Agent or Agents Fourteen Days at the least before such Complaint shall be made to the said Commissioners, and within the Space of Three Calendar Months next after the Time that such supposed Injury or Damages shall have been sustained, or the doing or committing thereof shall have ceased.

Complaint to be made within a certain Time.

XXVII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes both Great and Small of the Lands which shall or may be taken or made use of by the said Company for the Purposes and in pursuance of the Powers of this Act; to the respective Persons entitled or who would have been entitled to such Tythes in case such Lands had not been so taken or made use of according to their respective Interest therein, such Tythes to be estimated at the average Value of Four Years, commencing at Michaelmas One thousand eight hundred and four, such average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained; provided always, that the Recompence and Satisfaction to be given by virtue of this Act for all the Glebe Lands and Tythes belonging to spiritual Persons shall be made to such Persons by an Annual Rent.

Compensation to be made for Tythes.

XXVIII. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgements, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Value of Land and Consideration for Damages to be awarded separately.

[Loc. & Per.]

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XXIX. And



Power for the  
Company to  
enter on Lands  
and on Tender,  
&c. of Pur-  
chase Money.

XXIX. And in order that the said Company of Proprietors may not be impeded in the Prosecution of their said Undertaking, by Means of any such Proceeding before the said Commissioners or Jury, be it further enacted, That either upon Payment, or legal Tender of such Sum or Sums of Money, or giving such Security as the said Commissioners shall approve for Payment of any such Annual Rent as shall have been contracted or agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Tythes, or other Hereditaments, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned to the Proprietor or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon the said Company's previously giving such Security as the said Commissioners shall approve for the future Payment of such Sum of Money, or for duly securing such Annual Rent, when the Amount thereof shall be fixed by the said Commissioners or Jury as aforesaid; or if the Person or Persons interested in the said Lands or Hereditaments shall not be able to make a good Title thereto, to the Satisfaction of the said Company, or shall refuse to receive the Sum or Sums awarded to him, her, or them by the said Commissioners or Jury, or to execute a Conveyance, or in case such Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in any of these Cases upon Payment of the said Sum or Sums of Money into the Bank of *England*, or upon the said Company's giving previously such Security as the said Commissioners shall approve for the future Payment of such Money as shall be fixed by the said Commissioners or Jury as aforesaid, then and in all or any of the said Cases as often as the same shall happen, it shall be lawful for the said Company of Proprietors and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively (or before such Payment or Tender, or Security given by Leave of the Owners and Occupiers thereof) and then and thereupon such Lands, Tenements, and other Hereditaments, together with the Yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors and their Successors to and for the Purposes of this Act for ever; and such Tender, Payment, Investment, or Deposit, or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and 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, or their Issue, and of every other Person whomsoever therein; provided nevertheless, that before such Payment, Tender, Investment, Deposit, or Security as aforesaid, it shall not be lawful for the said Company of Proprietors or any Person acting under their Authority to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purposes of making the said Canal, Roads, Ways, or Works, without the Consent of such Person or Persons respectively.

XXX. And



XXX. And be it further enacted, That all the Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Judgments and Verdicts shall be transmitted to and be kept by the respective Clerks of the Peace or other Persons having the Custody of the Records of the Quarter Sessions for such County or Riding respectively wherein the Matter in Question shall happen, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling; and to have Copies thereof, paying for every Copy the Sum of Sixpence for every Hundred Words, and so in proportion for any less Number of Words.

Determina-  
tion of Com-  
missioners and  
Judgment,  
Verdicts, &c.  
to be trans-  
mitted to and  
kept with the  
Clerk of the  
Peace.

XXXI. And be it further enacted, That all Sums of Money which shall be agreed or awarded, assessed or adjudged to be paid to any Bodies Politic, Corporate or Collegiate, or to any Feoffees in Trust, Husbards, Guardians, Committees, or other Trustees, or Persons acting as Guardians, Committees, or Trustees for or on Behalf of any Infants, Lunatics, Idiots, Females Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, or to any Person under any other Disability for the Purchase or Recompence of or the Damage to be done to any Lands, Tenements, or Hereditaments by virtue of the Powers herein contained, shall be paid and applied in Manner following (that is to say) in case the same shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Tees* Navigation Company, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing this Act shall by Writing under their Hands direct or appoint, although they may not be assembled at any Meeting to be held by virtue of this Act, to the Intent that such Money shall be paid 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 would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments) in the Purchase or Redemption of the Land Tax or Discharge of any Debt or Debts, or such other Incumbrance or Part 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 to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the Direction and Approbation of the said Court in the Purchase of other Messuages, Lands, Grounds, 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 Premises which shall be so purchased, taken, used, or damaged as aforesaid stood limited or settled, or such of them as at the Time of making such Conveyances and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by the Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, or Three Pounds

Application of  
Monies  
awarded to  
Bodies Politic,  
etc.



Pounds *per Centum* Reduced Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Proceeds 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 said Lands, Tenements, or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made; but in case any Monies so agreed, awarded, assessed, or adjudged to be paid for or in respect of any Lands, Tenements, or Hereditaments belonging to any Corporation or to any such other Person or Persons as last herein-before mentioned, and which Monies would by virtue of this Act in case the same amounted to Two hundred Pounds or upwards be payable into the Bank of *England*, as aforesaid, shall be less than the Sum of Two hundred Pounds and shall be equal 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 in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signed in Writing under their respective Hands, be paid into the Bank in the Name and with the Privy of the said Accountant General of the High Court of Chancery and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option and approved of by Three or more of the said Commissioners for executing this Act, though they may not be assembled at any Meeting of the said Commissioners (such Nomination and Approbation to be signed in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein before directed so far as the Case shall be applicable without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery; but in case such Money so agreed, awarded, assessed, or adjudged to be paid as last herein-before mentioned, shall not be equal to or exceed the Sum of 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, in respect whereof the same shall be paid, in such Manner as the said Commissioners or any Five or more of them whether assembled at a general Meeting or not shall think fit, or to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Commissioners, or any Five of them as aforesaid, shall direct the same to be paid shall be sufficient Discharges for the same.

Purchase  
Money to be  
paid into the  
Bank of  
England in  
certain Cases.

XXXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded, assessed, or adjudged for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of 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 Company of Proprietors, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded, assessed, or adjudged 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 for the said Company of Proprietors, 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 Chancery 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 Chancery, which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part or Parts thereof by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise as to the same 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 thereunto, and to make such 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 Sum or Sums of Money into the Bank as aforesaid.

XXXIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons 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 Chancery in pursuance of this Act, for the Purchase of or as a Recompence for any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased or taken, in pursuance of this Act, or as a Recompence or Satisfaction for any Damages to be done by virtue of the Powers herein contained, 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, in respect whereof such Money shall have been so paid at the Time of passing this Act; 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 Chancery; and the Dividends or Interest 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.

Person in Possession to be deemed well entitled unless the contrary be shewn.

XXXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation

[*Loc. & Per.*]

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entitled

Expences of Purchases to be paid by the Company of Proprietors.



entitled to any such Lands, Tenements, or Hereditaments, the Purchase Money whereof shall be required to be paid into the Court of Chancery 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 of Chancery 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 to the said Court shall seem reasonable, to be paid by the said Company of Proprietors out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Provision as to  
Recompence  
for Damages  
or Injury not  
before provi-  
ded for.

XXXV. And be it further enacted, That if any Person or Persons, Bodies Politick, Corporate or Collegiate, at any Time after the said Company of Proprietors or any Person or Persons employed or authorized by them shall have begun to carry this Act into Execution shall happen to sustain any Damage or Injury in his, her, or their Lands, Tenements, or Hereditaments whatsoever by any Act, Neglect, or Default of the said Company of Proprietors or their Agents, Workmen, or Servants, or by reason of any Alteration which shall be made by them or any of them in the Works to be done by virtue of this Act, for which such Person or Persons, Bodies Politick, Corporate or Collegiate, shall have had no Recompence or Satisfaction, or for which no Recompence or Satisfaction is hereby otherwise provided, then and in every such Case if the said Company of Proprietors or their Successors, or their Agent or Agents, and the Party or Parties by whom such Damages shall be sustained shall not agree touching such Damages, the said Company of Proprietors or their Agent or Agents and also every such Person or Persons, Bodies Politick, Corporate or Collegiate who shall sustain such Damages or Injury shall and may and they are hereby authorized and empowered to enquire of and ascertain such Damages by a Jury to be impannelled and returned in Manner aforesaid, and who shall give Judgment for the Party or Parties aggrieved and record the same respectively, in the same Manner and Form as the Damages and Recompence are hereby appointed to be assessed and adjudged for any Lands, Tenements, and Hereditaments which shall any ways be made use of, cut, or damaged in the Execution of any of the Powers of this Act, and in case the said Company of Proprietors or their Agent or Agents shall not, being thereunto required, satisfy and recompence such Damages or Injury as shall be so assessed and settled as aforesaid within Twenty-one Days after such Request made as aforesaid, it shall be lawful for the Person or Persons aggrieved to appoint One or more Person or Persons to receive the Rates and Duties on Tonnage to arise by virtue of this Act and thereout to pay all such Damages so to be assessed and settled as aforesaid, and the Money to be received by such Receiver or Receivers shall and is hereby declared to be as so much Money received to the Use of such Person or Persons receiving Damage or Injury as aforesaid in Order and Course successively as such Determination shall be in priority of Time, and after such Damages so settled and assessed as aforesaid shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes last mentioned shall cease and determine, any Thing herein contained to the contrary notwithstanding.

XXXVI. And



XXXVI. And be it further enacted, That every Tenant at Will or Lessee for a Year or any other Person or Persons in Possession of any Lands, Tenements, and Hereditaments or any Part thereof which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors or to such Person or Persons as they shall appoint to take Possession of the same upon having Two Calendar Months Notice to quit such Possession from the said Company or from the Person or Persons so authorized by them; and such Person or Persons in Possession shall at the End of the said Two Calendar Months, whether such Notice be given with Reference to the Time or Times of such Tenants holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company or the Person or Persons authorized by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Tenants at Will or for Years to quit Lands, etc. after Notice.

