



ANNO QUINQUAGESIMO QUINTO

GEORGI II. REGIS.

Cap. lxxv.

An Act for making and maintaining a Navigable Canal from *Sheffield* to *Tinsley*, in the West Riding of the County of *York*. [7th June 1815.]

WHEREAS the River *Dun* hath long since been made navigable up to the Township of *Tinsley*, in the West Riding of the County of *York*, and within the Distance of Four Miles from *Sheffield*, in the said Riding; but there is not at present any Navigable Communication between the said River *Dun* and *Sheffield* aforesaid, which is One of the most populous Towns in the Kingdom, a Place of great commercial Importance, and remarkable for its extensive Manufacture of Hardware; and therefore the making and maintaining of a Navigable Cut or Canal for Boats, Barges, and other Vessels from *Sheffield* aforesaid, to unite with a certain Cut or Canal in the said Township of *Tinsley*, which there communicates with the said River *Dun*, would be a Measure of great public and local Utility, particularly as it would complete a Navigable Communication between the said Town of *Sheffield* and the *German* Ocean, and facilitate the Carriage of Goods, Wares, and Merchandize, and of Coal, Lime, Stone, Lead, Iron, Ironstone, Timber, and other Things to and from *Sheffield* aforesaid and the Parts adjacent: And whereas the making of a Navigable Branch or Side Cut from the said proposed Canal, at or near to a certain Road called The *Greenland Engine Road*, in the Township of *Attercliffe*, in the said West Riding, in a Southward Direction, into a Close called *Sheep Bridge*, now or lately occupied

[Local.] 18 F

occupied by *Joseph Jones*, and situate in the Township of *Tinsley* aforesaid, would considerably enhance the Benefits attending such proposed Canal from *Sheffield* to *Tinsley*, by opening a Navigable Communication towards the valuable Collieries and Beds of Coal and Ironstone which abound in that Direction, and to other Minerals which may be there found, and by affording the Means of conveying the same by Water, at a much cheaper Rate, to the said Town of *Sheffield*, and to the Mills, Forges, and other Works in the Neighbourhood thereof, and elsewhere: And whereas it is expedient to make certain Reservoirs and Watercourses or Feeders, and by Means thereof, and by other Modes hereinafter mentioned, to supply the said proposed Canal and Side Cut with Water; and it is also expedient, in order to render the said Undertaking more complete and convenient, to make a Public Highway from the Head or Basin of the said proposed Canal, into the Town of *Sheffield* aforesaid, to build a Bridge over the River *Sheaf*, where the said Road will intersect the said River, and to construct various other Bridges and Works; but as such beneficial Purposes cannot be effected without the Authority of Parliament: May it 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 Lord Viscount *Milton*, Sir *James Graham* Baronet, *Charles Armitage*, *Thomas Ashmore*, *William Andrews*, *Joseph Bailey*, *Francis Bagshaw*, *Joseph Barraclough*, *John Battye*, *Jonathan Beet*, *Paul Bibbs*, *Joseph Binney*, *Jarvis Brady*, *Thomas Brammall*, *Lydia Brammall*, *Margaret Brammall*, *Mary Ann Brammall*, *Verdon Brittain*, *Joseph Bramley*, *William Broadhurst*, *Charles Brookfield*, *Jonathan Brownell*, *John Butcher*, *John Barnesley*, *Edward Bigg*, *Peter Brownell*, *James Barlow senior*, *James Barlow junior*, *Thomas Barlow*, *Ralph Blakelock*, *Peter Cadman*, *William Chapman*, *Benjamin Colley*, *David Cooper*, *Thomas Cooper*, *John Curr*, *John Darwin*, *John Dawson*, *James Deakin*, *Thomas Deakin*, *Daniel Dancafter*, *Thomas Dewsnap*, *John Dewsnap*, *Joel Eaton*, *Thomas England*, *John Eadon*, *Paul England*, *Richard Earles*, *John Favell*, *Francis Fenton*, *William Fisher*, *Robert Fisher*, *George Foster*, *Jonathan France*, *Peter Frith*, *Francis Frith*, *John Bernard Furniss*, *Thomas Froggatt*, *George Godbehere*, *John Green*, *Joseph Hadfield*, *Samuel Hadfield*, *George Hall*, *Thomas Harrison*, *Henry Hartop*, *William Harwood*, *John Haslehurst*, *David Haslehurst*, *George Hawksworth*, *John Heppenstall*, *Thomas Holy*, *George Holy*, *John Hounsfield*, *Bartholomew Hounsfield*, *George Hounsfield*, *William Howard*, *Thomas Howard*, *John Hunt*, *James Harrison*, *Jeremiah Hardy*, *Joseph Hallott*, *John Hault*, *Hewan Hault*, *William Ibbotson*, *Michael Johnson*, *Robert Jobson*, *William Petch Kime*, *Joseph Law*, *John Law*, *Samuel Lucas*, *John Lury*, *Mary Law*, *Samuel Lapage junior*, *Sarah Lury*, *John Marsh*, *Thomas Marsh*, *William Marsh*, *Francis Mayor*, *Thomas Mearbeck*, *Benjamin Mearbeck*, *George Milner*, *Elizabeth Mullins*, *George Masters*, *Sylvanus Morton*, *John Moorhouse*, *Benjamin Newton*, *Francis Newton*, *Thomas Nowill*, *Joseph Nowill*, *Edward Nanson*, *Benjamin Newton*, *John Newton*, *Elizabeth Nicholson*, *William Nicholson*, *Hall Overend*, *Thomas Orton*, *Hugh Parker*, *Joseph Parkin*, *Thomas Peacock*, *Benjamin Polack*, *Thomas Porter*, *Samuel Walker Parker*, *Thomas Parker*, *William Padley*, *Thomas Pearson*, *Thomas Pierston*, *George Radley*, *Joseph Read*, *Samuel Revill*, *Ebenezer Rhodes*, *John Rimington*, *George Rock*, *John Rodgers*, *Robert Rodgers*, *George Rodgers*, *Joseph Rodgers*, Reverend *Robert Robinson* Clerk, *Thomas Rawson*,

Subscribers.

Rawson, John Rawson, John Rowbotham, Benjamin Sayle, Benjamin Schofield, Joseph Shaw, John Shirley, William Silcock, Samuel Smith, William Aldam Smith, Charles Smith, William Smith, Reverend George Smith Clerk, George Smith, James Sorby, William Staniforth, Samuel Stansfield, John Sparrow Stovin, John Sorby, John Sorby junior, Thomas Sanderson, William Shore, John Shore, Richard Stanley, Lewis Thomas, Charles Thomson, Robert Turner, Samuel Turner Liquor Merchant, Samuel Turner Draper, James Taylor, John Taylor, Robert Tate, William Unwin, Robert Unwin, George Unwin, John Vickers, Thomas Vickers, William Wagstaffe, Richard Walton, Thomas Ward, Thomas Asline Ward, Robert Waterhouse, Thomas Weldon, William Wheatcroft, Joshua Wigfall, Ann Wiley, Thomas Wiley, John Wiley, Thomas Wilson of Claywood, Thomas Wilson of Clifford, Joseph Withers, Benjamin Withers junior, Joseph Wreaks, John Wingfield, James Wilson, William Younge Doctor of Medicine, and their respective Successors, Executors, Administrators, and Assigns, or such of them as shall from Time to Time be possessed of any Share or Shares in the Navigation, Side Cut, and Undertaking, hereby authorized to be made; and also such other Person or Persons as shall from Time to Time be possessed of any Share or Shares therein, shall be, and they are hereby accordingly united into a Company, for making, completing and maintaining the said intended Navigable Canal and Side Cut for Boats, Barges, and other Vessels, and the said Reservoirs, Bridges, Highway, and all other the Works hereby authorized to be made, according to the Rules, Orders, and Directions hereinafter expressed; and that, for the aforesaid Purposes, they are and shall be One Body Politic and Corporate, to be called by the Name of 'The Company of Proprietors of the *Sheffield* Canal;' and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued; and shall also have full Power and Authority to purchase and hold Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Use of the said Navigation, Side Cut, Reservoirs, and other Works; and also to sell or dispose of any of the Lands, Tenements, or Hereditaments, to be purchased by them 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 hereby incorporated, and they are hereby fully authorized and empowered, from and after the passing of this Act, by themselves, or by their Deputies, Agents, Officers, Workmen or Servants, to make and maintain a Cut or Canal, to be called *The Sheffield Canal*, in, through, and into the several Parishes of *Sheffield* and *Rotherham*, and the several Townships of *Sheffield*, *Attercliffe*, and *Tinsley*, and to be navigable and passable for Boats, Barges, and other Vessels, from the West Part of a Close called *Castle Orchard*, and now or lately occupied by *George Woolhouse*, and the West Part of the adjoining Close, also called *Castle Orchard*, and now or lately occupied by *Robert Rawson* (both of which Closes are in the Township and Parish of *Sheffield* aforesaid) into a Garden or Piece of Land, now or lately belonging to the Company of Proprietors of the Navigation of the River *Dun*, and now or lately occupied by *Henry Hobson*, in the Township of *Tinsley* aforesaid, there to unite with the said navigable Cut or Canal which communicates with the River *Dun*, in the same Township of *Tinsley*; and also to make a navigable Side Branch or Cut, in, through, and into the several Parishes of *Sheffield* and *Rotherham* aforesaid, and the said Townships of *Attercliffe* and *Tinsley*, and also the Township of *Darnal* in the said Parish of *Sheffield*, from the said intended Canal, at or near the *Greenland*

The Proprietors incorporated by the Name of 'The Company of Proprietors of the *Sheffield* Canal;'

with Power to purchase and sell Land, &c. and to make the Canal, &c.

and Side Branch;

and Refer-
voirs ;

and erect
Engines, &c.

and to make
a convenient
Carriage
Road from
the Head of
the Canal
into Sheffield;

and to build
a Bridge over
the Sheaf ;

and also an
Aqueduct
over the
Workshop
Road.

Power to
enter Lands,
&c.

Greenland Engine Road, in the said Township of *Attercliffe*, into a Close called *Sheep Bridge*, now or lately occupied by *Joseph Jones*, in the Township of *Tinsley* aforesaid ; and also, if need be, or they shall think fit, to make a Reservoir for Water in the said Townships of *Darnal* and *Tinsley*, and Parishes of *Sheffield* and *Rotherham*, at the Southern End of the said proposed navigable Branch, from the said intended Canal, (which said Reservoir is intended to be made upon the Brook called *Darnal Brook* or *Carr Brook*) ; and also to make another Reservoir in the said Townships of *Attercliffe*, *Darnal*, and *Sheffield*, and Parish of *Sheffield*, at a Place called *Acres Hill*, upon the Brook called *Acres Hill Dyke* ; and to make a Watercourse or Feeder from such last-mentioned Reservoir into the said intended Canal at or near to *Attercliffe* aforesaid ; and also to supply the said intended Canal and Side Cut at all Times for ever, while making and after the same shall be made, with Water from the River *Sheaf*, subject as to the Waters of the said River to the Restrictions hereinafter contained, and the Brooks or Streams above mentioned, and from such other Brooks, Streams, Springs, Rivers, Rivulets, Ponds, Pits, and Watercourses, as shall flow or be found in digging or making the said Canal and Side Cut, or within the Distance of One hundred Yards therefrom, and from the above mentioned Reservoirs or any of them : And also to erect, make, and maintain such Steam Engines or other Machines, and also to make such and so many other Feeders, Watercourses, Soughs, Tunnels, Archways, Aqueducts, and Channels, for supplying the proposed Canal and Side Cut, and the said Steam Engines and Reservoirs with Water, and for conveying Water from such Reservoirs to the said proposed Canal and Side Cut, as by the said Company of Proprietors hereby incorporated, shall from Time to Time or at any Time hereafter be deemed necessary and proper ; and to make such proper Trenches or Passages for Water, in, upon, or through the Lands or Grounds adjoining or near to the said proposed Canal and Side Cut, as the said Company of Proprietors hereby incorporated shall think fit : And also to make a convenient Carriage Road and public Highway in the said Parish and Township of *Sheffield*, from the Basin or Head of the said intended Canal, to unite with a Street called *Castle Folds* ; and to build a Bridge over the River *Sheaf*, in the said Township and Parish of *Sheffield*, where the said intended Road will intersect the said River ; and also to build an Aqueduct over the Turnpike Road leading from *Workshop*, in the County of *Nottingham*, to *Attercliffe* aforesaid, where the said proposed Canal is intended to cross the same Road, for the Purpose of conducting the same Canal over and above the said Road, and to make and carry the said Canal across the Turnpike Road leading from *Bawtry*, in the said County of *York* to *Tinsley* aforesaid, and also across the Highway or Road leading from *Sheffield* aforesaid to *Tinsley* aforesaid, and across any of the other Highways and public or private Roads in the several Townships through which the said Canal and Side Cut, or either of them are intended to pass, and to build such convenient Bridges over the same, as may be necessary and proper : And for the Purposes aforesaid, or any of them, the said Company of Proprietors hereby incorporated, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said proposed Canal and Side Cut, Reservoirs, Feeders, Bridges, Aqueducts, Towing Paths, Highway,

way, Keys, Wharfs, Store Houses, and all such other Works, Matters, and Conveniences, as they shall think proper and necessary for effecting, preserving, improving, completing, maintaining, and using the said Canal and Side Cut, and other Works hereby authorized to be made; and also to bore, dig, cut, trench, fough, excavate, get, take, or remove, carry away and lay, Earth, Clay, Stone, Soil, Rubbish, Timber, and other Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Canal and Side Cut, Feeders, Aqueducts, or other Works, out of or upon the Lands and Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making, carrying, or continuing, maintaining, or repairing the said Canal, Side Cut, Reservoirs, and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining of the same respectively, or in making, using, extending, completing, and maintaining such Feeders, Trenches, Tunnels, Archways, Passages, Aqueducts, and Watercourses, as shall be necessary and proper to convey Water to and from the said Canal and Side Cut, according to the true Intent and Meaning of this Act; and to make, build, erect, and set up, in or upon the said Canal and Side Cut, or upon the Lands adjoining the same respectively, such and so many other Bridges and Aqueducts, and such and so many Piers, Arches, Tunnels, Sluices, Floodgates, Stopgates, Weirs, Pens for Water, Water Tanks, Dams, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, and Cranes, Steam Engines, or other Machines, Dry Docks, Basins, and other Works, Ways, Roads, and Conveniences, as and where the said Company of Proprietors hereby incorporated, shall think necessary and convenient; and also from Time to Time to alter, repair, and amend or discontinue the same; and to divert, alter, widen, enlarge, and extend or discontinue any Bridges, Ways, Roads, Passages, or Conveniences, as well for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandizes, and other Articles, to and from the said Canal and Side Cut, and other Works hereby authorized to be made; or for the carrying and conveying of all Manner of Materials necessary for erecting, making, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Canal and Side Cut, Reservoirs, Bridges, Highway, and the Works of or belonging to the said Undertaking, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Canal and Side Cut, Reservoirs, and other Works, or the Tunnels, Archways, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing Boats, Barges, and other Vessels, passing upon the said Canal and Side Cut, with Men, Horses, or otherwise, and proper Places for Boats and other Vessels navigated upon the said Canal and Side Cut, to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and also to make such Roads and Ways, Culverts and Bridges, as the said Company of Proprietors shall think necessary and expedient for the Use and Accommodation of the Owners or Occupiers of any such Lands and Grounds as shall be cut through, separated, or divided, or

[*Local.*]

18 G

otherwise

making Satisfaction for Damages.

otherwise affected by, or by which the Use or Occupation thereof, shall be obstructed or rendered inconvenient, in consequence of making the said Canal and Side Cut, or either of them, or by making or building Wharfs, Quays, Houses, Warehouses, Toll Houses, or other Buildings; or by making and using Landing Places, contiguous or near thereto, or by making Sluices, Floodgates, Stopgates, Weirs, Pens for Water, Water Tanks or Dams for the Use of the said Canal and Side Cut, or either of them; and to construct, erect, make and do all other Matters and Things which they shall think convenient and necessary for making, effecting, preserving, improving, completing and using the said Canal and Side Cut, and other Works, in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors hereby incorporated, their Deputies, Agents, Servants and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein mentioned to the Owners or Proprietors of and all Persons interested in the Lands, Messuages, Buildings, Tenements or Hereditaments, Waters, Watercourses, Brooks or Rivers respectively, which shall be taken and removed, diverted or prejudiced, for all the Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to such Provisions and Restrictions as are herein contained.

Map and Book of Reference.

II. And whereas certain Levels and Surveys have been taken to ascertain the Practicability of making the said intended Canal, Side Cut, Reservoirs, Feeders, Bridges, Highway and other Works, and a Map or Plan with a Book of Reference thereto, has been made in consequence thereof, to shew the Line or Course of the said Canal and Side Cut, and of the said Feeder or Watercourse and Highway, and the Situation and Extent of the said Reservoirs, through, across, under, over or upon the several Estates, Lands or Grounds, now or late belonging or reputed to belong to the several and respective Persons particularly named or described in the said Book of Reference, which said Map or Plan and Book of Reference, have been deposited at the Office of the Clerk of the Peace for the said West Riding of the said County of York: Now be it enacted, That the said Map or Plan and Book of Reference so deposited, shall remain with and be kept by the said Clerk of the Peace; and that another Part of the said Map or Plan and Book of Reference shall be deposited with the Law Clerk to the said Company of Proprietors; and all Persons interested in any Manner therein, shall have Liberty to inspect and peruse, and make Extracts from and Copies thereof, at seasonable Times, on Payment to such Clerks respectively of One Shilling for each Time of Inspection, and of One Shilling more for every Hour during which such Inspection shall continue after the First, and paying for every Copy not exceeding Seventy-two Words, the Sum of Sixpence, and so in Proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Seven Days Notice to him

him given for that Purpose, shall be and is hereby required from Time to Time, to produce the said Map or Plan before the Commissioners hereby appointed, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, he having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance.

III. And be it further enacted, That the said *Sheffield* Canal Company in making the said intended Canal and Side Cut, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference, and shall not make the said Reservoirs in any other Situations, or take for the Purposes of the same any other Lands than those described in the said Map and mentioned in the said Book of Reference as being wanted for the same.

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

IV. And be it further enacted, That the said Company of Proprietors shall and may make the said intended Canal and Side Cut, or either of them, into, through, across or over the Lands or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds such Deviation as aforesaid shall extend, although his, her, or their Name or Names is or are not mentioned in the said Book of Reference, and also into the Estates, Lands, or Grounds of any Person or Persons where it shall appear to the Satisfaction of the said Commissioners, and be by them certified under their Hands, that the Name or Names of such last-mentioned Person or Persons hath or have been by Mistake omitted in the said Book of Reference, or that instead of his, her, or their Name or Names, the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have been by Mistake inserted therein; any Thing herein contained to the contrary thereof in anywise notwithstanding.

In case any Names be omitted in the Book of Reference.

V. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said *Sheffield* Canal Company, or any Person or Persons employed by them, to take, use, injure or damage, any Messuage, Tenement, Dwelling House or other Building, or any Ground which upon the Thirtieth Day of *September* One thousand eight hundred and fourteen, was the Site of any Messuage, Tenement, Dwelling House or other Building, or any Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or Lawn inclosed or adjoining to a Mansion House, or ancient Fish-Pond belonging to or near any Mansion House, without the Consent of the respective Owners and Occupiers thereof, other than and except the Messuages, Tenements or Dwelling Houses, Workshops, Counting Houses, Barns, Stables and other Buildings, Gardens, Yards, Paddocks, Lawns, and other the Premises which are hereinafter mentioned; (that is to say), a certain Garden now or late in the Possession of Signior *Petro*; a Barn, Stable, Part of a Yard, and Part of a Garden, now or late in the Possession of *George Woolhouse*; a Stack Yard now or late in the Possession of *Benjamin Sayle*, *John Shore*, *Elizabeth Binks*, *William Booth*, *Henry Booth*, *William Binks*, *John Shore junior*, *Henry Hartop*, and *George Taylor*, trading in Copartnership together, under the Firm of *Booth and Company*, all which Premises above described are

Houses, Gardens, &c. not to be injured, except those particularly mentioned.

are the Property of his Grace the Duke of *Norfolk*, and are situate in the Township and Parish of *Sheffield* aforesaid; a certain Brick Yard, including a Kiln and a small Counting House, now or late in the Possession of *Samuel Revill*; and another Brick Yard, including a small Counting House, now or late in the Possession of *Joseph Glave*, an Orchard now or late in the Possession of *John Pilsforth*, and a Garden now or late in the Possession of *William Shimeld*; all which said Premises last described, are likewise the Property of his Grace the Duke of *Norfolk*, and situate in the said Township of *Attercliffe*, and Parish of *Sheffield*; a certain Garden, now or late in the Possession of *Thomas Bretnall*, being the Property of *John Shaw*, and situate in the Township of *Attercliffe*, and Parish of *Sheffield*; a Garden now or late in the Possession of *John Brownhill*; another Garden now or late in the Possession of *William Naylor*; another Garden now or late in the Possession of *George Ward*; and another Garden now or late in the Possession of *Edward Hanson*; which said Gardens are the Property of *George Bussard Greaves* Esquire, and are situate in the said Township of *Attercliffe*, and Parish of *Sheffield*; a certain Garden now or late in the Possession of *John Naylor*; a Garden now or late in the Possession of *Henry Simpson*; and another Garden now or late in the Possession of *George Brears*; which said Three last-mentioned Gardens are the Property of *Mary Deakin*, and are situate in the Township of *Attercliffe*, and Parish of *Sheffield* aforesaid; a Garden now or late in the Possession of *Joseph Marshall*; another Garden now or late in the Possession of *Joseph Habershon*; another Garden now or late in the Possession of *Jeremiah Downing*; another Garden now or late in the Possession of *Thomas Hawksworth*; and another Garden, with a Piggery and some vacant Ground adjoining, now or late in the Possession of *Samuel Coldwell*; which said last-mentioned Gardens and Premises are the Property of *Samuel Johnstone*, whereof *John Cofins* is the Lessee, and are situate in the said Township of *Attercliffe*, and Parish of *Sheffield*; a certain Garden now or late in the Occupation of *James Johnson*; another Garden now or late in the Occupation of *William Whiteley*; another Garden now or late in the Occupation of *James Johnson*; another Garden now or late in the Occupation of *William Hanson*; another Garden now or late in the Occupation of *Joseph Allen*; another Garden now or late in the Occupation of *Joseph Taylor*; another Garden now or late in the Occupation of *George Speight*; another Garden now or late in the Occupation of *Elizabeth Swinden*; another Garden now or late in the Occupation of *John Eaden*; another Garden now or late in the Occupation of *Frederick Hudson*; another Garden now or late in the Occupation of *William Womersley*; another Garden now or late in the Occupation of *James Johnson*; and another Garden now or late in the Occupation of *William Gray*; which said last-mentioned Gardens are the Property of *Gamaliel Milner* Esquire, and are situate in the Township of *Attercliffe*, and Parish of *Sheffield* aforesaid; a Garden now or late in the Occupation of *George Roadhouse*, being the Property of the Right Honourable Earl *Fitzwilliam*, and situate in the Township of *Tinsley*, and Parish of *Rotherham* aforesaid; a Garden now or late in the Occupation of *Bingley Watson*; Two other Gardens now or late in the Occupation of *John Wood* and *Thomas Wood*; a Cottage-house and Garden now or late in the Occupation of *William Blagden* and *George Lound*; certain Lime Kilns and a Wharf now or late in the Occupation of *William Blagden*; a Garden now or late in the Occupation of *Joseph Hobson*; and another Garden now or late in the Occupation of *Henry Hobson*; which said

said last-mentioned Premises are the Property of the Company of Proprietors of the Navigation of the River *Dun*, and are situate in the said Township of *Tinsley* and Parish of *Rotherham*; a certain Garden now or late in the Occupation of *John Jones*, the Property of *Samuel Staniforth* Esquire, and situate in the said Township of *Tinsley* and Parish of *Rotherham*; certain other Gardens now or late in the several Occupations of *William Jones*, *George Bowns*, *Samuel Linley*, and *John Innocent*, being the Property of *Joseph Jones*, and situate in the Township of *Darnal* and Parish of *Sheffield* aforesaid; another Garden now or late in the Occupation of *Joshua Jephson Oddy*, being the Property of the said *Joshua Jephson Oddy*, and situate in the said Township of *Darnal*; certain other Gardens now or late in the several Occupations of *Thomas Ellis*, and *Thomas Hawk* and *William Grayson*, being the Property of *Samuel Staniforth* and *Samuel Younge*, and situate in the said Township of *Darnal* and Parish of *Sheffield*; other Gardens now or late in the Occupation of *William Booker*, being the Property of *Joshua Jephson Oddy*, and situate in the said Township of *Darnal* and Parish of *Sheffield*; a Garden now or late in the Possession of *William Bayley*, and a Garden now or late in the Possession of *John Hutchinson* and *Joseph Taylor*, being the Property of *Samuel Staniforth* Esquire, and situate in the Township of *Attercliffe* and Parish of *Sheffield* aforesaid; a Dwelling House now or late in the Occupation of *William Ellison*; a Dwelling House now or lately occupied by *William Hepple* as a Public House; a Dwelling House now or late in the Occupation of *Benjamin Taylor*; certain Workshops and Warehouses now or late in the Occupation of *William Ellison*; a Dwelling House now or late in the Occupation of *Francis Clayton*; a Dwelling House now or late in the Occupation of *John Bramwell*; a Dwelling House now or late in the Occupation of *Robert Mayor*; a Dwelling House now or late in the Occupation of *William Midgeley*; a Dwelling House now or late in the Occupation of *John Laister*; a Stable now or late in the Possession of *Benjamin Barker*; a Stable now or late in the Possession of *William Hepple*; a Brewhouse now or late in the Possession of *William Hepple*; a Warehouse now or late in the Possession of *William Ellison*; certain Workshops and a Stable now or late in the Possession of *Benjamin Taylor*; a Coach-house and Stable now or late in the Possession of *John Batty senior* and *John Batty junior*; a certain Shop in the Possession of *Thomas Waller*; a Corn Chamber now or late in the Occupation of *William Richardson*; a Dwelling House, Yard and Piggery, now or late in the Occupation of *Margaret Hall*; a Dwelling House now or late in the Occupation of *Henry Dalton*, and certain Yards occupied and enjoyed in Common by the Tenants of the above-mentioned Dwelling Houses and Premises, or some of them; which said Dwelling Houses, Workshops, Stables, Yards, and other the last-mentioned Premises, are the Property of his Grace the Duke of *Norfolk*, whereof *George Woolhouse* is Lessee, and situate in the Township and Parish of *Sheffield* aforesaid; a Dwelling House now or late in the Occupation of *Ann Hobson* and *Elizabeth Broadley*; a Dwelling House in the Occupation of *John Aldam*; a Workshop in the Occupation of *Benjamin Taylor*; a Dwelling House in the Occupation of *John Glave* the elder; a Dwelling House in the Occupation of *John Glave* the younger; a Dwelling House now or late in the Occupation of *Robert Holland* and *Thomas Steele*; a Dwelling House now or late in the Occupation of *Benjamin Anson*; and certain Yards occupied and enjoyed in common by the Tenants of the last-mentioned Dwelling Houses and Premises, or some of them; a Dwelling House now or late in the Occupation of *John Oakes* and *Catherine Tomlinson*; a Dwelling House now or late in the

[Local.]

18 H

Occupation

Occupation of *Mary Dodge*, and a certain Yard occupied and enjoyed in common by the Tenants of the last-mentioned Dwelling Houses and Premises or some of them; which said Dwelling Houses, Workshops, Stables, Yards, and other last-mentioned Premises are the Property of his Grace the Duke of *Norfolk*, and situate in the said Township and Parish of *Sheffield*; Two Dwelling Houses, a Butcher's Shop and Stable, now or late in the several Occupations of *Thomas Rawson* and *John Rawson* (surviving Partners of *Vincent Eyre* Esquire, and *John Brown* Doctor of Medicine, deceased, late Copartners together, trading under the Firm of *Rawson and Company*), *Robert Smith*, *Francis Dobb*, and *Elizabeth Orme*, respectively; a House now or late in the Occupation of *William Taylor*; a House now or late in the Occupation of *John Staniforth*; a House now or late in the Occupation of *William Hodgson*; a House now or late in the Occupation of *John Cusworth*; a House now or late in the Occupation of *William Coke-well*; a House now or late in the Occupation of *Martha Taylor*; a House now or late in the Occupation of *John Grammar*, with Yards and Privies, occupied in Common by the Tenants of the last-mentioned Dwelling Houses and Premises, or some of them; which said Houses, Shops, Stable, Yards and Privies, are the Property of his Grace the Duke of *Norfolk*, and whereof *John Rimington* and *Rowland Hodgson*, the Executors named in and appointed by the last Will and Testament of *Henry Tudor* Esquire, deceased, are Lessees; all which said several Messuages, Tenements, Dwelling Houses, Workshops, Counting Houses, Barns, Stables and other Buildings, Gardens, Yards, Paddocks, Lawns, and other Premises above-mentioned and described, it shall be lawful for the said Company of Proprietors hereby incorporated to take, use, pull down, cut through, and convert to the Purposes of the said Undertaking, making Satisfaction for the same according to the Rules and Directions herein contained with respect to the Land wanted for the Purposes of the said Undertaking.

Appointing
Commission-
ers.

VI. And whereas Differences may arise between the said Company of Proprietors and the several Owners of and Persons interested in the Lands, Grounds, Messuages, Buildings, Tenements, Hereditaments, Forges, Foundries and other Works, Rivers, Streams, Brooks, Waters or Water-courses, which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made to them respectively; be it therefore further enacted, That all Persons, who, at the Time of any such Difference arising shall have an Estate of Freehold or Copyhold, or both, in Lands, Tenements or Hereditaments, of the Yearly Value of Three hundred Pounds within the said West Riding of the said County of *York*, and all Persons who at the Time of such Difference shall reside within Twelve Miles of the Parish Church of *Sheffield* aforesaid, and shall have such Estate as aforesaid, in any other County, Shire or District, of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, shall be, and they are hereby appointed Commissioners for settling, determining and adjusting all Questions, Matters 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, Messuages, Buildings, Tenements, Hereditaments, Forges, Foundries and other Works, Rivers, Streams, Brooks, Waters or Water-courses, which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners acting

acting in such Question, Matter or Difference as shall arise, are hereby empowered, by Examination of Witnesses on Oath (which Oath the said Commissioners are hereby authorized to administer), and by any other lawful Ways and Means by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of Proprietors to such Bodies Politic, Corporate or Collegiate, Person or Persons respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of or as a Recompence for the use of the Lands, Grounds, Messuages, Buildings, Tenements, Hereditaments, Forges, Foundries and other Works, Rivers, Streams, Brooks, Waters or Watercourses, which shall be set out and ascertained, or intended to be made use of as aforesaid, for making the said Canal, Side Cut, Reservoirs and other Works, or for any other of the Purposes of this Act; and also to adjust and determine what other distinct Sum or Sums of Money shall be paid by the said Company of Proprietors as a Recompence for any Damages which may or shall be sustained by such Bodies Politic, Corporate or Collegiate, or any other Person or Persons being Owners, Lessees or Occupiers of or interested in any Lands, Grounds, Messuages, Buildings, Tenements, Hereditaments, Forges, Foundries and other Works, Rivers, Streams, Brooks, Waters or Watercourses, for or by reason of severing or dividing the same, or getting Materials therein, or making, repairing or maintaining the said Canal, Side Cut, Reservoirs, Aqueducts, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or other Works of Convenience, or supplying the same or any of them with Water as aforesaid, or by altering, diverting or taking away, or using any Rivers, Springs, Streams of Water, or Watercourses flowing to or supplying with Water any Mill or Mills, Forges, Foundries, Engines or other Works, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Canal, Side Cut, Reservoirs or Trenches, or over or through any Sluices, Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given for preserving, conveying and communicating Water to or from the said Canal, Side Cut, and Reservoirs, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same, or by Reason or Means of the Execution of any of the Powers herein contained by the said Company of Proprietors, their Agents, Workmen or Servants, in case such Price, Damages and Recompence respectively, cannot be settled, adjusted and agreed for, by and between the said Company of Proprietors or their Agents for the Time being, or any of them, and such Proprietors of and Persons interested in the said Lands, Grounds, Messuages, Buildings, Tenements, Hereditaments, Forges, Foundries and other Works, Rivers, Streams, Brooks, Waters, or Watercourses; and if the said Company of Proprietors, for and on behalf of themselves, or any such Bodies Politic, Corporate or Collegiate, or other Person or Persons so interested or entitled as aforesaid, for and on his, her or their Part or Parts, or for or on the Part of his, her or their Cestuique Trust, or of any incapacitated Person or Persons, shall refuse or neglect forthwith to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be made by them as aforesaid; or if any such Bodies Politic, Corporate or Collegiate, Trustee or Trustees or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or Recompence as shall be

If Parties refuse to treat, or shall not agree, Jury to be impanelled to assess the Purchase Monies, &c.

Witnesses may
be examined
on Oath.

be so determined to be paid; or shall upon Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or other Hereditaments, for the Space of Ten Days after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or by Disability by Nonage, Coverture or other Impediment, cannot treat for themselves, or make such Agreement as shall be necessary for the Purposes aforesaid, or shall not within the before mentioned Space of Ten Days produce and evince a clear Title to the Premises which they are or shall be in Possession of, or to the Interest which they claim therein, then and in such Case the said Commissioners shall, and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of *York* for the Time being; or in case such Sheriff or his Under Sheriff shall happen to be one of the Company of Proprietors of the said Navigation, or shall enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to some One of the Coroners within the said County of *York*, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon and return a Jury; and the said Sheriff and Coroner respectively 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 of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Ten nor more than Twenty Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner respectively; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers by, or that can speedily be procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve, and all Parties concerned 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 to summon and call before them, all and every such Person and Persons as shall be thought necessary to be examined as a Witness or Witnesses touching the Matter 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 Three or more of them, to view the Place or Places, or Matter in Controversy; which Jury upon their Oaths, to be administered by the said Commissioners (which Oath, as well as such Oath 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 or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Tenements, Hereditaments, Forges, Foundries and other Works, Rivers, Streams, Brooks, Waters or Watercourses, or the Recompence to be made for the Damages that may or shall be ascertained as aforesaid; and in so doing the Jury shall take into Consideration the Damages or Inconvenience which may arise by means of any Bridges, Roads, or other Communications made necessary, by reason of the said Canal and Side Cut, Reservoirs

voirs and other Works, and shall assess separate Damages for the same, and the said Commissioners shall give Judgement for such Purchase Monies, or Recompence so to be assessed by such Juries; 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 whomsoever, 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.

Verdict of
Jury to be
final.

VII. And be it further enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit the Sum of Ten 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 and Meaning of this Act, every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay the Sum of Five Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus to the Owner thereof, after such Penalties and the Charges of such 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.

Penalty on
Sheriffs, &c.
making
Default.

VIII. And be it further enacted, That such of the said Commissioners who are Justices of the Peace for the said West Riding of the County of *York*, shall and may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

Commission-
ers may act as
Justices in the
Execution of
this Act.

IX. And be it further enacted, That no Person shall act as a 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 Navigation, or concerned in any Contract or Bargain made or to be made for the Purposes of this Act, or in Cases where he shall be in anywise interested or concerned in the Matters in Question, nor unless he shall reside in the said County of *York*, or within Twelve Miles of the Parish Church of *Sheffield* aforesaid; nor shall any Person act as a Commissioner in the Execution of this Act (otherwise than in administering an Oath or Affirmation to the Effect following to the other Commissioners) until he shall have taken and subscribed such Oath or Affirmation, before any one or more of the said Commissioners, who is and are hereby authorized and empowered to administer the same; (that is to say),

No Person
holding a
Place of Pro-
fit, &c. to act
as a Commis-
sioner.

Commission-
ers to take an
Oath.

‘ I do swear, [*or*, being One of the People called *Quakers*,
‘ I do solemnly affirm] That I will, without Favour or Affection, Hatred
‘ or Malice, truly and impartially, according to the best of my Skill and
‘ Knowledge, execute and perform the Powers and Authorities vested in me
[*Local.*]

“ as a Commissioner, by an Act made in the Fifty-fifth Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of this Act*], and that I am qualified to act as a Commissioner according to the Directions of the said Act.”

And if any Person by this Act declared incapable to act as a Commissioner shall nevertheless presume to act as such in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who will sue for the same, to be recovered with full Costs of Suit by Action at Law in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Privilege, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any further Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act.

On Application Commissioners to hold Meetings.

X. And be it further enacted, That upon any Application to be made by the Committee of the said Company of Proprietors, or by the Owner or Occupier of any Lands or other Hereditaments to be affected by this Act, or by any Body Politic, Corporate, or Collegiate, or Person or Persons interested in any Matter to be determined by the said Commissioners, unto the said Commissioners, or any Three or more of them, requesting or desiring them to appoint a General Meeting of the said Commissioners, the Commissioners so applied to, or any Three or more of them, (although not assembled at a Meeting in pursuance of this Act) shall and they are hereby authorized and required, within Seven Days after such Request or Application made, to give Notice by public Advertisement in some Newspaper or Newspapers, published at *Sheffield*, or in the Neighbourhood thereof, of a General Meeting of the Commissioners to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days nor more than Twenty-one Days from the Day on which such Request shall be made to them as aforesaid, and such Place not being more than Six Miles distant from the Spot where such Cause of Complaint shall arise; and the said Commissioners are hereby authorized, empowered, and required, notwithstanding any Adjournment of their Meeting, to assemble at the Time and Place so to be appointed, in order to put this Act in Execution, and may then adjourn themselves, and afterwards meet at such Time and Place as the Majority of the said Commissioners then assembled shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, the Clerk to the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight next after the Day on which such last Meeting was appointed to be held: Provided always, that every Meeting of the said Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference between the said Proprietors, or any other Person or Persons, shall be held at some Place within Six Miles of the Place where such Complaint or Dispute shall arise.

XI. And

XI. 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 as aforesaid, or before any Justice of the Peace, shall and may be prosecuted for the same; and upon Conviction thereof shall be subject to such Punishment 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.

Penalty on
giving false
Evidence.

XII. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, 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 as shall be a reasonable Recompence for the Expences and Trouble of his Journey and Attendance; and that in all Cases where a Verdict shall be given or made for more Monies, as the Purchase, Recompence, or Satisfaction for any Lands, Grounds, Waters, Tenements, Hereditaments, or Property of any Person or Persons whomsoever, or for any Damages done or to be done to any Lands, Grounds, Waters, Hereditaments, or Property of any Person or Persons, 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 determined and assessed by the said Commissioners, or if no such Recompence or Satisfaction had been offered or tendered in respect of Damages by or on Behalf of the said Company of Proprietors, where any Verdict shall have been found for any Damages, and where the Dispute is for Damages only, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, or receive Compensations from, the said Company of Proprietors as herein mentioned, then and in all such Cases the Expences of calling such Commissioners, summoning such Jury, and taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given or made for the same, or a less Sum or Rent than had been previously offered by or on the Behalf of the said Company of Proprietors, or than had been determined or assessed by the said Commissioners as aforesaid, 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 Compensations 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 Compensation as aforesaid, then and in every such Case (except where 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 Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have had such Controversy or Dispute; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and

Expences of
Commission-
ers and Jury.

Expences, as to so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such 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 or adjudged.

Commissioners to give Notice of their Meetings, &c.

XIII. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time be had for putting into Execution any of the Powers or Authorities vested in them by this Act, unless Fourteen Day previous Notice at least of every such intended Meeting shall be given in a *Sheffield* Newspaper, or in such other Manner as the Committee of the said Company of Proprietors shall direct or appoint; every such Notice to specify the Time and Place of every such Meeting or Meetings respectively, and the several Matters and Things then and there proposed to be done, and that every Meeting of the said Commissioners by virtue of this Act shall be public; and that no Order, Direction, Appointment 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 binding and effectual, unless the same shall be made at one of such Meetings so assembled; and that all Powers and Authorities by this Act given to or vested in the said Commissioners shall and may from Time to Time be exercised by a Majority of the Commissioners present at any Meeting, such Meeting not to consist of less than Five, any Thing herein contained to the contrary notwithstanding.

Commissioners to settle Proportions of Money to be paid to Persons interested.

XIV. And be it further enacted, That the said Commissioners may and they are hereby empowered to settle the Shares and Proportions of the Purchase Monies, or Recompence for Damages which shall be agreed for, determined and adjusted, or assessed under the Authority of this Act, that shall be allowed to any Tenant, Tithe Owner, or other Person or Persons having a particular Estate, Term or Interest in the Premises, for his, her, or their respective Interests therein.

Verdict for Value of Land and Damages to be ascertained separately.

XV. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgments, 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, and Damages sustained or to be sustained separately, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for Damages, separately and apart from each other.

Manner of making Satisfaction for Damage done in getting Materials.

XVI. And be it further enacted, That from Time to Time as the said Company of Proprietors, their Agents and Servants, shall by virtue of the Powers in this Act contained, dig, cut, or carry away any Soil, Sand, Clay, Gravel or Stone, for making, carrying on, or completing, maintaining or keeping in Repair the said Canal, Side Cut, Reservoirs, and other Works hereby authorized to be made, in or from the Grounds of any Person or Persons whomsoever, the said Company shall make a reasonable Satisfaction for the same, from Time to Time, within Three Calendar Months after such Materials shall be got or dug; and the Damages done to such Lands or Grounds shall be ascertained on Application being made by the respective Owners for that Purpose; and in case the said Company and Owners of Lands from whence such Soil, Sand, Clay, Gravel or Stone shall be got, cannot agree upon such Satisfaction, or the said Land Owners shall

shall refuse to treat, or by reason of Absence shall be prevented from treating, or through Disability, Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall become necessary, then such Satisfaction shall be determined by the said Commissioners or a Jury, in such Manner as is by this Act directed in respect of any other Satisfaction to be made by the said Company.

XVII. And be it further enacted, That the said Commissioners shall not nor shall any of them be obliged by 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, unless Application in Writing 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 Clerk or Treasurer, or to some Collector or Collectors of the Rates arising from the said Canal, Side Cut, or other Works, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to the Proprietors, before Complaint to the Commissioners.

XVIII. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose; the same to be open at all seasonable Times to the Inspection of any Person interested in the said Proceedings, without Fee or Reward; and such Entries being signed by such Number of the said Commissioners respectively as are empowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and the same, or true Copies thereof, admitted as Evidence in all Courts whatsoever.