XXXVII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments 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 by the said Company or by such Person or Persons as they shall appoint immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company or to such Person or Persons as they shall appoint, or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company or from such Person or Persons as they shall appoint, 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 said Company or to such Person or Persons as shall be appointed in Trust for them, 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 Company of Proprietors shall not be liable to pay to the Mortgagee or Mortgagees more than such real Value of such Premises so ascertained as aforesaid; provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign

Mortgagee to convey after Tender.

as



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 herein-before directed in Cases of other Payments into the Bank, 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 him, her, or them shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever.

Commissioners  
to apportion  
Purchase  
Monies and  
Compensation  
for Damages.

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

Capital to be  
raised.

Application  
thereof.

XXXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves in such Proportions as they shall think proper a Sum of Money not exceeding in the Whole the Sum of Seven thousand Pounds, (except as hereinafter mentioned) which said Sum of Money shall be laid out and applied in the first Place in discharging the Expences of obtaining and passing this Act and of the Surveys, Plans, and Estimates, and other incidental Expences relating thereto, and then for and towards the making, completing, and maintaining the said Cut or Canal, and improving such Part or Parts of the Navigation of the said River *Tees* as herein-before mentioned, and otherwise for putting this Act in Execution, and that the said Sum of Seven thousand Pounds shall be divided into Shares of Fifty Pounds each, and that no Body Politic, Corporate or Collegiate, or Persons subscribing thereto or becoming a Proprietor in the said Undertaking do become a Proprietor of less than One Share, or in any Event more than Seven Shares, either in his or her own Name or in the Name or Names of any other Person or Persons in Trust for him or her (unless the same shall come to him, her, or them, by Will, Bequest, Descent, Right of Administration, Distribution, Settlement, or Marriage) upon pain of forfeiting to the said Company of Proprietors all such Shares exceeding Seven Shares, and that the said Shares shall be and are hereby vested in the several Persons and Bodies Politic, Corporate and Collegiate, so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns to their and every of their proper Use and Benefit proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for one or more Share or Shares, shall be entitled to and receive after the said Cut or Canal and other Works immediately connected therewith shall be completed after the Rate of Ten *per Centum per Annum* upon the Capital or Sums actually advanced and paid by them respectively for the Purposes

Number of  
Shares to be  
held by One  
Person.



poses of this Act to be computed from the Time or Times of advancing and paying the same, and to be paid yearly by and out of the Profits and Advantages that shall and may arise and accrue by the Tonnage, Rates, and other Sums of Money, to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act, and every Body Politic, Corporate, and Collegiate, and Persons having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in Manner herein directed and appointed.

XL. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate and Collegiate, and all other Person or Persons of and in the said Undertaking or the Joint Stock or Fund of the said Company of Proprietors shall be deemed Personal Estate and transmissible as such, and not of the Nature of Real Property.

Shares to be  
Personal  
Estates,

XLI. And be it further enacted, That every Body Politic, Corporate and Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for one or more Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for every such Share, but not exceeding Three Votes in the whole, (although possessed of more than Three Shares) in the stated and special general Assemblies to be held as herein appointed for carrying on the Undertaking, which Vote or Votes shall and may be given by them, him, or her in Person only, and not by any Proxies or Proxy appointed by them, him, or her, and every Question, Matter or Thing which shall be proposed, discussed, or considered in any stated or special general Assembly of the said Company of Proprietors shall be determined by the Majority of Votes then present, computing One Vote to every Share, provided nevertheless, that no Person shall vote for more than Three Shares as aforesaid; and at every stated or special general Assembly of the Company of Proprietors, One of the Proprietors present shall be appointed Chairman, and shall not only vote as a Proprietor, but in case of an Equality of Votes shall have the decisive or casting Vote.

Right of vot-  
ing at Meeting  
of Proprietors.

Chairman to  
be appointed.

XLII. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, compleating, and maintaining of the said Cut or Canal and other the Works and Improvements hereby authorized to be made and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves in Manner and Form aforesaid and in such Shares and Proportion as to them shall seem meet, or to raise by the Admission of new Subscribers, any further or other Sum of Money for compleating and perfecting the said Undertaking, not exceeding the Sum of Five thousand Pounds, and every Body Politic, Corporate or Collegiate, or other Person being a Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and shall have a like Vote by themselves, himself, or herself in respect of his, her, or their Share or Shares, and shall also be liable to such Forfeitures and

Power to raise  
additional  
Shares.

[Loc. & Per.]

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stand,



Power to raise  
Money on  
Mortgage.

stand interested in all the Profits of the said Undertaking in proportion to his, her, or their Share or Shares, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Seven thousand Pounds: Provided always, that in case the said Company of Proprietors or the Committee to be appointed by virtue of this Act shall be desirous of raising the said Sum of Five thousand Pounds or any Part thereof by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors or their Committee to borrow and take up at Interest all or any Part of the said Sum of Five thousand Pounds on the Credit of the said Undertaking, and to assign the Property of the same Undertaking, and the Tonnage Rates arising or to arise to the said Company of Proprietors by virtue of this Act or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates) as a Security for any Sum or Sums of Money so to be borrowed with Interest to such Person or Persons, or to his, her, or their Trustee or Trustees who shall advance the same, all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, in the Form and Effect following; (that is to say),

Form of  
Assignment.

BY virtue of an Act made in the Forty-eighth Year of the Reign of King George the Third, intituled, [*insert the Title of this Act*] We, the Tees Navigation Company incorporated by and under the said Act, in Consideration of the Sum of \_\_\_\_\_ to us in Hand paid by A. B. of \_\_\_\_\_ do hereby bargain, sell, and assign unto the said A. B. \_\_\_\_\_ Executors, Administrators, and Assigns, the said Cut or Canal and all the Works thereto belonging, and all and singular the Tonnage Rates arising and payable to us by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said A. B. his Executors, Administrators, and Assigns, until the said Sum of \_\_\_\_\_ with Interest for the same after the Rate of \_\_\_\_\_ per Centum per Annum shall be fully paid and satisfied. Given under our Common Seal this \_\_\_\_\_ Day of \_\_\_\_\_

Memorial to  
be registered

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Rates and Premises according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of the Priority of any such Assignment; and a Memorial of every such Assignment containing the Date, Name or Names, Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed and Rate of Interest, shall within Thirty Days from the Date of every such Assignment to be entered in One or more Book or Books to be kept by the Clerk to the said Company of Proprietors, which Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking and any other Persons interested therein without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be either by any Transfer thereof or otherwise entitled to the Money due thereon, and his, her, or their respective Executors, Administrators or Assigns shall and may from Time to Time, as often as Occasion shall require, transfer his, her, or their Right or Interest therein to any Person or Persons by

Assignments to  
be transfer-  
able.



by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following; (that is to say);

‘ I *A. B.* of                      in Consideration of the Sum of  
 ‘     paid by *C. D.* of                      do hereby transfer a certain Mort-  
 ‘ gage made by the *Tees* Navigation Company to                      bearing  
 ‘ Date the                      Day of                      for securing the Sum of  
 ‘                      and all Interest now due and to become due thereon, and  
 ‘ all my Right and Property therein, to the said *C. D.*                      Executors,  
 ‘ Administrators, and Assigns. Dated this                      Day of

Form of  
Transfer.

And every such Transfer shall within Thirty Days after the Date thereof be produced by the Clerk to the said Company of Proprietors who shall cause a Memorial to be made thereof in like Manner as if the original Mortgage or Assignment, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint not exceeding Two Shillings and Sixpence; and every such Mortgage or Security may be again assigned and transferred and so from Time to Time as often as Occasion shall require; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns to the full Benefit of the original Mortgage, and it shall not be in the Power of any other than the Person or Persons to whom the same shall be last assigned as aforesaid, his, her, or their respective Executors or Administrators to make void, release, or discharge the original Mortgage or any Money thereby secured or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be provided for and paid Half Yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors or to any of them.

Transfer to be  
registered.

Interest to be  
paid Half  
Yearly.

XLIII. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons to lending or advancing such Sum or Sums of Money) unless Six Calendar Months previous Notice under the Common Seal of the said Company of Proprietors shall have been given to the Person or Persons lending or advancing such Sum or Sums of Money, or left at his, her, or their last or usual Place or Places of Abode of such their Intention to pay off and discharge the same.

Mortgage not  
to be paid off  
without  
Notice.

XLIV. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage shall be required to be paid off and discharged unless Three Calendar Months previous Notice under the Hand or Hands of the Person or Persons for the Time being entitled to such Sum or Sums of Money shall have been given to the said Company of Proprietors or to their Treasurer or Clerk or known Agent or Agents, or left at the usual Place or Places of Abode of such Treasurer or Clerk or known Agent or Agents, of the Intention of such Person or Persons to require the Repayment of such Sum or Sums of Money.

Nor called in  
without No-  
tice.

XLV. Provided always, That if the said Company of Proprietors shall think it most expedient to borrow the said Sum of Five thousand  
 6                      Pounds

Power to raise  
Money on  
Optional  
Notes.



Pounds or any Part or Parts thereof by Promissory Notes under the Common Seal of the said Company it shall and may be lawful for them so to do, and that such Notes shall be made payable in such Manner and at such Time or Times and with such legal or less Rate of Interest as the said Company shall think proper, and either with or without Power or the Holders of such Notes to have such Option of being admitted to hold a Share or Shares in lieu of the Principal Money thereby to be secured, or so much or such Part or Parts thereof as the said Company of Proprietors or their general Committee for the Time being and the Person or Persons advancing such Money on the Security of the said Notes shall jointly agree upon, so nevertheless, that no Person be in any Case admitted to hold a Share in lieu of a less principal Sum of Money than Fifty Pounds advanced on the Security of such Notes, the Particulars of such Options being at all Times expressed in the said Notes.

Rates to be a  
Security for  
the Money  
borrowed on  
Optional  
Notes.

XLVI. Provided also, and it is hereby further enacted, That all and singular the Rates and Duties on Tonnage authorized to be taken by virtue of this Act shall be a Security for any Sum or Sums of Money so to be borrowed upon Promissory Note or Notes as aforesaid, with Interest to the Person or Persons who shall from Time to Time be entitled to such Securities, and the principal Money and Interest thereby secured, and all Persons to whom any such Securities as aforesaid shall be given shall be equally entitled to a Claim or Lien to or upon a Proportion of the said Rates or Duties on Tonnage according to the respective Sums mentioned thereby to be secured and advanced as if the same were advanced upon Mortgages or Assignments of the same Rates in pursuance or by virtue of this Act, and without any Preference by reason of the Priority of Date of any such Securities or on any other Account whatsoever.

Persons lending  
Money not  
to be deemed  
Proprietors.

XLVII. Provided always, and be it enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as herein-before mentioned, or who shall be entitled to any Claim or Lien to or upon a Proportion of the Rates and Duties on Tonnage to be raised by virtue of this Act for securing any Sum or Sums of Money which he, she, or they shall have advanced or lent to the said Company of Proprietors upon Promissory Note or Notes under the Seal of the said Company by virtue of the Power for that Purpose herein-before contained, or the Executors, Administrators, or Assigns of such Person or Persons shall be deemed or considered a Proprietor or Proprietors of any Share or Shares or be capable of acting or voting by virtue of such Mortgage, Assignment, or Lien at any Assembly or Meeting of the said Company of Proprietors, for or on Account of such Person or Persons having advanced any Money on the Credit of such Assignment or for or on Account of any such Lien or Claim as aforesaid.

First General  
Meeting of  
Proprietors.

XLVIII. And be it further enacted, That the first general Assembly of the said Company of Proprietors, for putting this Act in Execution, shall be held at the Town House in *Stockton*, aforesaid, within One Calendar Month next after the passing of this Act, and all future general Assemblies of the said Company, except such special general Assemblies as herein-after mentioned, shall be held on the First *Tuesday* in the Month of *May* in every Year, at the Hour of Eleven in the Forenoon, at such Place or Places as the said Company of Proprietors at their preceding



ing general Assemblies shall from Time to Time direct and appoint, of which general Assemblies Ten Days previous Notice at the least shall be given by public Advertisement in some Two or more Newspapers usually circulating in the County of *Durham* or the North Riding of the County of *York*, or in such other Manner as the said Company of Proprietors at their respective general Assemblies shall direct; and the said Company of Proprietors, at their respective general Assemblies, shall choose and elect out of the said Proprietors a Committee to manage the Affairs of the said Company of Proprietors as herein directed, the said Committee to consist of Nine or more Persons; and the said Company of Proprietors shall have Power and Authority at any such general Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of such Committee, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions which may have been prescribed and laid down by virtue of this Act with regard to their Proceedings amongst themselves as they shall think proper (the Method of calling general or special Assemblies and their Time and Place of Meeting and voting and appointing Commissioners only excepted) and shall have a Power to order and dispose of the Custody of the Common Seal of the said Company of Proprietors and the Use and Application thereof; and also to make such new Rules, Bye Laws, Orders, and Regulations for the good Government of the said Company and the said Committee, and also the Sub-committee and their several Engineers, Agents, Servants, and Workmen, and for the whole compleat and total Superintendence of the said intended Cut and Navigation, and of the other Works, Undertakings, and Improvements hereby authorized or directed to be made or any of them, and also for ordering and securing and safely and conveniently stationing or placing of the Ships or Vessels coming into or lying within the said River *Tees*, between its Junction with the Sea and the said Bridge at *Stockton* aforesaid, and for loading and unloading, mooring and unmooring thereof, and for the Safety and Preservation of the Goods and Merchandize landed or landing, shipping or intended to be shipped there, and of the Works to be made or done in pursuance or by virtue of this Act, and for the Appointment, Regulation, Direction, and well conducting of Ships or Vessels into or out of or whilst within such Part of the said River as aforesaid, and of the Use of Fires and the melting of combustible Matters on board any such Ship or Vessel, and for regulating all Boats, Wherries, Lighters, and other small Craft kept or used for Hire in such Parts of the said River and the Rates and Fares to be taken by the Owners thereof; and also for regulating all Corn Meters, Pilots, Watermen, and Tidesmen, on the said River, and the Rates and Fares to be by them taken respectively; and for removing and preventing Nuisances or Encroachments within the Liberties of the said River or any other Matter or Thing not herein-before particularly specified as shall from Time to Time appear necessary and proper, and to alter, vary or repeal the same as Occasion shall require, and to impose reasonable Fines and Penalties for the Breach and Non-observance of such Bye Laws, Rules, Orders and Regulations, so as no One Penalty shall exceed Ten Pounds, which Fines and Penalties shall be recovered as and levied as Fines, Penalties, and Forfeitures by this Act inflicted or imposed are hereby directed to be recovered and levied; and that all such Bye Laws, Rules, Orders and Regulations, Rates and Fares, and the Fines and Penalties for

Committee to be elected.

Power to remove Committee and Officers.

To make Bye Laws, &c.

[Loc. 5<sup>th</sup> Per.]

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the Breach and Non-performance thereof shall be obligatory and binding and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that the same shall from Time to Time as often as they shall be made, altered, or varied, be reduced into Writing under the Common Seal of the said Company of Proprietors and be put up either in Print or in Writing in a clear legible Hand in the Custom House at *Stockton* aforesaid, and in such other Place or Places as the said general Assembly or Assemblies may appoint, and at all Times to remain and be in the said Places, and upon Application a Copy thereof shall be delivered to any Captain or Owner of any Ship or Vessel requiring the same on Payment of the Sum of Sixpence: Provided always, that the said Rules, Orders, and Bye Laws, or any of them, shall not be contrary or repugnant to the Laws, Statutes, or Customs of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained or any of them, nor prejudicial or derogatory to any Right, Authority, or Jurisdiction belonging to the Office of Lord High Admiral of *Great Britain*, or to the Lord Bishop of *Durham* for the Time being, or the Mayor, Aldermen, and Burgesses of the Borough of *Stockton* aforesaid, or any other Person or Persons claiming under such Lord Bishop, nor to any Claims for Anchorage or Groundage or any other Rights and Privileges of any Lord of a Manor or Manors or any Person or Persons claiming under him, or of any Proprietor of Lands adjoining the said River, further or otherwise than is expressly authorized by this Act.

XLIX. Provided always, and be it further enacted, That no such Bye Law, Rule, Order, or Regulation shall be varied or repealed unless Ten Days previous Notice of such intended Alteration or Repeal shall be fixed in Writing under the Hand or Hands of the Clerk or Clerks for the Time being of the said Company of Proprietors upon the Town Hall, Market Cross, and Custom House within the said Town of *Stockton*, and such Notices to be advertised Once in some Two or more Papers usually circulating in the Neighbourhood of *Stockton* aforesaid, nor unless a greater Number of Proprietors than were present at the making any such Bye Law, Rule, Order, or Regulation shall be present and consent thereto; and every such general Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on Account of the said Cut or Canal Navigation and other Works and Improvements by the Treasurer, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them in and about the said Undertaking and the Works thereto belonging, and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such general Assemblies be thought meet and convenient.

L. Provided always, and be it further enacted, That if at any such stated general Assembly there shall not be Seven or more Proprietors present no Choice of any Committee, nor any Removal of any Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of any such Committees who shall die or decline to act or be so removed shall be made at that Time, but in such Case there shall be another general Assembly of the said Company of Proprietors

Power to  
audit Ac-  
counts.

If Seven or  
more Pro-  
prietors not  
present at  
general  
Meeting,  
the Meeting  
to be ad-  
journed.



prietors of the said Navigation and Undertaking at the same Place in the Week then next following and on the same Day in that Week, and so from Time to Time until there shall be Seven or more Proprietors present at such Assembly, and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take place and not before; and the Persons then chosen to be of any such Committees shall have the same Powers which they would have had and shall continue in such Offices until such Time as they would have done had they been chosen by any such general Assembly on the Day first appointed for holding the same; and in case of Failure of the assembling of a sufficient Number of Proprietors at such First Assembly, every Male Proprietor usually residing at *Stockton* or within Twenty Miles of that Place who shall not attend such Second Assembly shall forfeit to the said Company of Proprietors for every Share which he shall possess in the said Navigation or Undertaking the Sum of Five Shillings, to be deducted out of the next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons so making Default as aforesaid within Six Calendar Months next after the making such Default, then the Payment of such Forfeiture to be recovered by the Ways and Means hereinafter appointed for the recovering of any of the other Penalties or Forfeitures imposed by this Act.

Penalty on  
Proprietors  
not attending  
Meeting.

LI. And be it further enacted, That if it shall at any Time appear that for the more effectual putting this Act into Execution a special general Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Five or more of them to cause Fourteen Days Notice at least to be given thereof in any Two or more Newspapers usually circulating in the Neighbourhood of *Stockton* aforesaid or in such other Manner as the said Company of Proprietors shall at any general Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such special Assembly and the Time when and Place where the same shall be held, which Place shall be within Twenty Miles of the said intended Cut, and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only, and all such Acts of the Proprietors or of the major Part of them met together at every such special general Assembly (provided Seven Proprietors at the least shall be present) shall be as valid with respect to the Matter specified in such Notice as if the same had been done at any stated general Assembly.

Power to call  
general Meet-  
ing on Emer-  
gency.