Proceedings of Commissioners to be entered in a Book, and to be admitted as Evidence in all Courts whatsoever.

XIX. 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 all the said Judgments and Verdicts, (being first signed by the Commissioners present at the making of such Determinations, or the taking of such Verdicts, and pronouncing of such Judgments respectively), shall be transmitted to and kept by the Clerk of the Peace for the West Riding of the said County of *York*, amongst the Records of the Quarter Sessions, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling, and also to take Copies thereof, paying for every Copy not exceeding Seventy-two Words, the Sum of Sixpence, and so in Proportion for any greater Number of Words; and immediately on such Tender or Payment of Purchase Money, and Entry of such Verdicts, Judgments, Sentences, Decrees, Orders and other Proceedings of such Commissioners and Juries, all the Estate and Interest, both at Law and in Equity, of the Person or Persons for whose Use such Money or Rent shall be paid or secured, into and out of the said Lands, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors, and they shall respectively be deemed in Law to be in the actual Possession and Seisin of the same Lands, Tenements, Hereditaments, and Premises in Fee Simple, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate therein had been able to convey, and had actually conveyed the same to them by the most effectual

Verdict to be recorded, and Lands vested in the Proprietors.

effectual legal Conveyance; and such Payment shall not only bar all Right, Title, Interest, Claim and Demand of the Person or Persons to or for whose Use the same shall be made or given, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue or Issues, and of every other Person or Persons whomsoever.

Upon Payment or Tender of Monies, the Proprietors to enter and make a Canal, &c.

XX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall be contracted or agreed for between the Parties, or determined and assessed by the said Commissioners, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Grounds, or Hereditaments as aforesaid, to the Proprietor or Proprietors thereof, or other Persons entitled to receive such Money, or to the Principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate so entitled, at any Time after the same shall have been so agreed for, determined, or assessed, or on depositing the same in the Bank of *England*, in Manner in this Act directed, as the Case may require, it shall be lawful for the said Company of Proprietors and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Tenements or Hereditaments respectively, (or before such Tender of Money or Rent, by Leave of the Owners and Occupiers), and to dig, cut, trench, fough and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions for making, using, maintaining and repairing the said Canal and Side Cut, and the Towing-paths on the Sides thereof, and the said Reservoirs and other Works in or upon such Lands, Tenements, and Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid; and thereupon to make or do any Works, Matters, or Things for effecting and carrying on the said Navigation, Side Cut, and Works hereby authorized to be made, and for supporting and maintaining the same respectively, as the said Company of Proprietors shall think requisite.

In Default of Payment, Rates to be liable to Damages and Costs, &c.

XXI. And be it further enacted, That in Default of Payment of such Sum or Sums, at such Times and in such Manner as shall be assessed and awarded for Damages of any Kind by virtue of this Act, by the said Company of Proprietors hereby incorporated, it shall be lawful for the said Commissioners to appoint One or more Person or Persons to receive the Tolls, Rates, and Duties by this Act imposed, and thereout in the first Place to pay all such Damages so determined or assessed as aforesaid, with the Costs (if any) occasioned by such Refusal or Default of Payment; and the Money so to be received by such Person or Persons shall and is hereby declared to be so much Money received to the Use of such Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in order and course respectively as such Determination shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine; or otherwise such Party or Parties so aggrieved shall and may recover such Sum and Sums of Money so assessed and awarded, and which shall not be paid according to the Judgment of the said Commissioners as aforesaid, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, against the said Company of Proprietors, with Costs of Suit as between Attorney and Client.

XXII. And

XXII. And be it further enacted, That all Conveyances and Assurances which shall be made of any Lands, Tenements, or Hereditaments, to the said Company of Proprietors hereby incorporated, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (*videlicet*),

Form of
Conveyance
to the Com-
pany.

‘ I of _____ in Consideration of the Sum
‘ to me paid by the Company of Proprietors
‘ of the *Sheffield* Canal, do hereby grant and release to the said Com-
‘ pany, all [*describing the Premises to be conveyed*], and all my Right,
‘ Title, and Interest to and in the same, and every Part thereof, to hold
‘ to the said Company and their Successors for ever, by virtue and accord-
‘ ing to the true Intent and Meaning of an Act passed in the Fifty-fifth
‘ Year of the Reign of His Majesty King *George* the Third, intituled
‘ [*here set forth the Title of this Act*]. In Witness whereof, I have hereunto
‘ set my Hand and Seal this _____ Day of _____ in the
‘ Year of our Lord _____

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and all other Estates, Rights, Titles, Trusts, and Interests whatsoever.

XXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Company of Proprietors, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by

Directing the
Application
of Money
paid for
Compensa-
tion for
Lands, &c.
when amount-
ing to or ex-
ceeding 200l.

by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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 Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less
than 200l.
and amount-
ing to or ex-
ceeding 20l.

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

When less
than 20l.

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

In case of not
making out
a good Title,
or Persons
cannot be
found, the
Purchase
Money to be
paid into the

XXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded 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 as aforesaid, cannot be found; or if the Person

Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said 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 of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Bank, subject to the Order of the Court of Chancery on Petition.

XXVII. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of 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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession at the Time of Purchase, shall be deemed entitled thereto.

XXVIII. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same 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 and may be lawful to and for the

Court of Chancery may order reasonable Expenses of Purchases to be paid.

[*Local.*]

18 L

said

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 the said Court shall deem 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.

Compensation to be made in lieu of Tithes.

XXIX. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors hereby incorporated, for all Tithes both Great and Small, which would have been arising from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are or at any Time hereafter might have been entitled to such Tithes according to their respective Interest therein; such Tithes to be estimated at the Average Value of the last Three Years, commencing on the Thirtieth Day of *September* One thousand eight hundred and fourteen, and such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or Hereditaments is hereby directed to be ascertained.

The Company may pay Purchase Monies to Mortgagees of Lands purchased, or of Lands settled to the same Uses, if required.

XXX. Provided always, and be it further enacted, That in case any Lands, Tenements, or Hereditaments to be taken and used by the said Company of Proprietors, for the Purposes or pursuant to the Directions of this Act, shall happen to be charged with any Sum or Sums of Money by way of Mortgage or otherwise, to or in Favour of any Person or Persons whomsoever, or where any Lands, Tenements, or Hereditaments which shall be settled to the same or the like Uses as the Hereditaments so taken shall be so charged as aforesaid, then and in either of such Cases, it shall be lawful for the said Company of Proprietors, upon Application being made to them by the Person or Persons to whom or in whose Favour such Charges have been respectively made, his, her, or their Executors or Administrators, or by the Person for the Time being beneficially entitled to the Rents and Profits of the Estates so charged for that Purpose, to pay such Sum or Sums of Money as shall have been so agreed for, adjusted, or assessed as aforesaid, for the Purchase of such Lands, Tenements, or Hereditaments as shall be wanted for the Purposes of this Act, or for the Damages that may be done thereto in carrying the same into Execution, or the Residue of such Sum or Sums after such Allowance and Payment thereout to any Lessee or Tenant as aforesaid, unto the Person or Persons to whom or in whose Favour such Charges shall have been made, his, her, or their Executors or Administrators, in Discharge and Satisfaction of the Principal Money due on such Charge or Charges, or so much thereof as the same Monies will extend to pay and discharge: Provided always, that upon Receipt of such Sum or Sums of Money, such last mentioned Person or Persons, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt thereof by an Indorsement to be made upon the Back of such Charge or Charges, and to be signed by him, her, or them, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the Principal Money and Interest due upon such Charge or Charges.

Mortgagees not to be paid

XXXI. Provided always, and be it further enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, shall be paid off and discharged

discharged by the said Company of Proprietors (save and except with the Consent of the Mortgagee or Mortgagees) unless Six Calendar Months previous Notice under the Hand of the Principal Clerk of the said Company of Proprietors shall have been given to such Mortgagee or Mortgagees, or left at his, her, or their last or usual Place of Abode, of such Intention to pay off and discharge the same, or unless the said Company of Proprietors in lieu of such last mentioned Notice shall pay to the said Mortgagee or Mortgagees Six Calendar Months Interest of the Money so intended to be paid off in addition to the Interest then due to the said Mortgagee or Mortgagees in respect thereof.

off without
Notice.

XXXII. And whereas in pursuance of the Provisions of this Act, the said Company of Proprietors hereby incorporated, may purchase Lands and Buildings, not necessary to be made use of for the Purpose of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated, by Indenture under their Common Seal, to grant and convey, by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands or Buildings, which shall be so purchased by and conveyed to them as aforesaid, as shall not be wanted for the Purposes of this Act, and Conveyances from the said Company of Proprietors hereby incorporated, shall be valid and effectual, any Thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands or Buildings, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors hereby incorporated, 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 whomsoever, for the Purchase Money for which such Lands or Buildings shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to have been received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication or Non-application of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors hereby incorporated, before they shall sell and dispose of such Lands or Buildings, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, or who would have been then entitled thereto, in case such Lands or Buildings had not been purchased by the said Company of Proprietors hereby incorporated, the Price at which the same shall be resold to such former Owner, or Representative of such Owner, being adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled, in case of Difference or Dispute as to the Value thereof; and if such Person or Persons shall not agree, or shall refuse to re-purchase the same, an Affidavit made before a Master Extraordinary in the High Court of Chancery, or One of His Majesty's Justices of the Peace for the West-Riding of the said County of York, by any Person or Persons not interested in the Premises, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person or Persons did not agree, or refused to purchase such Lands or Buildings (as the Case may be), shall in all Cases be sufficient Evidence and Proof that such Offer was made, and not agreed to, or was refused.

Company
empowered
to sell Lands
not wanted.

The original
Owners to
have the Pre-
ference.

XXXIII. And

First and
General As-
semblies.

XXXIII. And be it further enacted, That the said Company of Proprietors hereby incorporated shall assemble on the Fourth *Thursday* after the passing of this Act, at the Town Hall in *Sheffield* aforesaid, between the Hours of Eleven in the Forenoon and One in the Afternoon, for the Purpose of putting or commencing to put this Act into Execution, and shall afterwards, on the First *Thursday* in the Month of *May* in each and every Year, assemble at such Place (not being more than Three Miles distant from the said Canal or Side Cut) and at such Hour as the said Company of Proprietors shall at any Assembly appoint; and in case no Place or Hour shall have been so appointed, then such General Assembly shall be holden where the last General Assembly was holden, and at the same Hour of the Day.

Chairman to
be appointed.

XXXIV. And be it further enacted, That the said Company of Proprietors at their respective Assemblies shall appoint a Chairman, and such Chairman shall be Chairman for that Meeting only, and shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote; and such Chairman shall be named by the Majority in Value of the Votes of the Proprietors and Proxies present, at the respective Times of Appointment.

Subscribers
to have a
Vote for
every Share
not exceed-
ing a certain
Number of
Shares.

XXXV. And be it further enacted, That every Body Politic, Corporate, or Collegiate, or other Person, who shall by virtue of this Act have subscribed or undertaken for One Share of the said Navigation and Undertaking, and their respective Successors, Heirs, and Assigns, shall be deemed a Proprietor for every such Share, and shall have a Vote for every such Share not exceeding in the Whole the Number herein mentioned, in the General and Special Assemblies to be held as herein appointed for carrying on the said Undertaking, which Vote may be given by them, him, or her, or by their, his, or her Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hand and Seal of such other Person, or in case of Infancy, under the Hand and Seal or Hands and Seals of his, her, or their Guardian or Guardians (every such Proxy being a Proprietor in the said Undertaking), and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, and Thing, which shall be proposed, discussed, or considered, in any General or Special Assembly of the said *Sheffield* Canal Company, shall be determined by the Majority of Votes and Proxies then present, subject to the Limitation in Number herein mentioned, and the Chairman having the casting or decisive Vote in case of Equality, as is herein particularly directed.

XXXVI. And be it further enacted, That the Appointments of Proxies shall or may be made according to the Form following, or as near thereto as Circumstances will allow of:

Form of ap-
pointing
Proxies.

‘ I, _____ of _____ One of the Pro-
‘ prietors of the *Sheffield* Canal, do hereby nominate, constitute, and
‘ appoint _____ of _____ to be my
‘ Proxy in my Absence, to vote or give my Assent or Dissent to any Busi-
‘ ness, Matter, or Thing relating to the said Navigation and Undertaking,
‘ that shall be mentioned or proposed at any General or Special Assembly
‘ of _____

of the Proprietors of the said Navigation, in such Manner as he the said
 shall think proper, according to his Opinion and
 Judgment, for the Benefit of the said Navigation and Undertaking, or
 any Thing appertaining thereto, during my Pleasure and until I shall
 revoke the Authority hereby given. In Witness whereof I have hereunto
 set my Hand and Seal, the Day of in the
 Year of our Lord

XXXVII. And be it further enacted, That all Proxies shall be produced to the principal Law Clerk to the said Company of Proprietors, and entered in a Book or List to be kept by him for that Purpose, before any Vote shall be given in respect of such Proxies, at any Meeting or Assembly except the First General Meeting or Assembly, which Book shall be sufficient Authority for any Person deputed by such Proxies to give his Vote, without Production of the Proxy at the Time of his voting until such Proxy be revoked, and the Revocation of such Proxy shall in like Manner be produced to the said Clerk, and entered in the said Book or List.

Proxies and
 Revocations
 to be entered
 in a Book.

XXXVIII. And be it further enacted, That no one Proprietor of the said Undertaking shall have Power to vote upon any Occasion relating thereto, in right or in respect of more than Twenty Shares as Principal or Proprietor, or in right or in respect of more than Twenty Shares as Proxy, so that no Person in the united Character of Principal and Proxy shall have more than Forty Votes, and no one in either separate Capacity shall have more than Twenty Votes.

Number of
 Votes limited.

XXXIX. And be it further enacted, That the said Company shall at their said Annual General Assemblies nominate and appoint by Ballot Nine Persons of and out of the Proprietors of the said Company, to be a Committee for the general Management of the Concerns of the said Company for the ensuing Year, and the Powers of such Committee shall continue for the Year only, that is to say, from the Annual Assembly of Proprietors at which they shall be elected till the next Annual Assembly; but no Person holding any Place, Office, Employment, or Contract under the said Company, shall be capable of being a Member of any Committee during the Time of his Continuance in such Place, Office, or Employment, or holding such Contract; and at every such Election of a Committee (after the First) Six only out of the Nine Proprietors who shall have formed the Committee immediately preceding shall be eligible to be re-elected, so that there may be a Change of at least Three Members of the preceding Committee every Year, and that the same Nine may not serve the Office of Committee Men Two Years together, and therefore, in balloting for the new Committee, no Proprietor shall name more than Six of the former Committee; but after an Interval of One Year, all or any of the Members of the Committee of the Year but one before the Annual Election, may be re-elected.

Committee to
 be appointed
 and other
 Business to be
 done at the
 Annual
 Assemblies.

XL. And be it further enacted, That the said Company of Proprietors shall, at their first Assembly, elect and choose, and under their Common Seal appoint, a principal Law Clerk, on whom the Service of all Writs, Notices, and other Proceedings against the said Company of Proprietors shall be deemed good Service on the said Company; and they shall also at the

A Law Clerk
 and Treasurer
 to be ap-
 pointed.

[Local.]

18 M

same

Company to
take Security
from their
Treasurer,
&c.

same Time elect and choose, and under their Common Seal appoint, a principal Treasurer or principal Treasurers to the said Company; and in case, by reason of any Negligence, Misconduct, or Inability in any Clerk, or Treasurer or Treasurers, to execute such Office or Offices, it shall be requisite to displace or remove him or them, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors at any General or Special Assembly to be held as herein directed, to remove any such Clerk or Treasurer; and in case any such Clerk or Treasurer shall die, be removed from, or quit the Service of the said Company of Proprietors, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors at any such General or Special Assembly 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: Provided always, that the said Company of Proprietors shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, Receiver, or Collector for any of the Purposes of this Act, for the faithful Execution of their respective Offices, before they shall enter thereupon respectively.

General Assemblies for
choosing
Committees
to consist of
Fifty Shares.

XLI. Provided always, and be it enacted, That if at any such General Assembly, or at any Special Assembly of the said Company of Proprietors, to be held under the Powers herein-after contained, there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least Fifty Shares in the said Undertaking, no Choice of any Committee shall be made at that Time, but in such Case there shall be another General Assembly of the said Company of Proprietors at the same Place, upon or before that Day Four Weeks, and so from Time to Time until there shall be Persons present, either Principals or Proxies, at such General Assembly, having Fifty Shares as aforesaid, and such Choice of a Committee shall then take place, and not before; and of every such Adjourned Meeting Fourteen Days Notice shall be given by the Law Clerk to the said Company, in One or more Newspaper or Newspapers printed at *Sheffield*, or circulated in the Neighbourhood; and the Persons then chosen to be of the Committee shall have the same Powers which they would have had, and shall continue in Office until such Time as they would have done, had they been chosen by any 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, having such Number of Shares as Principals or Proxies at such General Assembly, every Proprietor who shall not attend such Second or Adjourned General Assembly in Person, or by Proxy, shall forfeit to the said Company of Proprietors, for every Share which he, she, or they shall possess in the said Undertaking, the Sum of Twenty Shillings, to be deducted out of his, her, or their 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 making Default as aforesaid, within Six Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Twenty Shillings may be recovered and enforced by the Ways and Means herein appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

XLII. And

XLII. And be it further enacted, That at every Annual Assembly of the said Company of Proprietors, except the First, an Account of all the Monies received, laid out, and disbursed respecting the said Canal, Side Cut, Reservoirs, and other Works by the Committees, or by the Clerk, Treasurer, Collector of Rates, and other Persons whomsoever employed about the said Undertaking, brought up to the Period of Twenty-eight Days before such Annual Assembly, shall be laid before the said Proprietors to be audited and settled; and such Account shall be deposited with the Law Clerk to the said Company of Proprietors during the Fourteen Days immediately preceding such Annual Meeting, for the Purpose of being inspected by the said Company of Proprietors, who shall have free Access thereto at all reasonable Times during such Fourteen Days; and the said General Assemblies shall have Power to adjourn themselves from Time to Time to such Place and Time as they may think fit; and at such Annual Assemblies the Committee for the preceding Year shall make a Report in Writing of all their Proceedings, and of every material Occurrence respecting the Affairs of the said Company during the preceding Year.

Accounts to
be settled
annually at
General
Assemblies.

XLIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Assembly, to order and dispose of the Custody of their Common Seal, and the Use and Application thereof, and to make such Rules, Bye Laws, and Orders for the good Government of the said Company and of the said Committee, and of their Clerk, Treasurer, Agents, Servants, and Workmen, and for the whole, complete, and total Superintendence and Management of the said Canal and Side Cut, Reservoirs, Highway, Bridges, and other Works, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to them shall seem meet, not exceeding the Sum of Five Pounds for any Offence; which said Rules, Bye Laws, and Orders being reduced into Writing under the Common Seal of the said Company of Proprietors, and printed, shall be binding upon and observed by all Parties using or in any way concerned in the said Canal or Side Cut, Reservoirs, and other Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them.

Proprietors
may make
Bye Laws.