LII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any general Assembly and they are hereby authorized and required from Time to Time to nominate and appoint by Writing under their Hands or the Common Seal of the said Company a Treasurer or Treasurers, and One or more Collector or Collectors of the said Tonnage Rates, and also One or more Clerk or Clerks to the said Company of Proprietors and to the said Committee and to the Subcommittee herein-after mentioned, taking such Security from such Clerk, Collector, or other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act for the due Execution of their respective Offices as the said Company of Proprietors shall think proper, and

Power to ap-  
point Officers.



and such Clerk or Clerks shall in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the General or Sub-committee by virtue of and under the Authority of this Act, and each of the said Proprietors of the said Navigation and Undertaking shall and may at all convenient Times have Recourse to and peruse and inspect the same and also the Book or Books to be kept by the Clerk or Clerks to the said Commissioners *gratis*, and may demand and have Copies thereof or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk or Clerks to the said Company and the said Committee or Sub-committee or to the Commissioners shall refuse to permit any Proprietor or Proprietors so interested as aforesaid to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Fifty Shillings; and in case any such Treasurer, Collector, or Clerk shall die or quit the Service of the said Proprietors or of such Committee or Sub-committee as aforesaid, or by reason of any Negligence, Misconduct, or Inability it shall be requisite to remove him or them, then and in every such Case it shall be lawful for the Proprietors assembled at any such stated or special general Assembly as aforesaid and for the said Committee of the said Proprietors to remove any such Treasurer, Collector, or Clerk, and in case any such Treasurer, Collector, or Clerk shall die, be removed from, or quit the Service of the said Company of Proprietors or of the said Committee or Sub-committee, then it shall be lawful for the said Company of Proprietors at their stated or special general Assemblies or for the Committee of the said Proprietors to appoint any other fit Person or Persons to execute such Office or Offices in the Place of the Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors or of the said Committee or Sub-committee, but in case any such new Appointment be made by the said Committee the same shall only continue until the next stated or special general Assembly of the said Proprietors when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such stated or special general Assembly may think proper; and all such Treasurers, Collectors, and Clerks, and all other Officers of the said Company of Proprietors who may at any Time resign or be removed, and the respective Executors or Administrators and each and every of them of any such Officers who may die shall, within Twenty Days after Notice given in Writing to him, her, or them for that Purpose, produce and deliver up to the said Committee for the Time being all Books, Accounts, Papers, or Writings relative to the Execution of such respective Offices which shall be in his, her, or their Custody or Power, and every such Officer and other Person as aforesaid neglecting or refusing to deliver up such Books, Accounts, Papers, or Writings shall for every such Neglect or Refusal forfeit and pay to the said Company of Proprietors any Sum not exceeding Fifty Pounds.

LIII. And



LIII. And be it further enacted, That no Resolution shall be taken or Business done except for the Purpose of Adjournment at any of the Meetings of the said Committee unless Three Persons of such Committee shall be present; and that all Orders for Payment of Money by the Treasurer, shall be signed by a Majority of the Committee present at such Meeting, and all such Orders shall be entered in the Company's Books, and the Clerk shall be intrusted with the Money from Time to Time by an Order in Writing signed by a Majority of the said Committee upon the Collector or Treasurer to enable such Clerk to pay all Expences incurred by him in the Course of his Office, and he shall account for the same to the Committee who shall regularly examine and sign the said Accounts as often as they shall see fit; and the said Collectors or Treasurers Accounts shall be examined and compared with the Books of the said Committee every Half Year and shall be made up and the Balance settled and signed by the said Committee or any Three or more of them; and further, that no Member of the said Committee (although he may be a Proprietor of more than One Share in the said Navigation) shall have more than One Vote in any Committee except the Chairman, who shall be chosen by and out of the said Committee, and who in case of an Equality of Votes upon any Question agitated in the said Committee shall have the casting Vote although he may have given One Vote before; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Three at such Committee, and every such Committee as aforesaid shall from Time to Time make Reports of their Proceedings to the said general Assemblies or if required to the said special general Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places and shall from Time to Time adjourn themselves to such other Time and Place as they shall think fit, but no Person holding any Place, Office, or Employment under the said Company shall be capable of being chosen to serve upon any Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings the said Committee shall from Time to Time receive out of the said Capital Stock of the said Proprietors such Sum or Sums of Money as shall be directed, adjusted, and settled at such general Assemblies, and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and compleating the said navigable Cut and all and every other the Works, Undertakings, and Improvements hereby authorized to be made, and all and every Part and Parts thereof; and shall by themselves or their Clerk or Clerks as aforesaid keep a full and true Account of all Money disbursed and Payments made by the said Committee and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf or in respect of the said Undertaking from any Collector or Collectors of the said Tonnage Rates or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly by themselves or their Clerk or Clerks as aforesaid write, insert, and enter in a Book or

Committee Meetings to consist of Three Persons.

Duty of the Committee

[Loc. & Per.]

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Books



Books to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings, which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee: Provided always, that every Proprietor upon every reasonable Desire shall have free Access thereto as herein-before mentioned for his or her Inspection; and the said Committee shall have Power from Time to Time (subject nevertheless to the Directions and Controul of any such general Assembly) whenever they shall judge it expedient, by Writing under their Hands to appoint an Engineer or Engineers to inspect the Works of the said Cut or Canal and other Improvements, and also a Land Surveyor or Land Surveyors for any Purpose relating to the Execution of this Act; and every such Engineer and Land Surveyor shall be paid by the said Company of Proprietors such Salary or Allowance as the said Committee shall direct or appoint, and any such Committee may remove any such Engineer and Land Surveyor whenever they shall think proper; and the said Committee shall also have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking to defray the Expences of or to carry on the same as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for every One hundred Pounds, and such Call shall not be made but at the Distance of One Calendar Month at least from each other, and Ten Days Notice at the least shall be given of all such Calls as aforesaid in such Manner as the said Company of Proprietors shall at any general Assembly direct and appoint, and such Committee shall (subject nevertheless to the Orders and Directions of such general Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors as well in contracting for and purchasing Lands, Messuages, Tenements, and other Hereditaments and Materials for the Use of the said Undertaking as in employing, ordering, and directing the Works and Workmen and in placing and displacing Under-officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any one or more Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons and at such Time and Place as the said Committee shall from Time to Time appoint and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid at the Time and Place appointed by such Committee, it shall be lawful for the said Company of Proprietors to sue for and recover the same with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster* or in the Court of Pleas at *Durham* by Action of Debt.

Recovery of  
Calls and Sub-  
scriptions.

LIV. And be it further enacted, That in Actions brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants being a Proprietor or Proprietors of such or so many Share or Shares in the said Navigation and



and Undertaking is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter, and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call or without Notice given as aforesaid, and after Judgment shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants with Two sufficient Sureties shall first become bound to the said Company by Recognizance to be acknowledged in the Court, in which such Judgment shall be given in double the Sum adjudged to the said Company by such Judgment to prosecute the said Writ of Error with Effect; and also if the said Judgment be affirmed or the said Writ of Error be nonprossed, to satisfy and pay the Debts, Damages, and Costs, adjudged by the said Judgment, and all Costs and Damages to be awarded for Delay of Execution.

LV. And be it further enacted, That if any Owner or Owners, Proprietor or Proprietors of any Share or Shares of the said Undertaking shall for the Space of One Calendar Month after such Call or Calls ought to have been paid as aforesaid refuse or neglect to make good the same and to pay his, her, or their Share or Shares of the Money to be so called for from Time to Time by virtue of this Act, it shall and may be lawful to and for the said Company of Proprietors to stop and retain the Shares, Dividends, and Profits of the said Undertaking which shall from Time to Time become payable to such Owner or Owners, Proprietor or Proprietors so neglecting or refusing, and to apply the same from Time to Time for and towards the Payment of the Monies so called for and which ought to have been paid by such Owner or Owners, Proprietor or Proprietors so neglecting or refusing, until such Money shall be satisfied with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time the same was appointed or ought to have been paid, and that the Share or Shares of such Defaulter or Defaulters shall be liable to answer and make good the same Money so called for and which ought to have been paid and the Interest thereof as aforesaid; and in case such Money and Interest shall be unpaid for the Space of Two Calendar Months after such Call or Calls as aforesaid ought to have been paid, then and in every such Case it shall and may, be lawful to and for the said Company of Proprietors or their Committee for the Time being and they are hereby empowered to authorize and direct the Clerk for the Time being to the said Company of Proprietors to sell by Public Auction to the best Bidder

Power to retain Dividends of Proprietors not answering Calls;

also to sell the Shares.



Bidder at such Time and Place as the said Company or their Committee shall direct (of which Sale Fourteen Days Notice at the least shall be given by publishing the same in the *London Gazette* and in One or more Newspapers at that Time usually circulating in the County of *Durham* or the North Riding of the County of *York*) and it shall and may be lawful to and for the said Committee or any Five or more of them to assign and transfer the Share and Shares of such Defaulter or Defaulters unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns, and to receive and give Receipts for the Money which shall be agreed to be paid or given for such Share and Shares, and thereout to pay all such Monies and Interest as may be due from such Defaulter or Defaulters in respect of such Call or Calls as aforesaid, and all reasonable Costs and Charges attending every such Sale and Assignment, and such Assignment and Transfer shall be good, valid, and effectual against all Defaulters and all Persons claiming under them: Provided always, that in case the whole Number of Calls authorized by this Act shall not at the Time of such Sale and Assignment be completed, it shall be lawful for the said Company of Proprietors or their Committee for the Time being, to receive and retain the Surplus Monies remaining in their Hands, after making good such former Call or Calls and the Expences of such Sale and Assignments or such Part of the said Surplus as shall be necessary for the Purposes of paying all future Calls by virtue of this Act upon the Proprietors so making Default, and that in case any Surplus shall finally remain of the Monies raised by virtue of such Sale and Assignment as aforesaid, the same shall be rendered and paid to such last mentioned Proprietor or Proprietors upon Demand: Provided also, that in case the Monies produced by such Sale and Assignment shall be inadequate to satisfy the whole Amount of the several Calls upon such last mentioned Proprietor or Proprietors, their Successors, Executors, Administrators, or Assigns by virtue of this Act, and such Charges and Expences as aforesaid attending the same, the said Proprietor or Proprietors shall continue liable to make good the Deficiency therein, which Deficiency shall be recoverable at such Time or Times and by such Ways and Means as herein in that Behalf directed: Provided also, that no such Share or Shares shall be sold or advertised for Sale until the Expiration of One Calendar Month next after such Notice in Writing shall have been given by the Treasurer or Clerk of the said Company of Proprietors to the Owner or Owners thereof, his, her, or their Executors or Administrators, or left at his, her, or their Dwelling-house or usual or last Place of Abode, in which Notice shall be contained a Statement and exact Account how much Money is due from such Person or Persons for his, her, or their Call or Calls, in respect of his, her, or their Share or Shares in the said Undertaking.

Power to appoint a Sub-committee.

LVI. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint out of their own Body One or more Sub-committee or Sub-committees (every such Sub-committee to consist of Three or more Persons) who shall have full Power and Authority to enter into and make any such Contracts or Agreements on Behalf of the said Company of Proprietors as aforesaid, and to hire and employ any Agents, Workmen, or Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Undertaking which the said Committee are themselves herein-before authorized to do, or such of them as the said Committee

mittee



mittee shall think proper to entrust to the Care and Management of any such Sub-committee or Sub-committees (save and except nevertheless the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Undertaking) and that it shall be lawful for the said Committee for the Time being to order and direct such Compensation or Remuneration to be made to the said Sub-committee or Sub-committees from Time to Time as they shall think reasonable; and it shall also be lawful for the said Committee by an Order or Resolution for that Purpose to break up and dissolve any such Sub-committee or Sub-committees, or to remove or displace any Member or Members thereof and appoint some other or others in his or their place and stead when and as often as such Committee shall think proper and expedient, and such Sub-committee shall have full Power and Authority to meet from Time to Time and adjourn from Place to Place as they shall think proper and as Occasion shall require for effectuating the Purposes aforesaid, and all Powers and Authorities hereby vested or which shall by the said Committee be vested in such Sub-committee or Sub-committees within the Intent and Meaning of this Act shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less than three, and at all Meetings of such Sub-committees respectively One of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division although he may have given One Vote before.

LVII. Provided also, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to without having made Provision by Will or otherwise how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owners so dying, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Lunatic or Lunatics, Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such Owner deceased, shall be indemnified against all and every such Infant or Infants and against all and every other Person or Persons whomsoever for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to compleat every such Subscription; and if such Owner or Owners deceased shall not have left Assets sufficient or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such Owner or Owners deceased, on Condition that he, she, or they so admitted do and shall on or before such Admission pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Lunatic or Lunatics,

Provision in case of Subscribers dying before Subscription is fully paid.

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Infant



Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Life-time, by virtue of any Call or Calls or otherwise upon such Share or Shares or such other Sum or Sums of Money as the same can be sold for; and in case no such Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the Rest of the Company of Proprietors of the said Undertaking, in Trust for and for the Benefit of all the Rest of the said Proprietors in Proportion to their respective Interests in the said Undertaking, or shall at the Discretion of the said stated or special general Assemblies be publicly sold for the Use of the Rest of the said Proprietors whose Shares and Interests shall not have been forfeited as aforesaid, provided that no Advantage shall be taken of any Forfeiture of any Share or Shares until Notice shall have been given to or left at the usual or last Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, provided such Place or Places of Abode shall be known and shall be within Ten Miles of the said Cut or Canal, or otherwise by Advertisement in some Two or more Newspapers usually circulated in the Neighbourhood of *Stockton* aforesaid, nor until the same Share or Shares shall likewise have been declared to be forfeited at some stated or special general Assembly of the Proprietors within Twelve Calendar Months next after such Forfeiture shall have been incurred.

Power to Proprietors to sell Shares.

LVIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, or Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyance of which Share shall be in the Form or to the Effect following :

Form of Conveyance.

‘ I *A. B.* of \_\_\_\_\_ in Consideration of \_\_\_\_\_ paid to  
 ‘ me by *C. D.* of \_\_\_\_\_ do hereby bargain, sell,  
 ‘ assign, and transfer to the said *C. D.*  
 ‘ the Sum of \_\_\_\_\_ Capital Stock of the *Tees* Navigation Com-  
 ‘ pany (being No. \_\_\_\_\_ of the Shares of the said Company) to hold to  
 ‘ the said *C. D.* Executors, Administrators, and Assigns (or Suc-  
 ‘ cessors and Assigns in case of any Body Politic, Corporate or Collegiate)  
 ‘ subject to the same Rules, Orders, and Restrictions, and on the same  
 ‘ Conditions that I held the same immediately before the Execution  
 ‘ hereof; and I the said *C. D.* do hereby agree to take and  
 ‘ accept the said Capital Stock or Share of \_\_\_\_\_ subject to the same  
 ‘ Rules, Orders, Restrictions, and Conditions. As Witness our Hands  
 ‘ and Seals the \_\_\_\_\_ Day of \_\_\_\_\_

And on every such Sale the said Deed of Conveyance (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her, or their Security after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that Purpose a Memorial of such Transfer and Sale for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly and until such Memo-

rial



rial shall have been made and entered as above directed such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking nor any Interest for such Share or Shares paid unto him, her, or them, or any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

LIX. And be it further enacted; That after any Call of such Money shall have been made by such Committee as aforesaid no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking upon pain of forfeiting his, her, or their respective Share or Shares to the said Company of Proprietors in Trust for the Benefit of all the said Proprietors in Proportion to their respective Interests, unless he, she, or they at the Time of such Sale or Transfer shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a general Assembly in Manner before directed.

In case a Call is made no Sale or Transfer to take Place till after the Call is paid.

LX. And whereas much Inconvenience may arise by the frequent Transfer and Sale of the Right and Title to the Shares of and in the said Undertaking by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage or the Effect of such Register shall be made and sworn to by some credible Person before One of the Judges at *Westminster*, a Master or Masters extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and the said Judges, Master or Masters extraordinary in Chancery, and Justices of the Peace are hereby authorized and empowered to swear any such Person to such Affidavit, and such Affidavit shall be transmitted at the Expence of the Party or Parties to the Clerk or Clerks to the said Company for the Time being, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares, and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will or in a Course of Administration shall be entitled to receive the same, the said Will or the Probate Copy thereof shall be produced and shewn to the said Clerk or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or the Letters of Administration in case the Proprietor shall have died intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or the Administrators of the Estate and Effects (as the Case may happen to be) before One of the Judges at *Westminster*, a Master or Masters extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall also be transmitted at the Expence of the Parties to the said Clerk or Clerks who shall file and enter the same in Manner herein before mentioned.

Evidence required of Title to Shares by Marriage or under Wills or Administrations.

LXI. And whereas in case where the original Subscriber of one or more Share or Shares in the said Undertaking shall die, become insolvent, or Bankrupt,

In Case of Shares passing otherwise than



by Deed, Affidavit to be made of the Facts.

Bankrupt, or go out of the Kingdom, or shall transfer his Right and Interest to some other Person, and no Register shall be made of the Transfer thereof with the said Clerk as directed by this Act, it may not be in the Power of the said Company of Proprietors or their Treasurer or Clerk to know who is the Owner or Proprietor of such Share or Shares in order to give him, her, or them Notice or Notices of Calls made on such Share or Shares as is hereby required, and to maintain any Action or Actions against him, her, or them for the Recovery of the same, or for the Purpose of paying safely to him, her, or them the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it further enacted, That in all the Cases last aforesaid when the Right and Property in one or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, which is hereby required to be produced to the said Clerk for the Purpose herein expressed, an Affidavit shall be made and sworn to by some credible Person before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and which Affidavit shall be transmitted to the Clerk of the said Company of Proprietors to the Intent that he may and he is hereby requested to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking to be kept in the Office of the said Clerk; and that in all or any of the Cases it shall be lawful for the said Company of Proprietors at any general Meeting after Notice shall be given by the said Treasurer or Clerk to the Owners or Persons claiming by such Affidavit to be Owner or Owners thereof, and after such Person or Persons shall not have paid his, her, or their Proportion of the Money become payable by virtue of any Call or Calls as aforesaid, at any general Meeting to declare the same Share or Shares to be forfeited, and in such Case the same shall be and become forfeited and sold and disposed of in such Manner as the said Company of Proprietors shall direct or otherwise become consolidated in the general Fund of the said Company.

Names, &c. of Proprietors to be registered.

LXII. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and are hereby required at their Second or some subsequent general Assembly to cause the Names and proper Additions of the several Persons who shall be entitled to the Shares in the said Undertaking, with the Number of Shares or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every such Share shall be distinguished to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry to cause their Common Seal to be affixed thereto, and shall also cause as many Tickets to be prepared as there are Shares in the said Undertaking, bearing respectively the correspondent Numbers in the said Book with the Common Seal of the said Company affixed to every such Ticket, and to cause to be delivered to every such Subscriber upon Demand a Ticket for every such Share to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk or Clerks Two Shillings and Sixpence and no more for every such Ticket, and such Ticket shall be admitted as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns to the Share or Shares therein specified, but the Want of such

Ticket,



Ticket shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and in case any such Ticket or Instrument shall become defaced, worn out, or damaged, then upon the same being brought to the Committee they shall order another to be made out in its Place, and so also in case the same shall have been totally destroyed or lost and so proved to be to the Satisfaction of the Committee; and such new Ticket or Instrument shall be thereupon entered by the Clerk in the same Manner and upon the same Terms as the original Ticket or Instrument.