XLIV. And be it further enacted, That the said Committee for the Time being shall be called "The Committee for Management of the *Sheffield* Canal," and shall meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit, and they shall always be attended by the Law Clerk to the said Company, who shall enter in a Book, to be called the Committee Book, Minutes of all Bargains made and all Directions given, and other Business done at every Meeting of such Committee, and the Names of all the Members of the Committee who shall be present; and in order to defray the Expences of their Meetings the said Committee shall from Time to Time receive out of the Capital Stock or other Funds of the said Company of Proprietors, such Sum or Sums of Money as they shall for that Purpose call for and require; and the said Committee for the Time being shall, and may from Time to Time use the Common Seal of the said Company of Proprietors, in such Manner and for such Purposes as they shall think fit,

Powers of the
Committee.

fit; and that the said Company shall be bound by the Use thereof; and the said Committee shall nominate and appoint under the Common Seal of the said Company of Proprietors one or more Collector or Collectors of the Rates and Tolls herein allowed to be demanded and taken, and all such other Officers as they may think fit (except a Law Clerk and Treasurer or Treasurers) granting to them respectively such Salary, and taking such Security for the due Execution of their respective Offices, as the said Committee shall think proper; and in case by reason of any Negligence, Misconduct, or Inability in any such Collector or other Officer to execute such Office or Offices, it shall be requisite to displace or remove him or them, or in case the said Committee shall for any reason think fit to displace or remove him or them, then and in any such Case it shall and may be lawful to and for the said Committee for the Time being to remove any such Collector or other Officer, and to appoint any other fit Person or Persons to execute such Office or Offices; and the said Committee for the Time being shall and may contract and agree for the Purchase of the Lands, Tenements, and Hereditaments that may be taken or used for the Purposes of the said Canal and Side Cut, and the said Reservoirs, Bridges, Highway, and other Roads, and all other Works hereby authorized to be made and done, and shall and may settle, determine, and adjust all Matters, Questions, and Differences which may arise between the said Company of Proprietors and the several Owners and Occupiers of and other Persons interested in any Lands, Tenements, and other Hereditaments, Rivers, Streams, Brooks, Springs, and other Property which shall or may be taken, used, damaged or affected, or put in Risk of being damaged or affected by the Execution of any of the Powers hereby granted, and shall and may make Agreements, Contracts, and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and completing the said Canal and Side Cut, Reservoirs, Highway, Bridges, and all and every Part or Parts thereof, and of the Works thereunto appertaining or belonging; and the said Committee shall have full Power, Authority, and Controul over all and every the Funds, Revenues, and Affairs of the said Company of Proprietors respecting the said Undertaking; and the said Committee shall by themselves, or by the Clerk or Treasurer to the said Company of Proprietors, keep a full and true Account of all Money disbursed and Payments made by the said Committee, and by all and every the Person and Persons employed by the said Committee, 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 Rates, Tolls, or other the Revenues of the said Undertaking, or from any other Person or Persons whomsoever employed 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 the Law Clerk to the said Company of Proprietors, write, insert, and enter into a Book or Books to be from Time to Time provided 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, and all other Books relating to the said Undertaking, shall be deposited with and kept locked up under the Care and Direction of the said Committee, or the Law Clerk to the said Company of Proprietors: Provided always, that all the Proprietors, or any of them, upon every reasonable Desire and at all seasonable Times, shall have free Access thereto for his or her Inspection,

tion, and the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Canal and Side Cut, Reservoirs, and other Works, 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 so as such Calls shall not be made but at the Distance of Three Calendar Months at least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in one or more of the Newspapers printed at *Sheffield*, or circulated in the Neighbourhood thereof; and every Owner or Owners of any 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, or within Twenty Days next ensuing, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Shillings for every Share; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the Space of Six Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof, both expectant and in arrear, all which Shares so forfeited shall be vested in the said Company of Proprietors, in trust for the Benefit of all the rest of the said Proprietors whose Shares shall not be so forfeited, in Proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the said Committee for the Time being, 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 nevertheless, that no such Forfeiture of any Share or Shares in the said Undertaking shall be or be deemed to be incurred, save and except personal Notice of such Call or Calls in Writing, signed by the Law Clerk to the said Company of Proprietors, shall have been given to or such Notice left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, and the same Share or Shares shall likewise be declared to be forfeited at the next General or Special Assembly of the Company of Proprietors: Provided nevertheless, that nothing herein contained shall authorize the said Committee to reduce or decrease the Rates and Dues for Tonnage, Wharfage, Porterage, or Cranage, or any other Rates or Dues by this Act made payable, or to borrow Money upon Mortgage thereof, unless Six of the said Committee together assembled shall consent thereto.

Dues not to be decreased, &c. by the Committee unless Six of them consent.

XLV. And be it further enacted, That the said Committee for Management shall, at their First Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee, to preside at such Meeting and at all other Meetings of the said Committee whilst he shall continue to be a Member thereof; and in case the Office of Chairman shall at any Time become vacant by Death, Resignation, or otherwise, the Committee for Management shall at their next Meeting after such Vacancy, elect some other Person out of the Members of such Committee, to

Committee for Management at their First Meeting to elect a Chairman.

[Local.]

18 N

be

be their Chairman at such Meeting and at all other Meetings of the said Committee to be held whilst he shall continue a Member thereof; and that any Five or more Members of the Committee for Management, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of electing a Chairman of such Committee; and that after a Chairman shall be elected any Five or more of such Committee (whereof the Chairman, or in his Absence such other Member of the said Committee as he shall from Time to Time by any Writing under his Hand appoint to supply his Place, shall be One) but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all other Acts, Matters, and Things, and exercising all other Powers and Authorities hereby directed to be done by and vested in such Committee, and that all Questions Matters, and Things, which shall be proposed, discussed, or considered by the said Committee, at their Meetings to be held in Manner aforesaid, shall be decided and determined by a Majority of Members then present; but no Member shall have more than One Vote at any such Meeting; save and except, that in case of an equal Division, the Chairman or the Person appointed to supply his Place as aforesaid, shall always have the casting Vote; and if at any Meeting to be held for the Election of a Chairman as aforesaid, Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same: Provided always, that if on the Day appointed for any such Meeting of the Committee for Management as aforesaid, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Power hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to that Day Fortnight by the Member or Members then present, or if no Member, by the principal Clerk to the said Company of Proprietors, or such other Person as shall attend in his Place.

Members of
Committee
to be possessed
of Two
Shares each.

XLVI. Provided always, and be it further enacted, That no Proprietor of the said Undertaking shall be elected to be One of the said Committee, unless he shall at the Time of his Election be possessed of or entitled to Two Shares at the least in the said Undertaking.

Assembly of
Proprietors
may be specially con-
vened.

XLVII. And be it further enacted, That if it shall at any Time appear that for more effectually putting this Act into Execution, a Special Assembly of the said Company of Proprietors is necessary to be holden, it shall and may be lawful to and for the Committee for the Time being to call the same Special Assembly, they causing Fourteen Days Notice at least to be given, specifying the Time and Place and as much as possible the Purport thereof, in One or more Newspaper or Newspapers printed at *Sheffield*, or circulated in the Neighbourhood; and at such Special Assemblies of the Proprietors any Vacancies in the Committee for the Time being, occasioned by Death, long Absence or otherwise, may be supplied by an Election of others, and any other Business (of which Notice shall have been so given) may be then done, which might be done at the General Annual Meetings.

A certain
Number of
Proprietors
may call a

XLVIII. And be it further enacted, That in case any Ten or more of the Proprietors being collectively possessed of or entitled to Fifty or more Shares in the said Undertaking, shall think that there is any Reason

to complain of the Conduct of the Committee for the Time being, or of any Member or Members thereof, or in case they shall think it necessary that any Vacancy or Vacancies in the said Committee, occasioned by Death or long Absence, should be supplied by the Election of another or others, then it shall and may be lawful for them to call a Special Assembly of the said Proprietors, to be held at such Time and within the Distance aforesaid, at such Place as they shall think fit, provided Fourteen Days Notice of the Time and Place and Purport of such Special Assembly be given by the Persons calling the same, by Advertisement in One of the *Sheffield* Papers, or in some other Paper circulated in the Neighbourhood; and at such Special Assembly it shall be lawful for the Proprietors then present, or the Majority of them, to remove all or any of the Committee and to elect others in their Stead, or in the Stead of any Member dead or absent; and the Committee for the Time being shall produce their Accounts and a Report of their Proceedings at such Special Meeting, if required by the Notice calling or convening the same: Provided, that if at any such Special Assembly there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least One hundred Shares in the said Undertaking, the Power hereby given unto the said Company of Proprietors to remove all or any of the Committee, and to elect others in their Stead, on account of any Complaint against the Conduct of such Committee, shall not be exercised, but the Meeting shall be adjourned for that particular Purpose to the same Place that Day Four Weeks, until there shall be present Persons, either as Principals or Proxies, who shall be possessed of One hundred Shares as aforesaid; and the same Rules, Regulations, Penalties, and Provisions, as are herein prescribed with respect to the General Assemblies for choosing Committees, shall be applicable to the Meetings to be held for removing them.

Special Meeting to remove any of the Committee or to elect others in certain Cases.

XLIX. And, to the End that the said Company of Proprietors hereby incorporated may be enabled to carry on and complete the said Undertaking, be it further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated to raise and contribute among themselves in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Canal and Side Cut, Reservoirs, Bridges, Highway and other Works hereby authorized to be made, and all the Conveniences to the same belonging or requisite, and useful thereto respectively, so as that the same Sum do not exceed Eighty thousand Pounds in the Whole (except as herein-after is mentioned); and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the first Place, for and towards Payment of all Fees and Disbursements in obtaining and passing this Act, and for making the Surveys, Plans, and Estimates preparatory and incident thereto, and all other Expences relating to the same; and all the Residue and Remainder of such Money shall be used and applied for and towards making, completing, and maintaining the said Canal, Side Cut, Reservoirs, Bridges, Highway and other Works respectively hereby authorized to be made, and for other the Purposes of this Act; and so much of the said Sum as shall be raised and contributed by Subscription shall be divided and distinguished into as many equal Shares of One hundred Pounds each, as the same shall amount unto, which Shares shall be numbered in numerical Progression, and shall be deemed Personal Estate, and shall be and are hereby vested in the said several Subscribers, and their several and respective Executors,

Power to raise Money by Subscription;

or by Mort-
gage.

Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum which they shall severally subscribe and pay thereunto; and all and every the Bodies Politic, Corporate, and Collegiate, and every Person and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds for every whole Share, or such less Sum or Sums of Money as shall be demanded in lieu thereof, towards carrying on and completing the said Navigation, Side Cut, Reservoirs, Bridges, Highway, and other Works, shall be entitled to and receive after the same shall be completed, the entire and net Distribution of a proportionate Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum or Sums of Money to be raised, recovered, and received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politic, Corporate, or Collegiate, Person or Persons, having One Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportionate Sum of Money towards carrying on the said Undertaking in Manner herein directed and appointed; and in case the said Sum of Eighty thousand Pounds shall at any Time or Times be deemed or found insufficient for making, completing, and maintaining the said Canal, Side Cut, Reservoirs, Bridges, Highway and other the Works 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 hereby incorporated, to raise and contribute among themselves in such Shares and Proportions, and in Manner and Form as herein-before directed, or by the Admission of new Subscribers (as to them shall seem meet) any further or other Sum of Money for perfecting and completing the said Navigation, Side Cut, Reservoirs, Bridges, Highway and other Works, not exceeding the Sum of Twenty thousand Pounds, and every such new Subscriber (if any) shall become a Proprietor in the said Navigation, Side Cut, Reservoirs, Bridges, Works and Undertaking hereby authorized to be made, and shall be entitled to exercise and enjoy the same Powers, Privileges, and Advantages, and shall be also liable to the same Restrictions, Penalties, and Forfeitures, as if such further or other Sum hereby allowed to be subscribed for and raised had been Part or Parcel of the said original Subscription; but in case the said Company of Proprietors hereby incorporated shall be desirous to raise Part of the Sums hereby authorized to be raised by Mortgage of the said Navigation, Side Cut, Reservoirs, Dues, and Undertaking, instead of by Contribution or Subscription, then and in such Case it shall be lawful for the said Company of Proprietors hereby incorporated to borrow and take up at Interest of and from any Person or Persons who shall be willing to advance and lend the same upon the Credit of the said Navigation, Side Cut, Reservoirs, Dues, and Undertaking, any such Sum or Sums of Money as to them shall seem fit and convenient, and they are hereby authorized and empowered to assign and make over their said Canal, Side Cut, Reservoirs, Dues, and other the Rates to arise by virtue of this Act, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money to be borrowed with Interest to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Deed of Mortgage under the Common Seal of the said Company, according to the Form following; (that is to say),

‘ WE,

WE, the Company of Proprietors of the *Sheffield* Canal, in Con-
sideration of the Sum of
to us paid by of do hereby
by virtue of an Act of Parliament, passed in the Fifty-fifth Year of the
Reign of King *George* the Third, intituled, [*here set forth the Title of this*
Act] bargain, sell, and transfer unto the said
all and singular the Dues and Rates arising by virtue of the said Act, and
also the Navigation, Side Cut, Reservoirs, and other Works thereby au-
thorized to be made, and all the Right, Title, and Interest of us the said
Company of Proprietors, of, in, and to the same, to have and to hold unto
the said Executors, Administrators,
and Assigns, until the said Sum of together
with Interest for the same, after the Rate of
per Centum per Annum, shall be fully paid off and discharged. Given
under our Seal the Day of in the Year
of our Lord

And all Persons to whom such Mortgages shall be made shall be equally
entitled to their Proportion of the said Rates and Premises, according to
their respective Sums in such Mortgages mentioned to be advanced, without
any Preference by Reason of the Priority of Date of any such Mortgage,
or on any other Account whatsoever; and the Money so to be borrowed
is hereby directed and appointed to be laid out and applied for and towards
making, completing, and maintaining the said Navigation, Side Cut, Re-
servoirs, Bridges, Highway and other Works hereby authorized to be
made, and other the Purposes of this Act, and to no other Use or Purpose
whatsoever; and an Entry or Memorial of every such Mortgage, containing
the Number and Date thereof, and an Account of the Name or Names of
the Party or Parties (with their proper Additions) to whom the same shall
have been made, and of the Sum of Money borrowed, together with the
Rate of Interest to be paid thereon, shall, within Twenty-one Days next
after the Date thereof, be written and inserted in One or more Book or
Books, to be kept for that Purpose by the Clerk of the said Company of
Proprietors hereby incorporated, which Book or Books shall and may be
perused at all reasonable Times by the Proprietors or Mortgagees of the
said Undertaking, without Fee or Reward; and all and every Person or
Persons to whom any such Mortgage shall have been made, or who shall be
entitled to the Money thereby secured, may from Time to Time assign or
transfer his, her, or their Right, Title, Interest, or Benefit therein, to any
Person or Persons whomsoever; which Transfer shall be made according
to the Form following; (that is to say),

I of
in Consideration of the Sum of
paid to me by of
do hereby transfer a certain Mortgage made by the Company of Proprie-
tors of the *Sheffield* Canal (Number) bearing Date the
Day of for securing
the Principal Sum of and Interest now due
and hereafter to become due thereon, and all my Right and Property
therein to the said Executors, Admini-
strators, and Assigns. In Witness whereof, I have hereto set my Hand
and Seal, the Day of
in the Year of our Lord

Form of
Transfer of
Mortgage.

[*Local.*]

18 0

And

And every such Transfer shall, within Twenty-one Days after the Date thereof, be produced and notified to the Clerk to the said Company of Proprietors hereby incorporated, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date and Names of the Parties in the said Book or Books to be kept for entering the said original Mortgages, for which said last-mentioned Entry, such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Assignment shall 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 Person or Persons who shall have made such Assignment or Assignments at any Time afterwards to make void, release or discharge the original Mortgage or any Money thereby secured, or any Part thereof.

Assignees
not to vote
on account of
having lent
Money.

L. And be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such Assignment either as Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced any Money on the Credit of any such Mortgage or Assignment.

Names of
Proprietors,
and Number
of their
Shares to be
entered in a
Book, and a
Certificate of
the Entry
delivered to
them.

LI. And for the better Security of the several Proprietors of the said Undertaking, as to their respective Shares therein; be it further enacted, That the said Company of Proprietors hereby incorporated shall and they are hereby required, at their first or some subsequent General Assembly, as soon as conveniently may be, to cause or order the Names and proper Additions of the several Persons who shall then be entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors hereby incorporated; and after such Entry made, to cause their Common Seal to be affixed to the said Book or Books, and every Proprietor shall have a Certificate of such Entry for each Share, certified under the Hand of the Clerk to the said Company, and such Certificate shall be admitted in all Courts whatsoever and elsewhere, as Evidence of the Title of such Proprietor, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified; and in case any such Certificate shall become defaced, worn out or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case, another Certificate shall be made out and delivered by the Clerk to the said Company, who shall be paid the Sum of Two Shillings and Sixpence for the same.

Persons whose
Names stand
as Proprietors
in the Com-
pany's Books
to be deemed
such.

LII. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Names shall at any Time hereafter stand in the said Register Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as original or future Subscribers, or as Successors, Executors, Administrators or Assigns of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every the Call and Calls made
and

LIII. And be it further enacted, That the several Persons and Bodies Politic, Corporate, or Collegiate who have subscribed, or who shall hereafter subscribe, to advance any Money for and towards the making and maintaining the said Canal and Side Cut, and other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said *Sheffield* Canal Company, or their Committee to be chosen under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said *Sheffield* Canal Company, or the said Committee; and in case any Person or Body Politic, Corporate or Collegiate, shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall be lawful for the said *Sheffield* Canal Company to sue for and recover the same in any Court of Law or Equity.

LIV. Provided always, and be it further enacted, That if any Subscriber to the said Navigation shall be minded or desirous to pay or advance immediately into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, the full Amount of his or her Subscription for such Share or Shares for which he or she may have subscribed, or any Part thereof, not being less than Fifty Pounds, without waiting for the said Call or Calls, then and in such Case it shall be lawful for the said Treasurer or Treasurers to pay to the said Subscriber or Subscribers out of the Funds of the said Company, Interest upon the same at the Rate of Five Pounds *per Centum per Annum*, upon the Amount which such Payment or Advance may be over and above the said Calls, and from the Period of the Call immediately preceding such Payment or Advance, up to the Period of such subsequent Call respectively, according to the Sum then in Advance, and above the Amount of the said Call.

LV. And be it further enacted, That it shall and may be lawful to and for the Bodies Politic, Corporate and Collegiate, and the several other Persons who may be Proprietors of the said Undertaking, and his, her, or their respective Successors, 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 Shares shall be in the Form or to the Effect following, or as near thereto as Circumstances will allow :

I of in Consideration of Form of Con-
paid to me by of do hereby veyance of
bargain, sell, assign, and transfer, to the said the Sum Shares.
of Capital Stock of and in the *Sheffield* Canal,
being Part [*or, the Whole, as the Case may be*] of my Share in the said
Canal, to hold to the said Executors, Administrators,
and Assigns, subject to the same Rules, Orders and Restrictions, and on
the same Conditions that I held the same immediately before the Exe-
cution hereof; and I the said do hereby agree to
take and accept the said Capital Stock or Share of subject

‘ 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 to the said Company of Proprietors shall have entered, in a proper Book or Books to be kept for that Purpose, a Copy or full Abstract of such Transfer or Sale for the Use of the said Company, and have testified or indorsed the Entry of such Copy or Abstract on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry, Copy, or Abstract, accordingly; and until such Entry shall have been made as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Canal, Side Cut, Reservoirs, or other Works, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof as a Proprietor or Proprietors of the said Canal, Side Cut, Reservoirs and other Works.

After a Call,
 no Share to
 be sold until
 such Call be
 paid.

LVI. And be it further enacted, That after any Call of such Money shall have been made by such General Meeting of Proprietors or their 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 Canal, on pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, 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 such Share so sold or transferred; such Forfeiture nevertheless to be notified and declared at a General or Special Assembly to be held in Manner herein directed.

Regulations
 as to the Ac-
 quisition of
 Shares.

By Marriage.

By Will, or
 in course of
 Administra-
 tion.

LVII. And whereas much Inconvenience may arise by the frequent Transfer 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 the Copy of the Register of such Marriage shall be made and sworn to by some credible Person, before One of the Judges at *Westminster*, or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking; 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 thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, shall be made

made and sworn to by the Executor or Executors of such Will, before One of the Judges of His Majesty's Courts of Record at *Westminster*, or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace; and shall also be transmitted to the said Clerk, who shall file and enter the same in the Manner herein-before mentioned; and that in all Cases other than as herein-before mentioned, where the Right and Property in One or more Share or Shares in the said Undertaking, shall pass from the original Proprietor thereof to any Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons, before One of the Judges of His Majesty's Courts of Record at *Westminster*, or a Master Extraordinary in Chancery, or 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 such Affidavit shall be transmitted to the Clerk of the said Company of Proprietors hereby incorporated, who shall thereupon 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.

By any other Means.

LVIII. 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 any Share or Shares 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 Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, 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 complete every such Subscription; and if such deceased Owner or Owners 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 Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, 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, Guardian or Guardians of any 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 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

On the Death of Subscribers before Shares completed, Executors may do it.

[*Local.*]

18 P

the

the rest of the said Company of Proprietors, in Trust for and for the equal Benefit of all the rest of the said Proprietors in Proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Power to take
Rates of
Tonnage.

LIX. And in Consideration of the Charges and Expences which the said Company of Proprietors must sustain and incur in making and maintaining the Works hereby authorized to be made and maintained ; be it further enacted, That it shall be lawful for the said Company of Proprietors hereby incorporated, from Time to Time and at all Times hereafter, to ask, demand, take and recover to and for their own proper Use and Behoof, the several Rates herein-after mentioned, for Tonnage of the several Articles, Matters and Things which shall be carried or conveyed upon the said Canal and Side Cut hereby authorized to be made, and each or either of them ; (that is to say),

Rates.

For every Ton of Coal, Coke, Charcoal, Limestone, Iron Stone, Slag, Sand, Arfura, Sweep Washing Waste, Stones, Slates, Pavors, Cord Wood, Cinders, Manure, Bones for Manure, Turnips, Carrots and Potatoes, any Sum not exceeding the Sum of Two-pence *per* Mile :

For every Ton of Pig Lead, Pig Iron, Ballast Iron, Nut or Bushell Iron, old Cast Iron, Bricks, old Ropes and Rags, Timber unbroken, Bones, and Hoofs, any Sum not exceeding the Sum of Three-pence *per* Mile :

For every Ton of Bar, Rod or Rolled Iron or Steel, Cast Iron Goods, Deals and other broken Timber, Lime, Onions, Apples, Pears, Peas, Beans, Rape, Line, Cole, Mustard Seed, and all Kinds of Green Groceries that are not by this Act specifically charged by Name, any Sum not exceeding the Sum of Four-pence *per* Mile :

For every Ton of dry Groceries of all Descriptions, and for all Kinds of manufactured Goods, Wares and Merchandize, in Casks, Hogsheads or other Packages, any Sum not exceeding the Sum of Five-pence *per* Mile :

For every Quarter containing Eight *Winchester* Bushels, of any Kind of Corn, Grain, or Malt, any Sum not exceeding the Sum of One Penny *per* Mile :

For every Ton of all other Goods, Matters and Things whatsoever, not herein specifically charged, any Sum not exceeding the Sum of Six-pence *per* Mile.

Fractions of
Miles, Tons,
and Quarters
of Tons.

LX. And be it further enacted, That in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated, or pass upon the said intended Canal and Side Cut, or either of them, hereby authorized to be made, such Fraction shall, in ascertaining the Rates to be taken, be deemed and construed a whole Mile, if it exceed Half a Mile, and Half a Mile if it be less than Half a Mile ; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel which shall be so navigated, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Number of Quarters of a Ton contained therein ; and in all Cases where there shall be a Fraction of a Quarter of a Ton, in any such Weight of Lading as
afore said,

aforesaid, such Fraction shall be deemed and considered a whole Quarter of a Ton.

LXI. And be it further enacted, That the Tonnage of all Goods, Merchandizes, Articles and other Things whatsoever, conveyed upon and along the said Canal and Side Cut, or either of them, shall be ascertained and charged according to the real Weight thereof, and that One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One Hundred Weight, and Twenty such Hundred Weight as One Ton, any Usage to the contrary thereof notwithstanding; and if any Difference shall arise between any Collector or Collectors of the said Rates and the Master or other Persons having the Care or Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collectors to stop and detain any such Boat, Barge, or other Vessel, and to weigh or gauge or cause to be weighed or gauged such Boat, Barge, or other Vessel, and all such Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall upon such weighing or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, then it shall be lawful to and for the said Company, or their said Committee or Collectors, and they are hereby authorized and empowered to charge for such Goods and Things according to the Weight thereof declared by the Gauge of such Boat, Barge, or other Vessel, and the graduated Index thereon, and the Costs and Charges of such weighing or gauging, all which Costs and Charges, upon Refusal of Payment on Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandize, or other Matters and Things shall appear to be of the same or of less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Company of Proprietors hereby incorporated shall pay the Costs and Charges of such weighing or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention, and in Default of Payment thereof, the same shall be recovered from the said Company of Proprietors hereby incorporated, by Action of Debt in any of His Majesty's Courts of Record.

What Quantities of Goods shall be deemed a Hundred Weight, &c.

LXII. Provided always, and be it further enacted, That in case any Boat, Barge, or other Vessel, shall pass through any Lock or Locks on the said Navigation with less Lading than Twenty-five Tons, at any Time or Times when there shall be Water sufficient to enable Boats, Barges, or other Vessels to pass such Lock or Locks with a Lading or Burthen of Twenty-five Tons, there shall nevertheless be paid to the said Company of Proprietors in respect of the Lading of such Boat, Barge, or other Vessel, a Tonnage Rate for Twenty-five Tons of Lading, in the same Manner as if such Boat, Barge, or other Vessel, had actually on board Twenty-five Tons of Lading; but if at the Time of such passing there shall not be sufficient Water in such Lock

Fixing the Tonnage on Vessels laden with less than Twenty-five Tons.

Lock or Locks, to enable such Boats, Barges, and other Vessels to pass through the same with Twenty-five Tons Weight of Lading, then and in every such Case, it shall be lawful for all Boats, Barges, and other Vessels to pass any such Lock or Locks, on Payment according to the actual Weight of such Lading; provided that if such Lading shall be less than the Water will enable such Boat, Barge, or Vessel to carry, Payment shall be made for the whole Weight of Lading which the Water would enable such Boat, Barge, or Vessel to carry.

Payment of
Cranage, and
Porterage.

LXIII. And whereas it will be necessary for the said *Sheffield* Canal Company to make, build, and erect proper Wharfs, Staiths, Cranes, Warehouses and Granaries, for loading, landing, stowing, and depositing Goods, Wares, Merchandizes, Commodities and other Things which may be landed, loaded, received and forwarded at and from the said Wharfs, Staiths, Warehouses and Granaries, and for landing and loading the same into Boats and other Vessels, and into Waggons and other Carriages; and the said Company of Proprietors will also sustain a considerable Expence in making and maintaining the said Bridge over the River *Sheaf*, and the Road from the Basin of the said Canal into the Town of *Sheffield*; be it therefore further enacted, That (in Consideration of the Expences which the said Company will by the said several Means sustain, and of the public Accommodation and Convenience which they will also thereby afford) for every Ton of Goods, Wares, Merchandize, Commodities, and other Things, which shall be loaded from or landed upon any of the said Wharfs or Staiths, or into or from any of the said Warehouses or Granaries so to be made and erected, there shall be paid by the Owners of such Goods, Wares, Merchandizes, Commodities, and other Things, to the said *Sheffield* Canal Company, or to their Agents, Servants, or Wharfingers at each of the said Wharfs, Staiths, Warehouses or Granaries respectively, as a Recompence for such Cranage and Porterage, and for the Expences of making and maintaining the said Bridge and Road, any such Sum as they shall from Time to Time direct and appoint, not exceeding Two Shillings.

Payment of
Wharfage.

LXIV. And whereas such Goods, Wares, Merchandizes, Commodities and other Things, may frequently lay upon the said Wharfs or Staiths, or in the said Warehouses or Granaries, which may be made in consequence of this Act, for some considerable Time; be it therefore enacted, That the said *Sheffield* Canal Company, or their Agents, Servants or Wharfingers, at all and every or any of the said Wharfs, Warehouses or Granaries, may ask, demand, and receive, and they are hereby authorized and empowered to ask, demand, and receive for any Goods, Wares, Merchandizes, Commodities, or other Things, which shall remain on the said Staiths or Wharfs, or in the said Warehouses, more than Seventy-two Hours, the following Rates or any less Rates the said Company may think fit for Wharfage, or Warehouse Room, according to the Length of Time such Goods and Things shall remain on the said Wharfs, or in the said Warehouses or Granaries, and so in Proportion for any longer or shorter Space of Time such Goods and Things may remain; (that is to say),

RATES

RATES of Wharfage according to Time.

	More than 72 Hours, and not more than Six Days.		Six Days, but less than One Month.		One Month, but less than Six Weeks.		Six Weeks, but less than Two Months.		Two Months, but less than Ten Weeks.	
For every Ton of Lead, Iron and Steel, of all kinds, lying on the Wharfs, and not housed.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
	0	4	0	6	0	8	0	10	1	0
For every Ton of Coal, Coke, Charcoal, Lime, Limestone, Ironstone, Sand, Arfura, Sweep-washing Walte, Stones, Slates, Bricks, Timber, Bones, Hoofs, and other Goods and Things whatsoever, lying on the Wharfs, and not housed.	0	6	0	9	1	0	1	3	1	6
For every Ton of Goods, Wares, Merchandize, and other Matters and Things, lying or deposited in the Warehouses, or otherwise housed.	1	0	1	6	2	0	2	6	3	0
For every Quarter of Corn or other Grain, and Malt, lying in the Granaries, or otherwise housed.	0	2	0	3	0	4	0	5	0	6

Rates of Wharfage according to Time.

LXV. Provided always, nevertheless, That if any Goods, Wares, Merchandizes, or other Things, be removed and taken away, so that they shall not lay upon any of the said Wharfs or Staiths, or in any of the said Warehouses or Granaries, for a longer Space of Time than Seventy-two Hours, then there shall not be any Thing charged for Wharfage or Warehouse Room.

Goods may be on a Wharf Seventy-two Hours without paying Wharfage.

LXVI. And be it further enacted, That for every Ton of Goods, Wares, Merchandize, Articles, and Things whatsoever (except Coal, and Dung or Compost for Manure) which shall be carried across the said Bridge intended to be built over the River *Sheaf*, to or from any private Wharf or Staith, to be navigated or which shall have been navigated on the said Canal or any Part thereof, there shall be paid by the Owners of such Goods, Wares, Merchandize, Articles, and Things, to the said *Sheffield* Canal Company, or to their Agents, Servants, or Wharfingers, at a Gate or Bar to be fixed across the said Bridge, as a further Recompence for the Expences of making and maintaining the said Bridge, any such Sum as they the said *Sheffield* Canal Company shall from Time to Time direct or appoint not exceeding Three-pence; which Sum shall be recoverable in such and the same Manner as the said other Rates hereby authorized to be taken, are herein directed to be recovered.

Power to take extra Tonnage.

LXVII. And be it further enacted, That the Lands, Dwelling-houses, Wharfs, Warehouses, Lock-houses, and other Houses of and belonging to the said Company, shall be rateable and chargeable to the Maintenance of

Mode of rating Lands and Buildings.

[Local.]

the

the Poor, and to all other Parochial Rates and Taxes in the several Townships where they are respectively situated, the Lands according to the Quantity and Quality, and the Dwelling-houses, Wharfs, Warehouses, Lockhouses, and other Houses, according to the Nature and respective Uses, Dimensions, and Descriptions thereof, and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling-houses, Warehouses, Lockhouses, and other Houses of a like and similar Size, Nature, Dimension or Description, in the respective Townships where the same shall be situate, are or shall be assessed and charged, and that the Rates, Duties, and other Personal Property of the said Company liable to be rated to the Poor or other Parochial Taxes, in any such Townships shall be rated and assessed, in like Manner and in the same Proportion as other Personal Property rateable in the said Townships respectively, shall be rated and assessed, and according to the Length of the Line of the said Canal and Side Cut, in such respective Townships, and not otherwise or in any other Manner; provided that before such personal Property shall be rated, Thirty Days Notice shall be given in Writing to the Clerk to the said Company of Proprietors, by the respective Overseers of the Poor of such Townships, of their Intention so to do.

Recovery of Rates.

LXVIII. And be it further enacted, That all and every the several and respective Rates for Tonnage, Porterage, Cranage, and Wharfage hereinbefore directed to be taken, shall be respectively paid to such Person or Persons, at such Place or Places, in such Manner and under such Regulations, as the Committee for the Time being of the Company of Proprietors hereby incorporated shall from Time to Time direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates or any Part thereof on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Committee, in the Name of the Company hereby incorporated, may sue for the same by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; or the said Committee, in the Name of the said Company of Proprietors, or the Collector or Collectors, Wharfinger or Wharfingers, or other Person or Persons to whom the same respectively ought to have been paid, shall and may seize and distrain and detain the Goods or other Things for or in respect whereof any such Rates for Tonnage, Porterage, Cranage, or Wharfage ought to have been paid or any Part thereof, and the Boat, Barge, or other Vessel laden therewith, or which was laden therewith, or returning from the Voyage, and detain the same until Payment thereof shall be made, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Fourteen Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Company empowered to lease the Rates.

LXIX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors hereby incorporated, and they are hereby authorized and empowered at any of their General Assemblies, by Writing under their Common Seal at any Time or Times, to let to farm the Rates for Tonnage, Wharfage, Porterage, Cranage, and all other Rates by this Act made payable, or any Part or Parts thereof respectively, upon the Whole or any Part or Parts of the said Canal and Side Cut or either of them, unto any Person or Persons for any Time or Term 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 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 incorporated in pursuance of this Act; provided public Notice of the Intention to let the said Rates or any Part thereof, be given by Advertisement in the *Sheffield* Newspaper, or some other public Newspaper, circulated in the Neighbourhood, or in such other Manner as the said Company of Proprietors hereby incorporated shall direct or appoint, at least Fourteen Days prior to any such General Assembly, at which the said Rates or any Part or Parts thereof are proposed to be let as aforesaid.

LXX. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid, shall under their Hands, at such Time and Times and in such Manner as the said Committee for the Time being shall direct, deliver to the said Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers and Person or Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Committee, or to such Person or Persons as they shall respectively appoint; and if any such Officer or Person shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to such Committee or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Committee, such Requisition to be under the Hand of the Chairman of the Committee or of their Law Clerk, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to such Committee, or to such Person or Persons as they shall direct or appoint, then and in either of the Cases aforesaid, the said Committee (in the Name of the said Company of Proprietors) may and are hereby authorized and empowered to bring or cause to be brought, any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Committee or by such Person or Persons as they shall appoint for that Purpose of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County, Riding, or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing, shall be and reside, such Justices may and they are hereby authorized and required by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons so refusing or neglecting to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of
the

Officers, &c.
to account.

the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer) it shall appear to such Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, and if no Goods or Chattels of such Officer or Officers, Persons or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Company of Proprietors, or to such Committee, or as they respectively shall appoint, then and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the House of Correction for the said West Riding of the County of *York*, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors, or to such Committee.

For making
a private Rail
Road public.

LXXI. And be it further enacted, That the present Railway or Road from his Grace the Duke of *Norfolk's* Coal Yard, in the Parish of *Handsworth* in the said County of *York*, to the Southern Termination of the said Branch or Side Cut from the said Canal, and which has hitherto been used as private Property, and being about Six hundred Yards in Length, shall from and after the Time that the said Side Cut shall be completed and navigable, be open for the Use of the Public; they the said Company of Proprietors of the said Canal, before the same Railway shall be so open for the Use of the Public, making ample Compensation to the Owners and Occupiers of the Lands through which the same Railway passes, and to all other Persons whomsoever, who may be thereby injured or aggrieved, for all Damage they may consequently sustain; such Damage to be ascertained in the same Manner as is herein prescribed for ascertaining the Value of Lands to be taken for the Purposes of this Act.

Enabling the
Company to
cleanse the
adjoining
Watercourses
at the Owners
Expense.

LXXII. And be it further enacted, That if at any Time hereafter, the Ditches or Drains belonging to any Owner or Occupier of Lands, adjoining or lying contiguous to the said Canal, Side Cut, and other Works or any of them, shall by reason of their not being sufficiently cleansed or opened, hinder, or obstruct the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Navigation; and if the same shall not be perfectly cleansed and opened within Thirty Days after Notice in Writing shall have been given thereof to, or left at the Place of Abode of such Owner or Occupier, by the Clerk or any Agent of the said Company, it shall then be lawful for the said Company (an Order in Writing for that Purpose having been first obtained from Two or more Justices of the Peace for the said West Riding of the County of *York*, if they should think proper to grant the same), from Time to Time as often as there shall be Occasion,
to

to open and cleanse, or cause to be opened and cleansed, the said Ditches or Drains; and the reasonable Expences to be incurred in doing the same, shall, when ascertained and allowed by the said Justices or any One of them, be repaid to the said Company hereby incorporated by the Owners or Occupiers of such Lands or Grounds to which the said Ditches and Drains so opened and cleansed shall belong; and in case of Refusal to satisfy the same for the Space of Three Calendar Months, after Demand shall have been made thereof from the respective Owner or Owners, Occupier or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as Forfeitures and Penalties are herein directed to be recovered.

LXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize the said *Sheffield* Canal Company to divert or take for the Use of the said intended Canal and Side Cut, or either of them, any of the Waters from the said River *Sheaf*, except the Flood or Spare Waters of the said River, or in the Exercise of their Powers, in respect to the Waters of the said River, to do any Injury to the Proprietors or Occupiers of any Mill, Wheel, Forge, or Foundry, or other Work upon the said River *Sheaf*, or the said River *Dun*, but the usual Streams of the said River shall flow down their accustomed Bed or Channel.

Restrictions upon using the Waters of the River *Sheaf*.

LXXIV. And be it further enacted, That in order amicably to settle and adjust by Arbitration, any Question which might arise upon the Construction of this Act, as to what shall be deemed for this particular Purpose the Flood or Spare Waters of the said River *Sheaf*, it shall be referred, before the said Company of Proprietors of the said Canal shall be authorized to divert or take any of the Waters of the said River, to Two competent and disinterested Engineers, One to be named by the said Company of Proprietors, and the other by the Owners and Occupiers of the Works upon the said River, at the sole Expence of the said Company of Proprietors, to prescribe a Mode, either by the Erection of a Weir Gauge, or otherwise, as they shall think proper, for ascertaining from Time to Time when necessary, what shall be deemed the Flood or Spare Waters of the said River, and when the same may be used by the said Company of Proprietors for the Benefit of the said intended Canal and Side Cut, without Injury to the Owners and Occupiers of the Works, or any of them, upon the said River, or the said River *Dun*; and that in case such Two Referees shall not agree in their Decision, the Matter in Question shall be referred, at the like Expence of the said Company of Proprietors, to a Third competent and disinterested Engineer, who shall be named by the Two Engineers first appointed, before they shall enter upon the Business referred to them; and a Certificate denoting or describing the Mode so fixed for ascertaining the Flood or Spare Waters of the said River, to be signed by the said Referees or Umpire, shall be recorded in the Office of the Clerk of the Peace for the said West-Riding of *Yorkshire*, within Six Calendar Months after the Date of such Certificate, and a Copy of the said Certificate, signed by the Clerk of the Peace for the said Riding, or his Deputy, shall be deemed Evidence thereof: Provided nevertheless, that if within Three Calendar Months after the said Company of Proprietors shall cause Notice to be given to the Owners and Occupiers of Works upon the said River, of their having named an Arbitrator on

The Flood Waters of the *Sheaf* to be ascertained by Engineers.

[Local.]

18 R

their

their Part, for the Purpose aforesaid, and requiring the Owners and Occupiers of Works upon the said River, or any of them, to name an Arbitrator on their Part, none of the said Owners or Occupiers of Works upon the said River shall name such Arbitrator on their Part; or if the Arbitrator or Arbitrators named by them, or any of them, shall neglect to meet and act in the Premises, for Three Calendar Months after Notice given to him or them, by the Arbitrator named by the said Company of Proprietors for that Purpose, then the said Company of Proprietors shall be at Liberty to use the Flood or Spare Waters of the said River, without waiting to have the same ascertained by the Means hereby prescribed, so that the Works or any of them, be not injured thereby: Provided also, that the Owners and Occupiers of Works upon the said River, shall have separate and distinct Rights of Proceeding to a Reference, under the Directions herein contained.

To guard the Owners of Works upon the River Dun from Injury.

LXXV. And whereas the said Brook, called *Acres Hill Dyke*, after passing the Reservoir intended to be made thereon, flows into the River *Dun*, above certain extensive Iron Works situate on or by the Side of the said River at *Brightside*, in the said Parish of *Sheffield*, in the Occupation of Messieurs *Booth* and Company, and both the said Brooks, called *Carbrook* and *Acres Hill Dyke*, unite with the said River above a certain Paper Mill situate on or by the Side of the said River at *Brightside* aforesaid, and now in the Possession of *John Pearson*, as Lessee thereof for a long Term of Years, and both the said Brooks also unite with the said River above the extensive Iron Works situate on or by the Side thereof, at the *Holmes*, in the Parish of *Rotherham* aforesaid, now in the Occupation of Messieurs *Thomas Walker*, *Samuel Walker*, and *Jonathan Walker*: And whereas the said Brook, called *Acres Hill Dyke*, adds to the Supply of Water flowing to the said Iron Works at *Brightside*, and both the said Brooks increase the Supply to the said Paper Mill, and the said Iron Works at the *Holmes*, to the Advantage of the respective Owners and Occupiers of the said Iron Works and Mill, and therefore it is expedient that some Restriction should be imposed upon the Right of the said Company of Proprietors to divert or detain the Waters of the said Brooks; be it therefore enacted, That nothing in this Act contained shall extend to authorize the said *Sheffield Canal Company*, to divert, detain, or take for the Use of the said intended Canal and Side Cut, or either of them, any of the Waters of the said Brooks or either of them, except the Flood or Spare Waters thereof, or in the Exercise of their Powers with respect to the Waters of the said Brooks or either of them, to do any Injury to the Proprietors or Occupiers of the said Mill and Ironworks or any of them; and that in order amicably to settle and adjust, by Arbitration, any Question which might arise upon the Construction of this Act, as to what shall be deemed for this particular Purpose the Flood or Spare Waters of the said Brooks or either of them, in case the Parties interested cannot agree upon the Subject, it shall be referred (before the said Company of Proprietors of the said Canal shall be authorized to detain or divert any of the Waters of the said Brooks or either of them) to Two competent disinterested Engineers, one to be named by the said Company of Proprietors of the said intended Canal, and the other by the Owners and Occupiers of the said Mill and Ironworks, at the sole Expence of the said Company of Proprietors, to prescribe a Mode, either by the Erection of a Weir Gauge or otherwise, as they shall think proper, for ascertaining from Time to Time when necessary, what shall be deemed the Flood or Spare

Spare Waters of the said Brooks respectively, and when the same may be used by the Proprietors of the said Canal and Side Cut for the Benefit thereof, without Injury to the said Mill and Ironworks or any of them; and that in case such Two Referees shall not agree in their Decision, the Matter in Question shall be referred, at the like Expence of the said Company of Proprietors, to a Third competent and disinterested Engineer, who shall be named by the Two Engineers first appointed, before they shall enter upon the Business referred to them; and a Certificate denoting or describing the Mode so fixed of ascertaining the Flood or Spare Waters of the said Brooks respectively to be signed by the said Referees or Umpire, shall be recorded in the Office of the Clerk of the Peace for the said West Riding of *Yorkshire*, within Six Calendar Months after the Date of such Certificate, signed by the Clerk of the Peace for the said Riding, or his Deputy, shall be deemed Evidence thereof: Provided nevertheless, that if, within Three Calendar Months after the said Company of Proprietors shall cause Notice to be left at the Counting Houses attached to the said Iron Works and Mill, of their having named an Arbitrator on their Part, for the Purpose aforesaid, and requiring the Owners and Occupiers of the said Ironworks and Mill to name an Arbitrator on their Part, none of the said Owners or Occupiers of the said Ironworks and Mills, or any of them, shall name such Arbitrator on their Part; or if the Arbitrator or Arbitrators named by them or any of them, shall neglect to meet and act in the Premises, for Three Calendar Months after Notice given to him or them by the Arbitrator named by the said Company of Proprietors for that Purpose, then the said Company of Proprietors shall be at Liberty to use the Flood or Spare Waters of the said Brooks, or either of them, without waiting to have the same ascertained by the Means hereby prescribed, so that the said Ironworks and Mill, or any of them, be not injured thereby: Provided also, that each Company of Partners of the said Ironworks, and the Owners and Occupiers of the said Mill, shall have separate and distinct Rights of proceeding to a Reference under the Directions herein contained.