LXIII. And be it further enacted, That no Assignment, Transfer, Bargain, or Sale of any Share or Shares or other Instrument giving Title to any such Share or Shares which shall not have been entered or registered as directed by this Act shall be given or admitted as Evidence either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to recover the said Calls or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Company of Proprietors, or to make the said Company of Proprietors liable to the Payment of Interest or Dividends to any other Person than such as appears upon the said Book to be Proprietors of the said Shares, but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares,

Persons appearing to be Proprietors on the Register Book to be deemed such to answer Calls, &c. :

LXIV. And be it further enacted, That from and after the said intended Cut or Canal shall be made Navigable by Ships or Vessels of Ten Tons Measurement and upwards, there shall be payable and paid to the said Company of Proprietors or their Successors for or on Account of every Ship or Vessel (being above Ten Tons Measurement) coming into or going out of the said River *Tees*, and unlading or putting ashore or lading or taking on board any Goods, Wares, or Merchandize (whether the same shall amount to a full Cargo or not, and without making any Abatement or Deduction for or on Account of the Weight, Quantity, or Quality of such Cargo, and whether such Ships or Vessels shall take or deliver their Cargoes or Lading at any Public Quay at *Stockton* aforesaid or in any other Part of the said River *Tees*, or in any Place situate upon or near the said River, or any Cut, Lear, or Stream communicating therewith) by the Master or Commander, Owner or Owners of every such Ship or Vessel, the several Rates and Duties on Tonnage herein-after particularly mentioned and described; (that is to say),

Duties to be raised under this Act.

For every Ship or Vessel trading to or from the said River *Tees* from or to any Port or Place in *Great Britain*, for every Ton the Sum of Sixpence :

For every *British* Ship or Vessel trading to or from the said River *Tees* from or to any Foreign Port or Place (except *British* Ships or Vessels laden with *Norway* Timber only and no other Goods, Wares, or Merchandize whatever), for every Ton the Sum of Nine-pence :

For every *British* Ship or Vessel trading to the said River *Tees* from any Foreign Port or Place and laden with *Norway* Timber only and no other Goods, Wares, or Merchandize whatever, for every Ton the Sum of Sixpence :

For every Foreign Ship or Vessel trading to or from the said River *Tees* from or to any Foreign Port or Place, (except Foreign Ships or Vessels laden

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laden with *Norway* Timber only and no other Goods, Wares, or Merchandize whatever) for every Ton the Sum of One Shilling and Sixpence :

For every Foreign Ship or Vessel trading to the said River *Tees*, from any Foreign Port or Place and laden with *Norway* Timber only and no other Goods, Wares, or Merchandize whatever, for every Ton the Sum of One Shilling :

All which said Rates and Duties on Tonnage shall be and are hereby vested in the said Company of Proprietors or their Successors for the Purposes of this Act, and shall be paid to the Collector or Collectors, or other Person or Persons from Time to Time appointed by the said Company of Proprietors or their Successors for that Purpose, in pursuance of the Power or Authority herein-before contained, at the Custom-house in *Stockton* aforesaid, at the Time of such Ships or Vessels Entry inwards or Clearance or Discharge outwards, or in case any Ships or Vessels shall not enter as aforesaid, then at any Time before such Ships or Vessels shall leave the said Port of *Stockton*.

Government  
Vessels  
exempted.

LXV. Provided always, and be it further enacted, That all Vessels or Ships of War belonging to His Majesty and other Vessels employed in His Majesty's Service shall be exempted from the Payment of all and every the Rates and Duties on Tonnage hereby granted.

Vessels driven  
in by Strefs of  
Weather  
exempted.

LXVI. Provided also, and be it further enacted, That all Ships or Vessels which shall be forced into the said Port of *Stockton* or into any Part of the said River *Tees* by the Enemy or by receiving Damage at Sea or otherwise, and shall in the said Port discharge and unlade in order to repair any Damage sustained by such Ships or Vessels, and shall relade the Goods and Merchandizes so discharged or unladen, shall be exempted from the Payment of all and every the said Rates and Duties on Tonnage hereby granted.

Vessels to be  
charged ac-  
cording to the  
Certificate of  
Registry.

To be measur-  
ed if un-  
registered, or  
on Refusal to  
show Certifi-  
cate.

LXVII. And be it further enacted, That all and every the Rates and Duties on Tonnage by this Act imposed shall be computed and charged on all Ships and Vessels liable to the Payment thereof according to the Admeasurement contained in the Certificate of Registry of or belonging to such Ships or Vessels respectively, and shall be collected accordingly; and that in case any such Ship or Vessel shall be unregistered at any *British* Port or in case the Owner or Master thereof shall refuse or decline to produce the Certificate of Registry thereof, such Ship or Vessel shall and may be measured in the usual Manner at the said Port of *Stockton*, by the Surveyor of the Customs there (who shall be allowed such Sum or Sums of Money for his Trouble as the said Company of Proprietors shall think proper) and the said Rates and Duties on Tonnage shall be computed, charged, and collected according to such last mentioned Admeasurement.

Recovery of  
Rates.

LXVIII. And be it further enacted, That in case of Denial or Neglect of Payment of any such Tonnage Rates or any Part thereof on Demand to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record, or the Person  
or



or Persons to whom such Rates ought to have been paid may and he or they is and are hereby empowered to seize the Ship or Vessel in respect whereof any such Rates ought to have been paid, together with the Tackle, Rigging, Apparel, and Cargo thereof, and detain the same until such Payment shall be made, and also until Payment of all Arrears of the said Tonnage Rates which may be due from the Owner or Owners of such Ship or Vessel to the said Company of Proprietors, together with reasonable Charges for such Seizure and Detention, and if such Ship or Vessel, Tackle, Rigging, and Cargo shall not be redeemed within Seven Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company of Proprietors shall have full Power from Time to Time at any stated or special general Assembly to lower all or any of the said Tonnage Rates and again to raise the same as they shall think proper, not exceeding the Rates before mentioned, as often as it shall be deemed necessary for the Interest of the said Navigation and Undertaking.

Power to  
lower Rates  
and again to  
raise the same.

LXIX. And be it further enacted, That in case any Master or Owner, or other Person taking upon himself the Command, or acting as, or appearing to be the Master of any Ship or Vessel liable to the Payment of the said Rates or Duties on Tonnage, shall refuse or decline to produce the Certificate of Registry thereof, or to permit the same to be measured as aforesaid, or shall elude or evade the Payment of any such Rates or Duties by any Method whatsoever, every such Master or Owner or other Person or Persons as aforesaid shall for every Offence forfeit and pay to the said Company of Proprietors or their Successors a Sum not exceeding Fifty Pounds, and shall moreover stand charged with and be liable to the Payment of the same Rates and Duties for or in respect of the same Ship or Vessel.

Penalty on  
Masters of  
Vessels  
refusing to  
produce  
Certificate,  
&c.

LXX. And for the better preventing any Delay or Evasion in the Payment of the Rates and Duties on Tonnage imposed by this Act as aforesaid; be it further enacted, That no Customer, Collector, Receiver of Entries of Ships, Surveyor, Searcher, Waiter, or other Officer whatsoever of His Majesty's Customs at the said Port of *Stockton* shall take or receive, or grant or issue any Entry, Report, Cocker, Permit, Sufferance, or other Dispatch inwards or outwards, for any Ship or Vessel coming into or going out of the said Port and liable to the Payment of any of the said Tonnage Duties until the Master or Owner of such Ship or Vessel shall produce a Receipt or other sufficient Voucher for the Payment of the said Rates and Duties on Tonnage from the Collector or Collectors or other proper Person appointed to receive the same (which Receipt or Voucher such Collector or Collectors of the said Rates or Duties on Tonnage is hereby required to give without Fee or Reward under the Penalty of a Sum not exceeding Fifty Shillings to the said Company) and that every Customer, Collector, Receiver of Entries of Ships, Surveyor, Searcher, Waiter, or other Officer of or concerning the said Customs making Default in any of the Matters enjoined them by this Act, shall forfeit to the said Company a Sum not exceeding Fifty Shillings.

Duties to be  
discharged  
before En-  
trance or  
Clearance at  
the Custom-  
house.

LXXI. And



Duties to be a  
Port Charge.

LXXI. And be it further enacted, That the said Rates or Duties on Tonnage to be collected from Ships or Vessels as aforesaid shall be deemed and taken to be a Port Charge, and Two Third Parts thereof shall be repaid to the Master, Owner, or Ship's Husband of such Ship or Vessel by the Merchant or Freighter, Merchants or Freighters, or by his or their Agent or Agents, or by the Shipper or Shippers, Receiver or Receivers of such Goods as may be taken on board of any Ship or Vessel liable to the said Rates or Duties on Tonnage, and in case of Refusal to repay such Rates and Duties or such a Proportion thereof as aforesaid the same shall and may be recovered by Action at Law as in other Cases of Debt.

And to be  
payable for  
Vessels deliver-  
ing Cargoes in  
any Part of  
the River  
Tees.

LXXII. Provided always, and be it further enacted, That all Ships and Vessels being above Ten Tons Register Admeasurement coming into the said River Tees or any Part thereof, and navigating therein, although the Cargoes of such Ships or Vessels or any of them or any Part thereof respectively shall or may be taken in or delivered at *Cargo Fleet, Middlebrough, Newport, Portrack*, or in any other Part of the said River, or in any Part of the said intended Cut or Canal, or at any Quay, Wharf, or other Place adjoining to or situate near the same River or Cut, shall be charged with and subject to the Rates and Duties imposed by this Act, and to all such Rules, Bye Laws, Orders, and Regulations as shall be made by virtue of this Act, in the same Manner to all Intents and Purposes as if such Ships and Vessels came to and used the public Quays at *Stockton* aforesaid.

Masters or  
Owners of  
Ships answer-  
able for  
Damage, &c.