LXXVI. And whereas the Streams of Water called *Carbrook* and *Acrs Hill Dyke*, in their Course from the Places where Part of the Waters thereof is intended to be conducted into the Reservoirs, by this Act authorized to be made thereon, afford at present a Supply of Water for Domestic and Agricultural Purposes, to the Owners and Occupiers of the Lands and Dwelling Houses through and by or near to which they afterwards respectively pass, and it might be injurious to the Owners and Occupiers of the said Lands and Dwelling Houses if some Restrictions were not imposed by this Act upon the Rights of the said Company of Proprietors, to divert the Water of the said Streams or Brooks into the said Reservoirs; be it therefore further enacted, That the said Company of Proprietors hereby incorporated shall not have any Power or Authority by virtue of this Act to divert or turn any of the Waters of the said Streams or Brooks into the said intended Reservoirs thereon, or into the said Canal and Side Cut or either of them, except in Times when the Water flowing down the same shall be abundant, and more than sufficient for the ordinary Domestic and Agricultural Uses of the Owners and Occupiers of the said Lands and Dwelling Houses, through and by or near to which they afterwards pass; and that for the Purpose of ascertaining what shall be deemed a sufficient Quantity of current Water for the several Persons now enjoying the Use

Respecting
Carbrooke
and Acrs
Hill Dyke.

and Advantage of the said Streams or Brooks, the Average Quantity of their Supply from the said Streams or Brooks, in Common dry Seasons, shall (in case any of the Parties interested shall require it, and before any of the Waters thereof shall be diverted into the said Reservoirs) be measured and ascertained at the Expence of the said Company of Proprietors, by the Engineer of the said Company, and such other Engineer as shall be appointed by the Persons interested therein, or by a Third Person, to be chosen by such Engineers, in case they should disagree about the same; and no Water from the said Brooks or Streams shall be diverted into the said Reservoirs, or into the said Canal and Side Cut, or any of them, so as to diminish the Quantity of Water flowing down the said Brooks or either of them, below such Average; and a Certificate of such Average, signed by such Engineers or Third Person, shall be recorded at the next General Quarter Sessions of the Peace for the West Riding of the County of York, after such Average Quantity shall be ascertained; and a Copy of such Certificate signed by the Clerk of the Peace for the said West Riding, shall be deemed Evidence at all Times thereafter of such Average: Provided nevertheless, that if within One Year after the passing of this Act no Notice be given in Writing to the said Company of Proprietors hereby incorporated, by any of the Persons interested in the said Waters, of their Wish to have such Average Quantity thereof ascertained, then and in such Case, nothing herein contained shall prevent or hinder the said Company of Proprietors from diverting and turning the Spare or Flood Waters of the said Streams or Brooks into the said Reservoirs, and they shall not be bound to regard or obey the Mode hereby provided for ascertaining such Average Quantity of Water, in consequence of any Notice given to them afterwards; and provided also, that if such Notice be given to them by or on the Behalf of more Persons than One, or if more Notices than One be given to them, it shall be sufficient, if the said Company of Proprietors openly proceed upon and act under one of such Notices, and inform all the other Persons from whom they may receive similar Notice, of their Intention to proceed under any One of them; and all Persons whomsoever shall be bound by the Determination of the said Engineers or Third Person: Provided also, that if the Party or Parties giving such Notice or Notices, shall neglect to name an Engineer within Six Weeks, after they shall be required to do so by the said Company of Proprietors, or if the Engineer to be named by them shall neglect or refuse to meet and act in the Premises with the Engineer of the said Company of Proprietors, for Four Weeks after Notice given to him for that Purpose, that then the said Company of Proprietors shall be at Liberty to divert the Flood or Spare Waters of the said Streams or Brooks into the said Reservoirs, or either of them, and thence into the said Canal and Side Cut, or either of them, in the way they would be entitled to do if no Notice as aforesaid had been given to them; but nevertheless the said Company of Proprietors shall always be confined to the Diversion and Use of the Spare or Flood Waters of the said Streams or Brooks, and shall be liable to Damages for any Excess of their Authority; such Damages to be ascertained in Manner herein prescribed as to any other Damage the said Company of Proprietors may do in the Execution of the Powers hereby in them reposed.

Bridge over
the River
Sheaf, and
the Road, to

LXXVII. And be it further enacted, That the Bridge which the said Company of Proprietors hereby incorporated are by this Act authorized to build over the River *Sheaf*, shall be built in a good, firm, substantial, and

and durable Manner, and shall from Time to Time and at all Times there-
after be amended and kept in Repair by the said Company of Proprietors ;
and that the Road or Highway intended to lead from the Basin of the said
Canal to the said Bridge, shall also be made and for ever after repaired
and maintained at the Costs and Charges of the said Company of Pro-
prietors ; and that the Inhabitants of the Parish and Township of *Sheffield*
shall not be liable to amend the same Bridge and Road, or either of them,
or to contribute, by performing Statute Duty, or in any other Way to the
Repair thereof.

be repaired
by the Com-
pany of Pro-
prietors.

LXXVIII. And whereas the said Company of Proprietors of the Na-
vigation of the River *Dun*, under and by virtue of the Powers and Autho-
rities of an Act of Parliament passed in the Sixth Year of the Reign of His
late Majesty King *George* the Second, and intituled *An Act to explain and*
amend Two Acts of Parliament, one made in the Twelfth and the other in
the Thirteenth Year of His (then) late Majesty's Reign, for making navi-
gable the River Dun in the County of York, and for the better perfecting and
maintaining the said Navigation, and for uniting the several Proprietors
thereof into one Company, are or claim to be entitled to the Fee Simple and
Inheritance of and in all that Messuage, Tenement, or Dwelling House
called *The Red Lion Inn*, within the Township of *Tinsley*, in the Parish
of *Rotherham* in the County of *York*, now occupied by *Bingley Watson* ;
also all those Two several Closes, Pieces or Parcels of Land or Ground
situate, lying, and being near the said *Red Lion Inn*, containing by Ad-
measurement Two Acres and Two Roods, or thereabouts, be the same
more or less ; and also all that Piece or Parcel of Land or Ground situate
within the Township of *Tinsley* aforesaid, Part whereof is occupied as a
Wharf by the said Company of Proprietors of the said Navigation of the
said River, and other Part thereof as Gardens by their Tenants there ; and
also all those several Messuages, Cottages, Tenements or Dwelling Houses
upon the said Wharf, now in the several Tenures, Holdings or Occupations
of *Sarah Thorpe*, *George Lowndes*, *Martha Nicholson*, *John Wood*, *Thomas*
Wood, *Joseph Hobson*, *John Nicholson*, *Thomas Roadhouse*, *John Copeland*,
William Capper, *John Capper*, *William Jenkinson*, *Joseph Hobson*, *Mary*
Roebuck, and *William Blagdin*, with their respective Rights, Privileges,
Hereditaments, Members, and Appurtenances thereunto belonging or in
anywise appertaining ; and also the Moiety or undivided Half-part of a
Piece of Ground, at the low End of the said Wharf used as a Lime Wharf,
in the Occupation of *William Blagdin* ; and at their said Wharf and Ware-
houses they have, during many Years past, been accustomed to carry on
and still continue to carry on the Business of Wharfingers, and as such are
now in the Receipt of a considerable Revenue, arising from their Charges
for Wharfage, Portage, and Cranage : And whereas by the Directions
and under the Authorities of the said Act of the Twelfth Year of the Reign
of King *George* the First, and which is intituled *An Act for making the*
River Dun, in the West Riding of the County of York, navigable from
Holmstile in Doncaster up to the utmost Extent of Tinsley Westward, a Town-
ship within Two Miles of Sheffield, and of the said Act of the Sixth Year
of the Reign of His late Majesty King *George* the Second, the said Com-
pany of Proprietors of the Navigation of the said River *Dun* are liable at
their own Costs and Charges to uphold and repair a good Road, either
set or pitched with Bolders, or trenched, thrown up and gravelled, at least
Seven Yards wide, for all Manner of Carts and Carriages, from the Wharf

The Canal
Company to
purchase the
River Dun
Company's
Property at
Tinsley.

[Local.]

18 S

where

where the said Navigation ends at *Tinsley* aforesaid, unto the Bridge over the said River *Dun* at *Sheffield* aforesaid, commonly called the *Lady's Bridge*; and also at their own proper Costs and Charges, to uphold and repair all other the Roads in the Township of *Tinsley* aforesaid; and are also liable to be indicted and fined at the Assizes to be held for the County of *York*, or at the Quarter Sessions of the Peace to be held for the West Riding of the same County, for any Neglect or Default in repairing the same; and if upon any such Indictment, they are found guilty of any Default in making or repairing such Road or Way as aforesaid, they are liable to be fined by the Court in which such Indictment shall be tried, so much Monies as will be sufficient to make good and repair such Way, which Fine, when laid, shall be levied by virtue of a Precept of the Court in which such Indictment shall be tried, directed to the Sheriff of the County who shall levy the same out of the Goods and Chattels of the Proprietors of the said Navigation, or by stopping and receiving the Lock Dues upon the said River, until such Fine as shall be so imposed shall be from Time to Time raised or paid, and shall pay the same when raised, into the Hands of the Overseers of the Highway for the Township or Place in which the said Road or Way lies, to be applied to the repairing of the same; yet, nevertheless, the Inhabitants of the several Townships and Places in which the said Road or Way lieth, are in no way excused from contributing to the Repair thereof, with their Carts, Carriages, Days Works or otherwise, as they were obliged to do by Law before the said Company of Proprietors became in anyway liable to uphold and repair the same; and the said Company of Proprietors of the said Navigation are by the said Acts of the Twelfth Year of the Reign of King *George* the First, and of the Sixth Year of the Reign of His late Majesty King *George* the Second, entitled to receive and take One Penny for every Customary Ton of Goods which shall be brought up, into, or carried down from or through the said Township of *Tinsley* upon the said River, over and above all Lock Duties, which they are empowered to collect or is to be collected in the same Manner with the said Lock Dues, and they are to apply the said Duty of One Penny per Ton to the making and repairing of the said Road or Way from *Tinsley* to *Sheffield*; and by the said Act of the Thirteenth Year of the Reign of His late Majesty King *George* the Second, and which is intituled *An Act for the more effectual improving the Navigation of the River Dun, from a Place called Willick House, in the Parish of Barmby Dun, in the County of York, to Fish Lock Ferry in the same County*, the said Company of Proprietors of the said Navigation are also empowered to ask, demand, and take a Toll or Duty of One Penny for every Twenty-five Hundred Weight, and so in Proportion for any greater or less Quantity of Goods or Merchandizes of what Kind soever, which shall be brought to or carried from any Wharf at or near *Tinsley*, to be carried up or down the said River; which Toll or Duty of One Penny is vested in the said Company of Proprietors of the Navigation of the said River, their Successors, Heirs, and Assigns for ever; and the same and every Part thereof is from Time to Time to be laid out and applied for and towards repairing and amending the said Road between *Tinsley* and *Sheffield*, and to no other Intent or Purpose whatsoever: And whereas one of the Consequences which would result from the Completion of the said proposed Canal, would be the Deprivation of the said Company of Proprietors of the said River *Dun* Navigation of their Revenue, arising from their Charges, for Wharfage, Portage, and Cranage at *Tinsley* aforesaid; and it would be contrary

to Equity and Justice, that after the Completion of the said Canal, they should continue liable to the Repair of the said Road from their Wharf to *Lady's Bridge* aforesaid, and the other Roads in the Township of *Tinsley* or any of them, and consequently they ought not to receive the said Two Sums of One Penny each, towards the Repair of the said Road, from their Wharf to *Lady's Bridge*; be it therefore enacted, That before the said Company of Proprietors of the said intended Canal shall be authorized to enter into or upon any Part of the said Wharf, Lands, Tenements, or Hereditaments now belonging to the said Company of Proprietors of the Navigation of the said River *Dun* at *Tinsley* aforesaid, or their Cut there, they the said Company of Proprietors of the said Canal shall purchase of the said Proprietors of the Navigation of the said River *Dun*, the Whole of their Messuages, Lands, Tenements, and Hereditaments, Cranes and Machinery, situate, lying, and being within the said Township of *Tinsley*, and the Navigation of the said River, lying and being above the present Upper Lock (except the Two Locks, Lock House, and Bridges at *Tinsley* aforesaid, and the navigable Cut with which the said Canal is intended to communicate) together with all Rights, Members, and Appurtenances to the same Premises belonging; and also every or any Right which the said Company of Proprietors of the Navigation of the said River have to lower the Sills of their said Lock there; and also all their future Right to receive and take the said Two several Sums of One Penny and One Penny, or such of them as can be lawfully demanded, to be applied towards the Repair of the said Road, for the Sum of Eleven thousand Pounds; and that the said Company of Proprietors of the said Canal shall, for ever afterwards, uphold and repair the said Upper Lock and Bridge at *Tinsley*, and the said Road from the Wharf there to *Lady's Bridge* in *Sheffield* aforesaid, and all other the Roads in the Township of *Tinsley* aforesaid, in such Manner as the said Company of Proprietors of the Navigation of the River *Dun* are now liable to uphold and repair the same, and shall in like Manner be liable to be indicted and fined for the Non-repair of the said Roads, or any of them, and shall exonerate, indemnify, and save harmless the said Company of Proprietors of the Navigation of the said River and their Successors, and their Goods, Chattels, Dues, Lands, and Tenements, from the Maintenance and Repair of all the said Roads, and from their Liability to be indicted and fined for the Non-repair thereof, and from all Costs, Charges, Damages, and Expences which they may sustain, expend, or be put to in consequence of the Non-repair of the said Roads, or any of them, or in consequence of their being so indicted and fined, or either, subject to which Condition the Grant and Conveyance of the said Hereditaments, Rights, Privileges, and Premises shall be made, with Power of Re-entry by the said Company of Proprietors of the said River *Dun* Navigation, in default of Compliance therewith; and also that the said Sum of Eleven thousand Pounds shall be paid to the said Company of Proprietors of the Navigation of the said River *Dun*, within Four Years from the Time of passing this Act, and before the said Company of Proprietors of the said Canal shall be authorized to enter into or upon the said Wharf, Lands, Tenements, or Hereditaments of the said Company of Proprietors of the said Navigation, or any Part thereof, or their Cut there, or to exercise any of the Rights hereby directed to be sold to them; and that at the Time of Payment of the said Sum of Eleven thousand Pounds, the said Company of Proprietors of the said Navigation shall, at the Costs and Charges of the said Canal Company, execute with their Common Seal an effectual Release

Release and Conveyance of the said Premises and of the said Rights to the said Company of Proprietors of the said Canal, who shall from thenceforth, and not before, be liable to repair the said Roads, Lock, and Bridge; provided and in case the said Sum of Eleven thousand Pounds shall not be paid or tendered to the said River *Dun* Company within the Period aforesaid, then and in such Case, the said River *Dun* Company shall not be obliged afterwards to sell or dispose of all or any Part of the said Wharf, Lands, Tenements, or Hereditaments; but, at the Election of the said River *Dun* Company, that they shall either retain the same, or enforce Payment of the said Sum of Eleven thousand Pounds, by an Action or Actions to be brought by the said Company of Proprietors of the River *Dun* Navigation against the said Canal Company in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit for recovering the same.

If Mines approach too near Canal so as to endanger either, the Company may interfere to prevent Injury being done.

LXXIX. And be it further enacted, That if the Owner or Worker or Owners or Workers of any Coal or other Mine or Mines shall, in pursuing such Mine or Mines, work near or under the said Canal and Side Cut, or either of them, or other Works as aforesaid, so as in the Opinion of the said Company of Proprietors to endanger or damage the same, or if the Company of Proprietors of the said Canal shall make the same so deep, or otherwise, in the Opinion of the said Owner or Worker or Owners or Workers of the said Mine or Mines, to endanger or damage the further working thereof, then it shall be lawful for the said Company of Proprietors to treat and agree with the Owner or Worker or Owners or Workers for all such Coal or other Minerals as may be near or under the said intended Canal and Side Cut, or other Works, or any of them, as shall be thought proper to be left for the Security or Preservation of the said intended Canal and Side Cut, or Works, or Mine or Mines as aforesaid; and in case the said Company of Proprietors and such Owner or Worker or Owners or Workers of such Mine or Mines shall disagree in the Satisfaction to be made for such Coal or other Minerals, then it shall be lawful for the Commissioners hereby appointed, at the Request of the said Company of Proprietors, or of such Owner or Worker or Owners or Workers of such Mine or Mines, to cause a Jury to be summoned and impannelled in the Manner herein directed, who shall and they are hereby authorized and required, by such Ways and Means as are herein mentioned, to assess and determine what Satisfaction such Owner or Worker or Owners or Workers of such Mine or Mines ought to have and receive from the said Company of Proprietors, for any Danger or Damage which the Owner or Worker Owners or Workers of the said Mine or Mines may incur or sustain in the further working thereof, or by reason of being restrained from working such Mine or Mines; which Jury shall take into their Consideration all such additional Expence or Machinery as may be found necessary for enabling the Owner or Worker Owners or Workers of such Mine or Mines to get the Coal, Iron, or other Minerals, detached or separated by their being so restrained as aforesaid, at as cheap a Rate as if the Progress of the working or getting of the said Coal, Iron, or other Materials had not been interrupted by their being so restrained; and upon Payment or Satisfaction made to such Owner or Worker or Owners or Workers of such Mine or Mines by the said Company of Proprietors, according to the Verdict or Judgment of such Jury, such Owner or Worker or Owners or Workers of such Mine or Mines shall be and they are

are hereby perpetually restrained from working such Mine or Mines within the Limits for which Satisfaction shall by the said Jury be adjudged and declared to extend.

LXXX. Provided always, and be it enacted, That nothing herein contained shall be construed to vest such Coal or other Minerals as shall be thought proper so to be left for the Security or Preservation of the said intended Canal in the said Company of Proprietors, so as to entitle them to work the same, or any Part thereof.

Minerals left for Security of Canal not to be worked by the Company.

LXXXI. And, for better discovering Persons who shall or may open, dig, sink, or carry on any Work for the getting of Coal or other Minerals, contrary to the Directions of this Act, be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves, or their Agents or Servants, at any Time or Times in the Day-time, to enter upon any Lands or Grounds through or near which the said Canal and Side Cut, or other Works hereby authorized to be made, shall be or pass, wherein any Coal or other Mines shall or may be dug or opened, and likewise to enter into such Coal or other Mines, and there to view, search, dial, latch, measure, and use all other Means for discovering the Distance of the said intended Canal and Side Cut, or Works, from the working Part of such Mines respectively; and for the Purpose of going into and coming out of such Mines, to make use of the Horses, Gins, Ropes, and Machines which shall be employed in and about the same, making reasonable Satisfaction to the Owner or Worker or Owners or Workers of such Mines for the Use thereof; and in case it shall appear that any Mine hath been worked or got contrary to the Directions of this Act, it shall be lawful for the said Company of Proprietors, and for their Agents, Servants, and Workmen, at the Expences, Costs, and Charges of the Owners or Workers of such Mines respectively, to enter into and upon all such Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said intended Canal, Side Cut, Towing Paths, and other Works; and such Expences, Costs, and Charges shall, in case of Non-payment thereof, upon Demand, be recovered by the said Company of Proprietors in such and the same Manner as the Rates hereby granted are to be recovered, and shall be paid into the Hands of the Treasurer or Receiver for the Time being to the said Company of Proprietors, to be applied for the Purposes of this Act.

Company may enter Lands and examine Works.

LXXXII. Provided always, and be it enacted, That the Owners, Lessees, and Occupiers of any Coal or other Mine or Mines near or adjoining the said intended Canal or Side Cut, shall not be answerable or accountable for any Injury or Damage to be done to the same Canal or Side Cut by the reason of the working of such Mine or Mines, or any Part thereof, by Agents, Workmen, or Servants, unless such Injury or Damage shall happen and arise after due Warning or Notice of the Danger thereof in Writing to such Owners, Lessees, or Occupiers employing such Agents, Workmen, or Servants by or on Behalf of the said Company of Proprietors.

Owners of Mines not to be answerable for Damages until Notice given.

LXXXIII. Provided also, and be it further enacted, That it shall and may be lawful to and for the Owners, Lessees, Occupiers, and Workers of any Coal or other Mine or Mines in, under, or upon any Lands or

Owners of Mines may divert Waters into the Canal,

[Local.]

18 T

Grounds

&c. under
Restrictions.

Grounds near or adjoining the said Canal or Side Cut, to divert and direct into the said Canal or Side Cut the Waters to be raised by Means of any Engine or Engines, or other Machinery to be used in working such Coal or other Mine or Mines, but so nevertheless as such Owners, Lessees, Occupiers, and Workers do and shall repair, support, and maintain such Parts of the Towing Paths as may be broken up or cut through for the Purpose of such Diversion or Direction, and so as the said Canal or Side Cut shall not be injured or prejudiced by an Accumulation of Soil by the Diversion or Directions of such Waters.

Owners may
make Wharfs,
&c.