LXXIII. And be it further enacted, That the Master or Owner of any Ship, Boat, or Barge, or other Vessel frequenting, coming to, or lying or being in the said River Tees, or the said intended Cut or Canal, or either of them or any Part thereof respectively shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Ship, Boat, Barge, or other Vessel, or by any of the Sailors, Boatmen, Watermen, or others belonging to or employed in or about the same, unto any of the Ships or Vessels, Wharfs, Buildings, or other Works abutting upon or adjoining to the said River or Cut, or by loading or unloading any Boat or Barge and for any Trespas or Damage that shall or may be done to the Owners of such Ships or Vessels, or the Owners or Occupiers of any Buildings, Erections, Lands, or Tenements adjoining or lying near to the same or any of them, or any Trespas whatsoever, the Amount or Value of such Damage, Spoil, or Mischief, or Trespas to be ascertained by any Two Justices of the Peace of the County, Riding, or Place in which such Trespas or Damage shall be committed, and to be recovered in like Manner as any Penalty herein mentioned or directed to be recovered; and in case the Owner of any such Ship or Vessel, Boat or Barge as aforesaid shall be compelled to pay any Penalty or to make Satisfaction for any Damage or Trespas by reason of any wilful Act or Default done or committed by his Servant or Servants, every such Servant shall be liable to repay such Penalty or the Money paid for any such Damage or Trespas to such Owner, and in case of Non-payment thereof upon Demand, the same shall be recovered by such Owner in like Manner as any Penalty is herein authorized or directed to be recovered.



LXXIV. And be it further enacted, That from and after the several principal Sums of Money (if any) which shall or may be borrowed by the said Company of Proprietors by virtue of the Powers hereby to them given for that Purpose and the Interest attending the same respectively shall be fully satisfied and paid, the Residue and Surplus (if any) of the said Rates and Duties on Tonnage hereby granted which shall or may from Time to Time remain after and shall not be issued and applied for the other Purposes before mentioned, shall from Time to Time be placed out or invested in or upon Government or Real Securities at Interest, in the Name of the said Company of Proprietors; and the Interest, Dividends, and Yearly Proceeds arising and produced from the said Funds and Securities as the same shall come in and be received, shall from Time to Time and in like Manner be placed out or invested according to the Course of Compound Interest, until such a Sum of Money shall be accumulated as shall produce Interest or Dividends sufficient to satisfy and pay as well any Yearly Sum or Sums of Money which may be agreed or awarded to be paid to any Person or Persons under and by virtue of this Act by way of Compensation as before mentioned, as the Dividend or Interest hereby authorized and directed to be paid to the said Company of Proprietors, and which Interest or Dividends of such accumulated Funds and Securities shall thenceforth be applied in lieu of the said Rates and Duties on Tonnage in Discharge of such Yearly Sum or Sums of Money as may be so agreed or awarded to be paid as last mentioned and of the Interest or Dividends hereby authorized and directed to be paid to the said Company of Proprietors as the same shall respectively from Time to Time become due and payable, and then and from thenceforth the said Rates and Duties on Tonnage hereby granted shall cease and determine; nevertheless it shall be lawful for the said Company of Proprietors from Time to Time when and as often as they shall have Occasion to raise any further Sum or Sums of Money for the Purposes of this Act, at any stated or special general Assembly to order and direct the same Rates and Duties or any Part or Proportion thereof again to become and continue payable until the Sum or Sums necessary to be raised as last-mentioned shall be collected and made up but no longer, and the Rates and Duties so revived or ordered again to become payable shall from Time to Time be collected, received, and recovered by such Ways and Means as the original Rates or Duties on Tonnage are hereby authorized to be collected, received, and recovered.

Application of  
Surplus of  
Rates.

LXXV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors or their Committee from Time to Time to call, get in, or dispose of the said Money so to be placed out or invested as last herein-before mentioned, and to place out or invest the same again in or upon new or other Government or Real Securities at Interest as they shall think proper.

Power to  
change  
Securities.

LXXVI. And whereas by making the said intended Cut or Canal in the Line and Direction marked in the said Plan the Communication now subsisting as well between such Lands or Hereditaments belonging to or reputed to belong to the said *William Todd*, *William Russell*, Esquire, and the Heir or Devisees of *Micah Robinson* deceased, *James Crowe* of *Stockton* aforesaid Merchant, and *Matthew Wadeson* of the same Place Merchant, as are situate, lying, or being on the Southern Side of the Line and Direction

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Owners of  
Lands separated by the  
Cut to have  
Ferry Boats.

tion in which the said Cut or Canal is intended to be made and the Town of *Stockton* aforesaid, as between the same Lands or Hereditaments and other Lands or Hereditaments belonging to the same Persons respectively will be interrupted; be it therefore further enacted, That it shall and may be lawful to and for all and every the Owner or Owners, Occupier or Occupiers, or other Person or Persons interested in the said Lands or Hereditaments on the South Side of the Line or Direction in which the said Cut or Canal is intended to be made, or any of them, or any Part or Parts thereof respectively, from Time to Time and at all Times after the said intended Cut or Canal shall be made, completed, and rendered navigable, at his or their own Costs and Charges to maintain One or more Ferry Boat or Ferry Boats upon the said Cut or Canal or any Part thereof, and to use the same for the Purpose of passing over and across the said Cut or Canal, or for any other Purpose which he, she, or they may think proper, without being subject or liable to pay any Compensation for the same: Provided nevertheless, that all and every such Ferry Boat and Ferry Boats as aforesaid shall be moored at either Side of the said Cut or Canal in such proper and convenient Place or Places as shall be from Time to Time for that Purpose fixed by the said Company of Proprietors at any general Assembly or by their Committee, and shall not in anywise hinder or obstruct the Navigation of the said Cut or Canal.

Power to erect  
Bridge at  
Mandale, and  
make a Road  
through the  
Holmes on the  
South of the  
Cut.

LXXVII. And be it further enacted, That the said Company of Proprietors or their Successors do and shall and they are hereby directed and required within the Space of Twelve Calendar Months next after they shall be ordered and required so to do by the said Commissioners at any of their Meetings, at their own Costs and Charges erect, make, and complete, or cause to be erected, made, and completed a Wooden Bridge over and across the River *Tees* at or near *Mandale* aforesaid, of such good, substantial, and convenient Construction, Materials, and Dimensions, and in such Place as shall be approved of by the said Commissioners at any of their Meetings; and also do and shall within the same Time at their own Costs and Charges purchase and set out to the Satisfaction of the said Commissioners at any of their Meetings such convenient Road or Roads, Way or Ways as may be necessary for a proper Communication for the Owner or Owners, Occupier or Occupiers, or other Persons interested in the said Lands or Hereditaments on the South Side of the Line or Direction in which the said Cut or Canal is intended to be made to and from the same Lands or Hereditaments, over and across the said Bridge herein-before directed to be made, to and from the High Road leading from *Guisbrough* to *Stockton* aforesaid, the said Company of Proprietors or their Successors making Satisfaction in Manner herein-before mentioned for the Lands or Hereditaments which shall be taken or used for making such Bridge and Roads, or which shall be thereby injured, damaged, or otherwise affected.

Compensation  
to be made to  
the Owners of  
the Holmes.

LXXVIII. Provided always, and be it further enacted, That for or notwithstanding any Matter or Thing herein-before contained the Owner or Owners or other Person or Persons interested in any Lands or Hereditaments lying on the Southern Side of the said intended Cut shall and may have and receive Compensation in Manner herein-before mentioned for any Damage, Injury, or Inconvenience which he or they may suffer or sustain for



for and during such Time as he or they shall or may be deprived of a Communication with the Town of *Stockton* aforesaid or his or their other Lands or Hereditaments, or for or by reason of any other Damage, Injury or Inconvenience which he or they may at any Time or Times from and after the passing of this Act suffer, sustain, or be put to by reason of the Communication between his or their Lands and the Town of *Stockton* aforesaid being rendered more circuitous or inconvenient, or for or by reason of any Tolls which he or they, or any of them, or his, their, or any of their Tenants, Servants, Workmen, Horses, Cattle, or Carriages may become liable to in passing or going between such last mentioned Lands and Hereditaments and the Town of *Stockton* aforesaid, or for or by reason of the Execution of any other of the Powers or Authorities contained in this Act.

LXXIX. And be it further enacted, That the said Cut or Canal or any of the Works whatsoever to be made by virtue of this Act shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers or to any Law or Statute relating to Sewers whatsoever.

Cut not to be subject to Commission of Sewers.

LXXX. And whereas it would tend greatly to the Benefit of the Trade and Navigation of the said River and to the Security and Safety not only of Ships and Vessels trading to the said Port of *Stockton* but also of Ships and Vessels passing along the Coast, to have Lights and Beacons so constructed as to shew the proper Course over the Bar of the River *Tees*, through want of which several Vessels are annually lost either in attempting to enter the said River as a Place of Refuge from tempestuous Weather, or by reason of Masters and Mariners not daring to make for that Harbour; be it therefore further enacted, That it shall and may be lawful for the said Company of Proprietors if they shall think proper to erect or cause to be erected the requisite Light Houses and Beacons for directing the Course of Vessels over the Bar of the said River *Tees*, and to keep the said Light Houses lighted during the Periods of the Tide in which Vessels may safely pass over the said Bar, and to discontinue such Light Houses and Beacons at their Will and Pleasure; and that towards defraying the Expence of erecting and maintaining the said Lights they shall, during such Period only as the said Lights shall be regularly maintained and exhibited as aforesaid, be entitled to receive the following Rates for all Vessels crossing the Bar of the said River; *videlicet*,

Power to erect Lighthouses.