LXXXIV. And be it further enacted, That any Owner or Owners, or any Lessee or Lessees, Occupant or Occupants of any Lands or Grounds through which the said Canal and Side Cut, or either of them, hereby directed to be made, shall be made by virtue of this Act, may make, build, and construct and use any Cuts, Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses on the Lands belonging to or occupied by them, and take such Wharfage, Porterage, Cranage, and other Dues thereat, from any Person or Persons using the same, as he, she, or they may think proper; so that the making, constructing, or using thereof respectively shall not in any Manner obstruct or prejudice the Navigation of the said Canal and Side Cut, or any Part thereof respectively, or damage the Towing Paths or Fences on the Sides thereof.

If Land
Owners do
not make
proper
Wharfs, &c.
the Company
may use the
Lands for
that Purpose.

LXXXV. Provided always, and be it further enacted, That if such Owners, Lessees, and Occupants, or any of them, shall not make and construct such proper and sufficient Wharfs, Warehouses, and other Conveniences as aforesaid, for the Use of the said Canal and Side Cut, as the said Company or their Committee shall think necessary, on such their Lands and Grounds, within Twelve Calendar Months after Notice shall have been given to them for that Purpose by the said Committee, then and in such Case the said Company shall have full Power and Authority, without any Hinderance or Restraint whatsoever, to make use of any such Lands or Grounds (not being the Ground whereon any House or other Building stands, or any Orchard, Park, Paddock, planted Walk, Nursery for Trees, or an Avenue to any House) for making, erecting, and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniences as aforesaid, and keeping the same in repair, and for laying out and making necessary and convenient Roads to and from the said Canal and Side Cut hereby directed to be made, or either of them; they the said Company first making Satisfaction for the same, in such Manner as is herein directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

Wharfs, &c.
made by
Land Owners
not to be used
without their
Consent.

LXXXVI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower any Person or Persons to make use of any Wharf, Quay, or Landing Place, or of any Crane, Weigh-beam, or Warehouse thereon, which shall be set out, erected, or made by any Owner or Owners, Lessee or Lessees, Occupant or Occupants of any Lands or Grounds adjoining to the said Canal and Side Cut hereby directed to be made, or either of them, without the Consent of the Person or Persons by whom the same shall be set out, erected, or made.

LXXXVII. Pro-

LXXXVII. Provided also, and be it further enacted, That nothing in this Act contained shall authorize and empower the said Company of Proprietors hereby incorporated, their Deputies, Servants, Agents, and Workmen, to use or take any of the Lands and Grounds marked or numbered in the said Plan and Book of Reference, 1. 2. 3. 4. 5. 6. and 7. for the Purposes of this Act; save and except what shall be necessary to make the Basin and Warehouses as described on the said Map or Plan, with Embankments and Roads on the North and South Sides, and East End thereof, not exceeding Fifty Feet in Width each, and at the West End thereof not exceeding Sixty Feet, and a Highway or Road from the said South Embankment or Road to the said intended Bridge there; and also save and except the Three several Pieces or Parcels of Land already staked and set out, herein-after mentioned (that is to say), a Piece or Parcel of Land, Part of the Land and Ground numbered 1. and 2. in the said Plan and Book of Reference, bounded on or towards the East by the said Embankment and Road Sixty Feet wide, on or towards the West by the River *Sheaf*, on or towards the North by other Part of the Land and Ground marked or numbered 2., and South by the said intended Highway or Road, and containing Two thousand two hundred and forty-seven superficial Square Yards, or thereabouts; another Piece or Parcel of Land, being further Part of the Land and Ground marked or numbered 2., bounded, on or towards the East, in Part by an Occupation Road, and in Part by a Garden; on or towards the West by an intended Street or Road; on or towards the North, in Part by the said Garden, and in Part by the North Fence of the said Land and Ground marked or numbered 2.; on or towards the South by the said Embankment or Road on the North Side of the said Basin, and containing One thousand seven hundred and sixty superficial Square Yards, or thereabouts; and also another Piece or Parcel of Land, being Part of the Lands and Grounds marked or numbered 5. and 7., bounded on or towards the East, in Part by the said Basin, and in Part by the said Embankment and Road on the North Side of the said Basin; on or towards the West, in Part by the said Occupation Road, and in Part by Tenements in the Occupation of *George Woolhouse*; on or towards the North, in Part by the said Tenements in the Occupation of the said *George Woolhouse*, and in Part by other Part of the said Land and Ground marked or numbered 5., and other Part of the said Land and Ground marked or numbered 7.; and on or towards the South by the said Embankment and Road on the North Side of the said Basin, and containing Four thousand seven hundred and sixty-seven superficial Square Yards, or thereabouts; which said several particular Parts of the said Lands and Grounds marked 1. 2. 3. 4. 5. 6. and 7. it shall be lawful for the said Company of Proprietors of the said Canal to take and hold to the Use of themselves and their Successors, first making Satisfaction for the same in the Manner herein directed with respect to any other Lands wanted for the Purposes of this Act.

Company
restrained
from taking
Lands near
the Basin,
except those
particularly
mentioned.

LXXXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the Owner or Owners for the Time being of certain Lands, Messuages, Tenements, and Hereditaments situate, standing, lying, and being Northward and Southward of the said intended Basin and Land hereby limited to be taken by the said Company of Proprietors, and to and for the Occupier or Occupiers of such Lands, Messuages, Tenements, and Hereditaments, and for his and their Servants, Agents, Workmen, and others, at all Times hereafter to have full Right, Liberty, Privilege, and Authority of Ingress,

Right of
Road over
Embank-
ments re-
served to the
Occupiers of
certain Lands,
&c.

Ingress, Egress, and Regress, Way and Passage, with and without Horses, Carts, and Carriages, and loaded or unloaded, in, over, upon, and along the said Embankments and Roads on the North and South Sides, and East and West Ends of the said Basin, and in, over, upon, and along the said Highway and Bridge hereby authorized to be made, to, from, and out of the said last-mentioned Lands, Messuages, Tenements, and Hereditaments, without paying or being charged or chargeable with any Sum or Sums of Money, Dues, Duties, or Tolls in respect thereof, except in Cases of such Goods, Wares, Merchandize, Articles, and Things carried to or from any private Wharf to be navigated, or which shall have been navigated on the said Canal, or any Part thereof, as herein-before is provided.

Owners of certain Lands authorized to land and load Coal and Ironstone on and from the Embankment without paying landing Dues.

LXXXIX. Provided always, and be it further enacted, That it shall and may be lawful to and for the Owner and Owners for the Time being of the Lands and Grounds lying adjoining to the said Embankment and Road on the South Side of the said intended Basin, and his and their Tenants, Servants, Agents, Workmen, and others, at all Times hereafter to have full Right, Liberty, Privilege, and Authority of landing and loading Coal and Ironstone on and from, and of Ingress, Egress, Regress, Transit, Way, and Passage in, over, and upon the said Embankment and Road on the South Side of the said intended Basin, and to erect any Cranes, Weighbeams, or other Works thereupon, for loading and landing such Coal and Ironstone thereon and therefrom, and conveying the same on, to and from the same Land and Ground, without paying any Wharfage, Cranage, Porterage, or other landing Dues whatever, reserved or made payable by virtue of this Act to the said Company of Proprietors hereby incorporated, and their Successors; provided that in the Exercise of the said Right, Liberties, and Privileges, the Party or Parties to whom the same are reserved and given, do not wilfully and unnecessarily impede the Business of the said Canal Company.

For fencing off Towing Paths.

XC. And be it further enacted, That the said Company shall, at their own Costs, (within Three Calendar Months after the said Canal and Side Cut hereby directed to be made, and Towing Paths thereto belonging, shall be dug out and formed), divide and separate, and keep constantly divided and separated, the Towing Paths on each Side of the said Canal and Side Cut hereby directed to be made, and the adjoining Trenches or Passages, or such Part or Parts thereof respectively, as shall be declared necessary by any One or more Justices of the Peace for the said West Riding of the County of York, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, and other Fences, sufficient to keep off Sheep and other Cattle, to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company hereby incorporated as aforesaid; and the said Company shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid; and also shall, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Bridges across the said Canal and Side Cut hereby directed to be made, or any Aqueduct, Conductor, or Watercourse leading into the same, and also Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, in such Manner as the Justices of the

the Peace of the said Riding shall; at their General Quarter Sessions, from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills and Hereditaments adjoining to such Canal, Side Cut, and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal and Side Cut, or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any Common Highway, Public Bridleway, or Foot Path, until they shall at their Costs and Charges have made and provided a good and sufficient temporary Road, Bridleway, or Foot Path, for the Accommodation of all Persons whomsoever, and until a good and sufficient Bridge or Bridges, Passage or Passages, Arch or Arches, over, across, or under the said Highway, public Bridleway or Foot Path, shall be made and perfected; and all such Gates, Stiles, Bridges, Arches and other Works and Conveniencies so to be made as aforesaid shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair by the said Company.

XCI. And be it further enacted, That the said Company of Proprietors of the said intended Canal, shall as soon as conveniently may be, after the said Canal shall be cut and made through the Lands of *Lucy Sotheron* Spinster, at *Carbrook* in the said Townships of *Tinsley* and *Attercliffe*, make or cause to be made One or more good, substantial, and commodious Bridge or Bridges (as may be thought necessary) for the Passage of the Owners and Occupiers of the said Lands and Grounds respectively, and for their Cattle and Carriages of all Descriptions to and from the same, and for the Purpose of uniting the separated Parts of the said Lands and Grounds, and making the same convenient for Occupation altogether, and as One Farm, and shall make or cause to be made proper Ascents or Approaches to the said Bridge or Bridges on each Side, and the said Bridge or Bridges shall be built in such Situation or Situations as the said *Lucy Sotheron*, her Heirs or Assigns, or her or their Agents shall select and appoint; and the same Bridge or Bridges and Ascents or Approaches thereto, shall for ever be maintained and kept in good and substantial Repair by the said Company of Proprietors, who shall be liable to be indicted and fined for Non-repairs thereof, or to an Action for Damage, which may be sustained by the Owners or Occupiers of the said Estate for the Time being, in consequence of the same being out of Repairs.

A Bridge or Bridges to be made over the Canal, where it intersects *Lucy Sotheron's* Estate.

XCII. And be it further enacted, That in case the said Company hereby incorporated, or their Agents, shall refuse or neglect to divide and separate, and keep divided and separated, the said Towing Paths in Manner hereinbefore directed, or to make, erect, and set up such Gates, Bridges, and Stiles, in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains or other Passages, or to make such Watering Places for Cattle as herein directed for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments adjoining or near to the said Canal and Side Cut hereby directed to be made, or to maintain and support such Gates, Stiles, Bridges, Arches, Fences, Passages, and Watering Places, when erected, set up and made, of such Dimensions and in such Manner as aforesaid, for the Space of Three Calendar Months next after the Times to be appointed by the said Justices as aforesaid, or after Notice shall have been given, by or on the Behalf of the Owners or Occu-

If Company do not fence off Towing Paths, and make Bridges, &c. Owners may do it at Company's Expence.

[Local.]

18 U

piers

piers of any such Lands, Mills, or other Hereditaments, who shall find themselves aggrieved by any such Gates, Stiles, Bridges, Arches, Fences, Passages, or Watering Places, not being kept in good Repair and Condition, to the Clerk of the said Company, then and in every such Case, it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Fences, Passages or Watering Places, and other Conveniences as shall be necessary, and shall have been before directed and appointed by the said Justices to be made, erected, and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require; so that in making and maintaining such Works, the said Navigation and Side Cut, and the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or other Hereditaments, who shall have so erected and made, repaired, or maintained such Works as aforesaid, by the said Company of Proprietors; and the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company for the Recovery thereof, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed: Provided always, that the said Company hereby incorporated shall not be liable to repair or amend any Part of the Roads over the Approaches to any of the said Bridges to be made over the said Canal and Side Cut, after the Roads over such Approaches shall have been first made and put into good Repair by or at the Expence of the said Company.

Committee to
regulate the
Navigation.

XCIII. And be it further enacted, That all Boats, Barges, and other Vessels, passing upon the said intended Canal and Side Cut, or either of them, shall upon Meeting any other Boat, Barge, or other Vessel, stop at, or go back to, and lie in some Place to be provided for that Purpose as aforesaid, in such Manner as the said *Sheffield* Canal Company, or the said Committee, shall from Time to Time direct and appoint; and if any Boat, Barge, or other Vessel, shall be placed or suffered to remain in any Part of the said intended Canal or Side Cut so as to obstruct the Navigation thereof, and the Person having the Care of such Boat, Barge, or other Vessel, shall not immediately upon Request made remove the same, he shall for every such Offence forfeit any Sum not exceeding Ten Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer of the said *Sheffield* Canal Company to cause any such Boat, Barge, or other Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstructions, and to seize or distrain such Boat, Barge, or other Vessel and the loading thereof, or any Part of such loading, until the Charges occasioned by such Removal be paid; and if any Boat, Barge, or other Vessel, shall be sunk in the said Canal or Side Cut, or either of them, and the Owner or Owners, or the Person having the

the Use or Care of such Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents and Servants of the said *Sheffield* Canal Company, or any of them, to cause such Boat, Barge, or other Vessel, to be weighed or drawn up, and to detain and keep the same until Payment be made of all Expences necessarily occasioned relating thereto; and if any Person shall float any Timber upon the said intended Canal or Side Cut, or shall suffer the loading of any Boat, Barge, or other Vessel, navigating in or upon the said intended Canal and Side Cut, or either of them, to lie over the Side thereof, so as to obstruct the Passage of any other Boat, Barge, or Vessel, and shall not immediately, upon Notice given to him for that Purpose, remove such Obstruction; or if any Person shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said intended Canal or Side Cut, or Reservoirs, or any Trenches or Watercourses to be made by virtue of this Act, or shall otherwise injure or obstruct the same; or if any Person shall wantonly, carelessly or negligently, open or cause to be opened any Lock Gate, or any Paddle, Valves or Clough, belonging to any Lock to be erected on the said intended Canal, or suffer any Boat, Barge, or other Vessel, to strike or run upon any of the Bridges or Locks thereof, or shall wilfully flush or draw off the Water from any Part of the said intended Canal or Side Cut, or shall leave any of the said Valves or Cloughs open and running after any Boat, Barge, or other Vessel, shall have passed any such Lock, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Canal, Side Cut, and Reservoirs, or any of them, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every Person so offending shall be subject and liable to the same Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm, or in mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Misdemeanor.

XCIV. And to the End that the said Canal and Side Cut may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company shall, and they are hereby required at their own proper Costs and Charges, to make or cause to be made Arches, Tunnels, Culverts, and Drains over, under, by the Side of, or into the said Canal and Side Cut, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Side thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Canal and Side Cut, without obstructing or impounding the same; and likewise to make or cause to be made such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, Side Cut, Feeders, and other Works hereby directed to be made, to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering Places for Cattle in all Cases where by Means of the said Canal and Side Cut the Cattle of any Person or Persons occupying Lands adjacent to the said Canal or Side Cut shall be deprived of their ancient Watering Places; and that all such Bridges, Arches, Tunnels, Culverts,

Drains to be made to convey Water from the Lands adjoining;

and Watering Places for Cattle.

Culverts, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, scoured, and kept in good and sufficient Repair by the said Company; and if at any Time after Notice in Writing for Three Calendar Months, shall by or on Behalf of the said Owners or Occupiers of Land adjoining or lying near to the said Canal and Side Cut hereby directed to be made, be given to the said Company hereby incorporated, or to their Clerk, known Agent, or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains or other Passages, or any of them, are not made, cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any One or more of the Justices of the Peace for the said West Riding of the said County of York, from Time to Time as often as there shall be Occasion; and the said Justices are hereby authorized and required at their Discretion to grant such Orders as aforesaid, enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains or other Passages; and the reasonable Expences thereof (to be ascertained by the said Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Three Calendar Months after Demand thereof made upon the said Company, or upon their Clerk, such Expences shall and may be recovered and levied in such Manner as any other Money is by this Act directed to be recovered from the said Company: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall at the Time of making such Complaint, have his or her respective Ditches, Drains, Passages for Water and Watercourses, leading to or from the said Drains, Culverts, and Passages of the said Canal, Side Cut, Feeders and other Works hereby directed to be made, and each and every of them sufficiently cleansed and opened to convey Water into and along the same; and provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal, Side Cut, Feeders, or other Works hereby directed to be made, which may injure the said Navigation and Side Cut.

Masters of
Boats to give
an Account
of their Lad-
ing.

XCV. And for the better ascertaining, and more easy, effectual, and just Collection of the said Rates for Tonnage, Portage, Cranage and Wharfage hereby directed to be paid to the said Company of Proprietors; be it further enacted, That the Person having the Care of every Boat, Barge, or other Vessel navigating upon the said Canal and Side Cut, or either of them, or any Part thereof respectively, shall give to the Collector or Collectors of the said Rates, or to any other Officer to be appointed for such Purpose, at the Place or Places where he shall attend for that Purpose, a just Account in Writing signed by the Person or Persons sending or consigning such Goods and other Things as shall be embarked in each such Boat, Barge, or other Vessel, or by his, her, or their Clerk or Agent, which Account shall contain a Statement of the Quantities and Weights of such Goods and other Things, and of their Natures, Sort, or Kind which shall be embarked in each such Boat, Barge, or other Vessel, from whence brought, and where the same are intended to be landed; and if the Goods or other Things contained in any such Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Account shall specify the Quantities liable to the Payment of each of the said Rates; and in case the Person having the Care of such Boat or Vessel shall neglect

or

or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall wilfully or knowingly give a false Account, or deliver any Part of such Lading or Goods at any other Place or Places than the Place or Places mentioned in that Account, or shall wilfully do any other Act whereby the Payment of the said Rates or any Part thereof shall be avoided, or if the Person or Persons sending or consigning such Goods or Things, or his, her, or their Clerk or Agent, shall sign a false Account thereof, every Person so offending shall forfeit and pay the Sum of Five Shillings for every Ton of Goods or other Things, and so in Proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boats, Barges, or other Vessels respectively, over and above the Rates which shall be payable for the same by virtue of this Act.

XCVI. Provided, and it is hereby enacted, That the said Canal Company shall from Time to Time be obliged to give to every Master, Commander or Boatman, navigating any Boat, Barge, or other Vessel on the said intended Canal, a Certificate signed with the Name of the Collecting Clerk of the said Canal Company for the Time being, containing a just Account of the Weight of all Goods, Wares, or Merchandize, landed from or put on board such Boat or Vessel, on any Part of the Line of the said intended Canal or River above *Tinsley* Cut, which said Ticket every such Master, Commander, or Boatman shall, when required, be obliged to deliver to the Collector for the Time being of the said Company of Proprietors of the Navigation of the said River *Dun*, at any Place on the Line of the said River *Dun* Navigation, in order to ascertain the true loading on board such Boat or Vessel; provided and in case of Neglect or Refusal in delivering to such Collector for the Time being of the said Company of Proprietors of the Navigation of the said River *Dun* such Tickets from Time to Time as aforesaid, then the said Collector for the Time being, or such Person as he shall appoint, is hereby authorized and required to detain or prevent the passing of such Boat or Vessel through any Lock, or on any Part of the Line of the said River *Dun* Navigation, till such Certificate be produced; and the said Canal Company shall and are hereby obliged quarterly to deliver to the River *Dun* Company's Agent for the Time being, a true Account in Writing of the Weight of all Goods, Wares, or Merchandize navigating the said Canal as aforesaid, or any Part thereof, that shall also be navigated on the said River *Dun* or any Part thereof, in order to operate as a Cheque upon such Tickets so to be delivered as aforesaid.

Tickets of Lading to be delivered to the River *Dun* Company.

XCVII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal and Side Cut hereby authorized to be made or either of them, to use thereon any Pleasure Boats or any Boats for the Purpose of Husbandry only, or for conveying Cattle from One Farm or Part of a Farm or Lands to any other Farm or Lands of the same Owner or Occupier (not passing through any Lock,) without any Interruption from the said Company of Proprietors, and without paying any Rate or Duty for the same, so as the same be not made use of for carrying any Goods, Wares, or Merchandizes to Market, or for Sale, or for any Person or Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said intended Canal or Side Cut, or the Towing Paths thereof.

Pleasure Boats, and Boats for the Purpose of Husbandry.

[*Local.*]

18 X

XCVIII. And

Navigation to
be free upon
Payment of
Rates, under
certain Re-
strictions.

XCVIII. And be it further enacted, That all Persons shall have free Liberty to use with Horses, Cattle, and Carriages, all the Roads and Ways (except the Towing Paths) and likewise the Sluices, Trenches, or Passages to be made by virtue of this Act, for the Purpose of conveying any Minerals, Timber, or other Goods, Wares, Merchandizes, and Things, to or from the said Canal and Side Cut hereby directed to be made, and every Part thereof; and also to navigate and pass upon, and use the said Canal and Side Cut, or either of them, with any Boats, Barges, or other Vessels, and also to use the said Towing Paths with Men or with Horses or other Cattle, for hauling and drawing such Boats, Barges, and Vessels, but for no other Purposes, upon Payment of such Rates as shall be demanded by the said Company, or their Committee or Collectors, not exceeding the Sums herein-before mentioned.

Regulations
for Boats on
passing the
Locks.

XCIX. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel, which shall pass through any Lock to be made upon the said Canal, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel, to pass through the same, and that every such Boatman or other Person as aforesaid, on going down the said Canal from the higher to the lower Levels thereof, shall, previously to his bringing his Boat, Barge, or other Vessel, into any Lock, shut the lower Gates of such Lock and the Sluices thereto belonging, before he shall draw the Sluices of the upper Gates thereof, and after he shall have brought his Boat, Barge, or other Vessel, into the said Lock, he shall then shut the upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the lower Gates thereof; and in going up the said Canal towards a higher Level thereof such Boatman or other Person shall, as soon as he shall have passed with his Boat, Barge, or other Vessel, out of the said Lock, shut up the upper Gates thereof, and the Sluices thereto belonging, and afterwards draw the Sluices of the lower Gates thereof, unless there shall be then a Boat, Barge, or other Vessel in sight of the said Lock coming down the said Canal, in which Case the lower Gates of the said Lock and the Sluices thereof shall be left shut, and the upper Gates shall be left open; and at all Times the Vessels going up the said Canal, if within sight of any Vessel coming down, and at a Distance not exceeding Eight hundred Yards below any Lock, shall pass through such Lock, before the Vessel coming down, and then the Vessel above such Lock shall come down; and if there shall be no more Vessels than One below and above any Lock at the same Time within the Distance aforesaid (at which Distance a Post or Mark shall be set up or made for ascertaining the same) such Vessels shall go up and come down through such Locks by Turns as aforesaid, until all the Vessels going up and coming down shall have passed the same, in order that One Lock-full of Water may serve Two Vessels; and that every Person who shall offend in any of these Particulars, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Owners of
Boats to put
their Names
thereon.

C. And be it further enacted, That every Owner, Master, or Person having the Care or Command of any Boat, Barge, or other Vessel passing upon the said Canal and Side Cut, hereby directed to be made, or either of them, shall cause his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk of the said Company of Proprietors, and shall also cause such Name and Number to be painted in large white Capital Letters and Figures on a black Ground Three Inches

Inches high at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water, when full laden; and also shall fix on each Side thereof respectively, Plates of Metal, under such Regulations as the Committee of the said Company of Proprietors hereby incorporated shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be thereby clearly ascertained and shewn, and shall permit and suffer every such Boat, Barge, or other Vessel, to be gauged, weighed, or measured, at the Expence of the said Company of Proprietors hereby incorporated, whenever it shall be required by them, or any Person or Persons appointed by them for that Purpose, at such Place or Places on the said Canal and Side Cut or either of them as they shall appoint; and every Owner, Master, or other Person having the Care or Command of any Boat, Barge, or other Vessel, who shall navigate the same upon the said Canal and Side Cut hereby directed to be made or either of them, without having such Names, Figures, and Plates thereon, as are hereinbefore directed, or who shall alter, erase, deface, or destroy the same or any Part thereof, or shall fix any false Names, Figures, or Plate thereon, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

CI. And be it further enacted, That no Boat, Barge, or other Vessel shall be moored in any Part or Parts of the said Canal and Side Cut hereby directed to be made, nor shall any Boat, Barge, or other Vessel be laden or unladen in any Part of the same Canal or Side Cut, where the Width or Breadth of such Canal or Side Cut shall be less than Forty-four Feet; and it shall and may be lawful for the several Owners and Occupiers of Lands and Grounds on the Banks of the said Canal and Side Cut, to make any Recess or Recesses into their respective Lands or Grounds, to communicate with such Canal and Side Cut, for the Purpose of admitting Boats, Barges, and other Vessels, such Owners and Occupiers respectively doing as little Damage to the said Canal and Side Cut as may be, and not wasting the Water thereof; and where any such Recess shall be made through or across any Towing Paths, a Bridge or Bridges shall be erected or thrown across the Entrance of such Recess for the Passage of Horses and Cattle, so that the Passage of such Towing Path shall not be obstructed by any such Recess or Recesses.

Boats not to be laden or unladen in any Place where the Canal shall be less than 44 Feet wide.

CII. And be it further enacted, That in all Cases where by the effecting of the said Undertaking, any Part or Parts of the Lands or Grounds of any Person or Persons shall be severed and divided from the other Part or Parts of the Lands or Grounds of such Person or Persons, so as to deprive such Person or Persons, or the Occupier or Occupiers of such Lands or Grounds, of convenient or proper Means of Access to the same, then, and in every such Case, the said Company of Proprietors shall, and they are hereby required to build and construct, and afterwards to maintain and keep in good and sufficient Repair, a proper Bridge or Bridges, or sufficient Roads or Ways, at the Costs and Charges of the said Company of Proprietors, for the Convenience of the Owner or Owners and Occupier or Occupiers of such Lands or Grounds as the said Commissioners shall think fit, in case such Owner or Owners shall require either such Land to be purchased or a Bridge to be erected for the Use thereof, or such Roads or Ways to be made as aforesaid; and that if the said Company of Proprietors shall neglect or refuse

Company to make Communications by Bridges.

refuse for the Space of Three Months next after Notice shall be given to them, or the Clerk or Clerks by them appointed, to purchase such Parts of the Lands or Grounds which shall be so deprived of a Road thereto as aforesaid, or to build and construct and keep in good and sufficient Repair such Bridge or Bridges, Roads, or Ways, pursuant to a Determination of the said Commissioners, then and in every such Case, it shall be lawful for the Person or Persons whose Lands are so separated, and who shall have given Notice as aforesaid, to build, himself, herself, or themselves, such Bridge or Bridges, or to make such Roads and Ways as shall be necessary for the Purpose of making a proper Communication between the different Parts of the Lands so separated, and to recover the Expence of building such Bridge or Bridges, and of obtaining and making such Roads and Ways from the said Company of Proprietors, by the same Way and Remedy as is herein-before provided for the recovering of other Damages done by effecting the Purposes of this Act.

Land Owners
may make
other Bridges,
&c. at their
own Expence.

CIII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Canal and Side Cut shall be made, do or shall at any Time or Times hereafter choose to erect other Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, or other Conveniences respectively, than such as the said Justices shall have so directed or appointed to be made by the said Company; then and so often or in any such Case, it shall be lawful for all or any such Owners or Occupiers, with the Consent and Approbation of the Committee of the Proprietors of the said Canal and other Works, to make, fix and erect at their own Costs and Charges One or more Gate or Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences of the same or the like Construction, with others made and erected by the said Company, in, over, or near to the said Canal and Side Cut, or the Towing Paths thereof respectively, in such Places as the said Owners and Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so that the Navigation in or upon the said Canal and Side Cut hereby directed to be made, be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Arches, Watering Places or other Conveniences, had been made or erected by the said Company of Proprietors.

Swivel or
Drawbridge
to be shut up
after Vessels
passed.

CIV. And be it further enacted, That if any Swivel Bridge or Drawbridge (except such as may be made for the private Use of any Owners or Occupiers of Land) shall be laid over across the said Canal and Side Cut hereby directed to be made, or either of them, all and every Person or Persons opening any such Swivel Bridge or Draw Bridge shall, and he or they are hereby required and directed so soon as any Vessel shall have passed any such Bridge to shut and fasten the same; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings; and in case such Bridge shall be left open longer than necessary for the Passage of any Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Vessel, then the Master or Owner of such Vessel shall forfeit and pay for every such Offence any Sum

Sum not exceeding Twenty Shillings; and if any Person or Persons shall wilfully open any such Swivel Bridge or Draw Bridge when no Vessel is to pass through the same, so as to interrupt a free Passage for Travellers, Cattle, or Carriages, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings.

CV. And be it further enacted, That if any Lock-keeper, Wharfinger, or other Officer belonging to the said *Sheffield* Canal Company, shall give any undue Preference to any Boat, Barge, or other Vessel, in passing through any Lock upon the said intended Canal, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said *Sheffield* Canal Company, he shall forfeit and pay the Sum of Twenty Shillings for every such Offence.

To prevent Lock-keepers giving Preference.

CVI. And be it further enacted, That if any Person or Persons navigating or having the Care of any Boat, Barge, or other Vessel upon the said Canal or Side Cut, or any Part thereof respectively, shall, with Intent to avoid the Payment of any of the said Tolls, Rates, or Duties, load, unload or take into any such Boat, Barge, or other Vessel, any Goods, Wares, Merchandize, or Commodities whatsoever, liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than at the public or private Wharfs or Quays upon or belonging to the said Canal, without having first obtained a Consent in Writing for that Purpose from the Committee for Management, or some One of the Agents or Collectors of Tolls to the said Company of Proprietors; or if any Person shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Penalty on Persons taking or unloading Goods unless at a private or public Wharf.

CVII. And be it further enacted, That as soon as conveniently may be after the said Canal and Side Cut hereby authorized to be made shall be completed, the said *Sheffield* Canal Company shall cause the same respectively to be measured, and Stones or Posts to be erected, and for ever after to be maintained on the Side or Sides thereof, at the Distance of every Half Mile from each other, with proper and legible Marks denoting the Distance from such Places as shall be thought proper.

Canal to be measured, and Stones erected every Half Mile.

CVIII. Provided always, and be it further enacted, That in all Places where the Line of the said Canal and Side Cut, or either of them, shall be made across any public Carriage Road, the Ascent to every Bridge to be made over the said Canal for the Purpose of such Road shall not be more than One in Thirteen, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulations when the Canal passes over any Road.

CLIX. And be it further enacted, That it shall and may be lawful for the Company of Proprietors of the said intended Canal, at their own Costs and Charges to build an Aqueduct over the Turnpike Road leading from *Workop* in the County of *Nottingham* to *Attercliffe* aforesaid, where the said proposed Canal is intended to cross the same Road for the Purpose of conducting the same Canal over and upon such Road; and that the main Archway of such Aqueduct so hereby intended to be made across the same

As to the Aqueduct over the Workop Road.

[Local.]

18 Y

Turnpike

Turnpike Road shall be at the Height of Fifteen Feet from the Surface of the same Road (when the same shall have been duly lowered for the Purpose of such Aqueduct), to the Summit of the said Archway thereof, and that the Span of such Archway shall be of the clear Width of Twenty Feet, and that there shall be Two smaller Archways on each Side of the said main Archway; and that One of such smaller Archways (which ever shall be concluded upon as the most convenient by the Engineer of the said Canal Company) shall be made of sufficient Height and Width to admit of Persons passing through the same on Horseback, and the other of such Archways shall be sufficiently commodious and convenient for Foot Passengers; and also that the Company of Proprietors of the said intended Canal shall at their like Costs and Charges make the whole Length of Road, which it may be necessary to lower for the Purpose of such Aqueduct, sound and good, and maintain that whole Length of Road for Two Years from the Time of completing of the said Aqueduct, (such Length to be in due Proportion to the Height of which such Aqueduct shall be made), and that after the End of such Two Years the Proprietors of the said intended Canal shall make and maintain the Road under the said intended Aqueduct; and also the Road for the Space of Twenty Yards on each Side thereof, so long as such Aqueduct shall there remain, and that the Inhabitants of the Parishes or Townships of *Attercliffe* aforesaid, and *Darnal* in the said County of *York*, shall not be liable to repair or amend the same Length of Road, or to contribute by performing Statute Duty, or in any other way to the Repair thereof; and that the said Company of Proprietors shall always also make and maintain Drains with sufficient Falls to carry off all the Wet and Water whatsoever which might otherwise collect on or be injurious to the same Road; and that at the End of the above mentioned Two Years, the Whole Length of Road which shall be affected by the said Act shall be left in a good State of Repair, according to the Opinion of the Person who shall be the Surveyor of the said Road; and in case the Company of Proprietors of the said intended Canal, their Successors or Assigns or their Agents, shall fail or neglect to make, maintain, amend and keep in Repair such Length of Road as is hereby directed to be by them made, maintained, amended and kept in Repair as aforesaid, during the Time the said Aqueduct shall remain across the same Road as herein-before mentioned, then and in every such Case it shall and may be lawful to and for the Trustees for the Time being, of the said Turnpike Road, or their Surveyor or Agent or other Persons duly authorized, to make, maintain, and repair the same Length of Road in a fit and proper Manner, from Time to Time as Occasion shall require; and all the reasonable Costs and Charges thereof, to be settled and allowed by Two or more of His Majesty's Justices of the Peace for the West Riding of the County of *York*, shall be repaid to the Treasurer of the said Turnpike Road for the Time being, by the said Company of Proprietors, their Successors or Assigns, within the Space of Twenty-one Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof, to the said Company of Proprietors or their Agent, then acting as such for the District of the said intended Canal within the said Township of *Darnal*; and in Default of Payment of such Costs and Charges within the Time aforesaid, then such Commissioners, or any Five or more of them, shall and they are hereby required, by Warrant under their Hands and Seals, to levy such Costs and Charges by Distress and Sale of the Goods and Chattels

Chattels of the said Company of Proprietors, their Successors or Assigns, in or upon the said Canal or the Wharfs, Quays, or Warehouses belonging to them, adjoining or near the same, to and for the Use of the Trustees of the said Turnpike Road, or the Mortgagees of the Tolls or Duties thereof, rendering to the said Company of Proprietors, their Successors or Assigns, or to some of their Agents by them duly authorized to receive the same, the Overplus, if any such there shall be, after deducting the reasonable Costs and Charges of making such Distress and Sale, to be settled by Two or more of His Majesty's Justices of the Peace for the said Riding, unless the Parties concerned agree upon the Amount thereof; otherwise the Trustees of the same Turnpike Road shall and may, (at their own Election), have such and the like Remedy for the Recovery of such Costs and Charges, against the said Company of Proprietors, their Successors and Assigns, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed; and that all Damages, Costs, Charges and Expences whatsoever, which shall arise or be incurred by the Bursting, Leakage or other Insufficiency of the said Aqueduct, over the aforesaid Turnpike Road from *Workop* to *Attercliffe*, either to the Trustees, Mortgagees or Persons who have advanced Money upon the Credit of the Tolls or Duties of the same Turnpike Road, or the Proprietors or Occupiers of Messuages or Dwelling Houses, Cottages, Buildings, Lands, Tenements, or Hereditaments, within the said several Parishes or Townships of *Attercliffe* and *Darnal* aforesaid, or either of them, shall from Time to Time be made good, satisfied, and paid by the Company of Proprietors of the said intended Canal, their Successors or Assigns, the same to be ascertained and recovered by an Action at Law.

CX. And be it further enacted, That the said Company of Proprietors of the said Canal shall, at their own Costs and Charges, uphold and repair the Bridge intended to be built over the said Canal where the same will be made across the Turnpike Road leading from *Bawtry* to *Tinsley*, and shall be liable to be indicted and fined for the Non-repair thereof.

The Canal Company to repair the Bridge over the Bawtry Road.

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

Canal not to be under the Power of Commissioners of Sewers.

CXII. Provided always, and be it further enacted, That in case the said intended Canal, Side Cut and other Works, shall not have been completed and made navigable, so that Boats and Barges may pass along the whole Line thereof, (unless prevented by inevitable Accidents), within the Space of Five Years, to be computed from the passing of this Act, then from and immediately after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges given by this Act, shall cease and determine; save only and except as to so much (if any) of the said intended Canal, Side Cut and Works, as shall have been declared to have been completed within the said Term, by the Justices of the Peace of the said West Riding of the said County of *York*, assembled at any Quarter Sessions of the Peace to be holden in and for the said Riding, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Witnesses upon Oath, to be produced before them for that Purpose: Provided also,

If Canal not complete within the Space of Five Years, this Act to cease.

also, that the whole of the probable Expence of making and completing all the Works hereby authorized to be made, shall be subscribed by Persons under a Contract, binding themselves, their Heirs, Executors and Administrators, for Payment of the Money so subscribed before the Powers and Authorities hereby given shall be put in force.

Works damaged by Floods to be repaired by the Company.

CXIII. And whereas it may happen, from Floods or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Feeders, Reservoirs, Trenches or other Works of the said Navigation and Side Cut, may be injured or destroyed, and the adjacent Lands may thereby suffer Damage; and it may be necessary that the same should be immediately repaired or rebuilt, to prevent further Damages; be it therefore enacted, That when and as often as any such Case shall happen, it shall be lawful for the said Company, from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds or Hereditaments adjoining or near to the said Canal and Side Cut, and other Works and Conveniencies, or any of them, (not being the Ground whereon any House or other Building stands, or any Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenues to a House) and to dig for, work, get, and carry away, and use all such Stones, Gravel and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or any other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owners and Occupiers, or other Persons interested in such Lands, Grounds or Hereditaments, within the Space of Six Calendar Months next after the same shall be demanded; which Damages, and the Compensations to be made in respect thereof, shall be settled, determined, or assessed by the Ways and Means herein-before prescribed and directed with respect to other Damages to be done by making and completing the said Navigation.

Right of Fishery reserved.

CXIV. And be it further enacted, That the Lord and Lords, Lady and Ladies of every Manor or Manors through or in which the said Canal and Side Cut, Reservoirs and Feeders, or any of them, shall be made, shall have and be entitled to the exclusive Right of Fishery, of and in so much of the said Canal, Side Cut, Reservoirs and Feeders, as shall be made over, in, or through the Common or Waste Lands within his, her, or their Manors respectively, and also shall have and be entitled to the Right of Fishery, of and in so much thereof respectively, as shall be made over, in or through all other the Lands or Grounds within his, her, or their Manors respectively; and that the Owner or Owners of the said last-mentioned Lands or Grounds shall also have and be entitled to the Right of Fishery of and in so much of the said Canal, Side Cut, Reservoirs and Feeders, as shall be made in, over, or through his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery, the said Canal, Side Cut, Reservoirs and Feeders, and the Towing-paths, Banks, or other Works and Conveniencies hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal, Side Cut, Reservoirs and Feeders, and so as the said *Sheffield* Canal Company, or their Agents, Servants,

Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action or Prosecution, for or by reason of taking or destroying any Fish in the said Canal, Side Cut, Reservoirs, or Feeders, or any of them, which shall be taken, killed, or destroyed by Means of letting the Water out of them respectively, for the Purposes of the said Canal or Side Cut, or other Works, or on account of any Repairs or Works to be done in or about the same Canal, Side Cut or other Works, and it shall be lawful for the Lord or Lords, Lady or Ladies of such Manor or Manors, and for the Owner or Owners of such Lands or Grounds, being qualified by Law so to do, to take and kill Game upon so much of the said Canal and Side Cut, Reservoirs, Feeders and other Works, as shall be made in or through their respective Lands or Grounds as aforesaid; any Thing herein contained to the contrary notwithstanding.

CXV. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed) shall and may be made before any One or more Justice or Justices of the Peace, in the County, Riding, or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them; and upon the appearing or not appearing of such Person or Persons, pursuant to such Summons, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon the Conviction of any Person, such Justice or Justices shall and may issue a Warrant, under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture, by virtue of this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Persons so convicted; and all such Fines, Penalties, and Forfeitures when recovered, after rendering the Overplus (if any) when demanded, to the Owner of such Goods and Chattels (the Charges of such Distress and Sale being first deducted) shall (where the Application is not otherwise directed by this Act) be paid into the Hands of the Treasurer or Treasurers to the said Company of Proprietors and shall be applied and disposed of towards defraying the Expences of the said Navigation and other Works; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found, whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Recovery of Penalties.

CXVI. And be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; *viz.*

Conviction.

[*Local.*]

18 Z—19 A

BE

To wit. } **BE** it remembered, That on [Time of Conviction] at [Place of Conviction] [Name of Offender] [Addition of Offender] was
 ' duly convicted before me [or, us, Name and Stile of convicting Justice
 ' or Justices], for that the said [Name of Offender],
 ' in [Time of committing Offence], at [Place of committing Offence] did,
 ' [here state the Offence against the Act according to the Fact], contrary
 ' to the Form of the Statute made in the Fifty-fifth Year of the Reign of
 ' His Majesty King George the Third, intituled [here set forth the Title of
 ' this Act,] and I, [or, we,] do therefore declare and adjudge, that the
 ' said [Name of Offender,] has forfeited for the said Of-
 ' fence, the Sum of [Fine,] and shall be committed to [Place of Imprison-
 ' ment,] for the Space of [Time of Imprisonment.] Given under my Hand
 ' and Seal, [or, our Hands and Seals,] the Day and Year first above
 ' written.'

Persons tak-
 ing a Distress
 irregularly
 not to be
 deemed Tres-
 passers ab
 initio.

CXVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser 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 Damages in an Action upon the Case.

Proceedings
 not to be
 quashed for
 want of Form,
 or removable
 by Certiorari.

CXVIII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act, shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Appeal given
 to the Quarter
 Sessions.

CXIX. Provided always, and be it further enacted, That any Person or Persons thinking himself 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, may within Six Calendar Months after the Cause of Complaint shall have arisen, complain to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the County or Riding where the Cause of Appeal shall arise, and not elsewhere; the Person or Persons appealing having first given at least Fourteen Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the principal Law Clerk of the said Company, and forthwith after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Riding, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General Quarter Sessions of the Peace, to be held for such County or Riding, or if they think proper, adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for such County or Riding,

Riding, and if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned, which shall have been levied in pursuance of such Rule, Bye Law, Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

CXX. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons, for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders, and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed; or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing of such Damage shall have ceased and not afterwards, and shall be laid or brought in the County where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit 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 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 than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his or their Action or Actions, Suit or Information, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same, as any Defendant or Defendants hath or have for Costs in other Cases by Law.

Limitation of
Actions.

General Issue.

CXXI. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1815.