For all *British* Coasting Vessels entering or going out of the River *Tees* with Goods chargeable to the aforesaid Tonnage Duties at the Rate of Sixpence *per* Ton; for each Lower Mast the Sum of

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For all *British* Vessels from or to Foreign Ports chargeable with the aforesaid Tonnage Duties at the Rate of Sixpence and Nine-pence *per* Ton; for each Lower Mast the Sum of

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For all Foreign Vessels chargeable to the aforesaid Tonnage Duties at the Rate of One Shilling and One Shilling and Sixpence *per* Ton; for each Lower Mast the Sum of

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For



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| For all <i>British</i> Vessels entering only for Anchorage, for<br>each Lower Mast for passing Inwards and Outwards,<br>the Sum of | } | — | s. d.<br>7 6 |
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|   |   |   |      |
|---|---|---|------|
| For all Foreign Vessels entering only for Anchorage, for<br>each Lower Mast for passing Inwards and Outwards,<br>the Sum of | } | — | 15 — |
|---|---|---|------|

And which last mentioned Rates and Duties shall and may be received and levied by such Person or Persons as the said Company of Proprietors at any stated or special general Assembly or their Committee shall from Time to Time appoint to receive the same; and in case of Denial or Neglect of Payment of any such last mentioned Rates or any Part thereof on Demand to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record or in the Court of Pleas at *Durham*, or the Person or Persons to whom such last mentioned Rates ought to have been paid may and he or they is and are hereby empowered to secure the Ship or Vessel in respect whereof any such last mentioned Rates ought to have been paid, together with the Tackle, Rigging, Apparel, and Cargo thereof, and to detain the same until such Payment shall be made and also until Payment of all Arrears of the said last mentioned Rates which may be due from the Owner or Owners of such Ship or Vessel to the said Company of Proprietors, together with reasonable Charges for such Seizure and Detention; and if such Ship or Vessel, Tackle, Rigging, and Cargo shall not be redeemed within Seven Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company of Proprietors shall have full Power from Time to Time at any stated or special general Assembly to lower all or any of the last mentioned Rates and again to raise the same as they shall think proper, not exceeding the Rates before mentioned, as often as it shall be deemed necessary.

Directing how  
the Light  
Duties shall be  
applied.

LXXXI. And be it further enacted, That the Rates and Duties to be received for or on Account of the said Lights shall be applied in discharge of the Sum of One hundred Pounds, Part of the Expences of obtaining and passing this Act, and in or towards defraying the Expence of erecting and maintaining the said Light House or other the Expences relative thereto, and to and for no other Purpose whatsoever; and that in case such Rates or Duties shall at any Time or Times hereafter be found to be more than sufficient for answering these Purposes, then and as often as it shall so happen the same Rates or Duties shall be reduced by the said Company of Proprietors, who shall have Power to raise the same again as Occasion shall require for the Purposes aforesaid not exceeding the Rates beforementioned.

Penalty for  
evading Light  
Duties.

LXXXII. And be it further enacted, That in case any Master or Owner or other Person taking upon himself the Command, or acting as or appearing to be the Master of any Ship or Vessel liable to the Payment of the said last mentioned Rates or Duties, shall refuse or by any Method whatsoever elude or evade the Payment of any such last mentioned Rates or Duties, every such Master or Owner, or other Person or Persons as aforesaid, shall for every Offence forfeit and pay to the said Company of Proprietors



Proprietors or their Successors a Sum not exceeding Fifty Pounds, and shall moreover stand charged with and be liable to the Payment of the said last mentioned Rates and Duties for or in respect of the same Ship or Vessel.

LXXXIII. And be it further enacted; That it shall and may be lawful for the said Company of Proprietors and they are hereby authorized and empowered at any of their stated or special general Assemblies by any Writing under their Common Seal at any Time or Times to let to farm all or any of the Rates hereby granted unto any Person or Persons for any Time or Terms as they shall think proper, not exceeding Three Years from the Commencement of any Lease, and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof and all such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let shall during the Continuance of every such Lease be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Rates or any of them or any Part thereof respectively be given in Writing under the Hands of the said general Committee or their Clerk by Advertisement published in any Two or more Newspapers usually circulating in the County of *Durham* and the North Riding of the County of *York*, at least Thirty-one Days prior to every such general Assembly at which the said Rates or any of them or any Part thereof respectively are proposed to be let as aforesaid.

Power to lease  
Duties.

LXXXIV. And be it further enacted, That the respective Persons who have subscribed or shall hereafter subscribe to advance any Money for and towards making and maintaining the said Canal or Cut and the other Works hereby authorized and directed to be made, shall and they are hereby required to pay the Sums which shall have been by them respectively subscribed or (such Parts and Proportions thereof) as shall from Time to Time be called for by the said general Committee by virtue of the Powers and Directions of this Act, at such Times and Places and in such Manner as shall be directed by the said Company or the said general Committee in Manner before mentioned; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in the Manner required as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

Recovery of  
Subscriptions.

LXXXV. Provided always, and be it further enacted, That every Deed, Conveyance, or Judgement which shall or may be made, obtained, or entered into under or by virtue of this Act, or any of the Powers, Authorities, or Directions herein contained, of or concerning or whereby any Honors, Manors, Lands, Tenements, or Hereditaments in the North Riding of the County of *York*, may be any way affected at Law or in Equity, shall be subject to the Provisions of a certain Act of Parliament made in the Eighth Year of the Reign of his late Majesty King George the Second, intituled, *An Act for the public registering of all Deeds, Conveyances, Wills, and other Incumbrances that shall be made of or that may affect any Honors, Manors, Lands, Tenements, and Hereditaments within the North Riding of the County of York, after the Nine-and-twentieth Day of Sep-*

Conveyances  
of Lands in  
the North  
Riding to be  
registered.

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tember, *One thousand seven hundred and thirty-six*, but nevertheless that such last mentioned Act shall not extend or be construed to extend to any Share or Shares of any Subscriber or Subscribers, Proprietor or Proprietors, of and in the said *Tees Navigation Company*, or to any Assignment or Assignments, Mortgage or Mortgages, or other Deed, Matter, or Thing in anywise concerning or affecting the same.

Saving Clause:

**LXXXVI.** Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights, Estates, Anchorage, Plankage, or other Duties, Tolls, Customs, Powers, Jurisdictions, Privileges, or Advantages whatsoever of or belonging to the Lord Bishop of *Durham* or his Successors, or any Person or Persons claiming under him, them, or any of them, or of or belonging to the Mayor, Aldermen, and Burgeses of the Borough of *Stockton* aforesaid, or of any Person or Persons claiming under them, or of or belonging to any other Person or Persons, Body or Bodies Politic, Corporate or Collegiate, whomsoever, otherwise and except inasmuch as the same are by this Act expressly taken away, restrained, altered, or affected.

Recovery of Penalties.

**LXXXVII.** And be it further enacted, That all Fines, Penalties, and Forfeitures hereby inflicted or authorized to be imposed or which shall be inflicted or imposed by virtue of any Rule, Order, or Bye Law to be made in pursuance of this Act (of which Rule, Order, or Bye Law when produced all Justices are hereby required to take Notice) the Manner of levying and recovering whereof is not otherwise hereby particularly described, shall upon Proof of the Offences respectively given before any Justice of the Peace for the County where such Offence shall be committed, either by the Confession of the Party or Parties offending or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice of the Peace is hereby empowered and required to administer) be levied by Distress, and Sale of the Goods and Chattels of the Party or Parties offending or liable to pay the same by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus after such Fines, Penalties, and Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Monies arising from such Fines, Penalties, and Forfeitures when levied shall (if not herein otherwise directed to be applied) be paid into the Hands of the Treasurer of the Monies to be raised by virtue hereof, to be applied and disposed of for the Purposes of this Act and to and for no other Use or Purpose whatsoever; and in case sufficient Distress shall not be found, and such Fines, Penalties and Forfeitures shall not forthwith be paid, it shall be lawful for such Justice of the Peace and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprize any Time not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures and all reasonable Charges shall be sooner paid and satisfied.

**LXXXVIII.** And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices



Justices of the Peace before whom any Person or Persons shall be committed of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words or in any other Form of Words to the same Effect, as the case shall require; (that is to say),

BE it remembered that on the Day of <sup>Form of</sup> Conviction.  
 in the Year of our Lord  
 A. B. is convicted before me C. D. One of His Majesty's Justices of the  
 Peace for the County of (specifying the Offence and Time  
 and Place when and where the same was committed as the Case shall be.)  
 Given under my Hand and Seal the Day and Year afore said.'

LXXXIX. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Justice of the Peace or to be otherwise made or had in pursuance of this Act, shall be quashed or vacated for want of Form only, or be removed by *Certiorari* into any of His Majesty's Courts of Record at *Westminster* or elsewhere, and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case: Provided always, that all and every Person or Persons who shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act (where such Order or Determination is not declared to be final) may within Six Calendar Months after such Order shall have been made or given complain to the Justices of the Peace at their next General Quarter Sessions of the Peace to be held in and for the County where such Cause of Appeal shall arise, who shall in a summary Way either hear or determine the said Complaint, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be holden for the said County, and if they see Cause may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such Satisfaction to be made to the Party injured as they shall think reasonable.

Proceedings  
not to be  
quashed for  
want of Form.

Appeal to the  
Sessions.

XC. And be it further enacted, That all and every Person and Persons who in any Examination to be taken by virtue of this Act shall give false Evidence before any Justice or Justices of the Peace, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualification as any Person or Persons can or may be subject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Persons giving  
false Evidence  
guilty of Per-  
jury.

XCI. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing

Limitation of  
Actions.



Thing done in pursuance of this Act or in the Execution of any of the Powers or Authorities, or the Orders and Directions herein-before given and granted, every such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damage shall cease and not afterwards, and shall be laid or brought in the County where the Matter in Dispute or Cause of Action shall arise and not elsewhere, and the Defendant or Defendants in such Action, Suit or Information shall and may plead the general Issue and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and alledge that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become Nonsuit or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants in every such Case shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases of Law.

Public Act.

XCII. 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.

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