

Commissioner.

Minor, Lord of the Manor of *Selby* aforefaid: And whereas the Weir or Dam belonging or adjoining to the faid Mill dams up the Water flowing through the faid Drains and Watercourfes, and prevents a free and fufficient Effluxion of the fame into the faid River *Oufe*, by reason whereof, and of long Neglect and want of Reparation, the faid Drains or Watercourfes are in their prefent State infufficient to contain, carry off, and convey the flood Waters to their Outfall, and the faid Low Grounds and Carrs are therefore fubject and liable to be greatly overflowed and otherwife injured, fo that the fame cannot be properly cultivated and improved; but if the fame were effectually drained, the Owners thereof, and other Perfons interefted therein, might confiderably improve their faid Grounds and Carrs; but the fame cannot be done without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's moft Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this prefent Parliament affembled, and by the Authority of the fame, That *William Darofon* of *Tadcafter* in the County of *York*, Gentleman, and his Succelfor for the Time being, to be elected in Manner herein-after mentioned, fhall be and he is hereby appointed a Commiffioner for draining and improving the faid Low Grounds and Carrs, and putting this Act into Execution.

New Commiffioner to be appointed in cafe of Death or Refignation.

II. And be it further enacted, That if at any Time before the Power of the faid Commiffioner fhall ceafe, as herein-after directed, the faid Commiffioner fhall die or refufe to act, then any Three or more Proprietors of Six Acres of the faid Low Grounds and Carrs fhall and may caufe publick Notice to be given in the Parifh Churches of *Selby*, *Brayton*, *Wiflow*, *Carwood*, and *Sherburn* aforefaid, on fome Sunday immediately after Divine Service, that the Proprietors of the faid Low Grounds and Carrs, or their Deputies or Agents, will meet at the Houfe of *Thomas Haruden*, known by the Name of *The George Inn*, or fome other convenient Houfe in *Selby* aforefaid, on the Second *Thursday* next after fuch Notice fhall be fo given, between the Hours of Ten and Twelve of the Clock in the Forenoon, then and there to elect and choofe a difinterefted Perfon to be a Commiffioner in the Place or Stead of fuch Commiffioner fo dying or refufing to act; and it fhall and may be lawful for any Proprietor or Owner of Three Acres or more of the faid Low Grounds and Carrs, or his known Deputy or Agent prefent at fuch Meeting, to vote in the Choice of every fuch Commiffioner; and it fhall alfo be lawful for any Number of Proprietors or Owners of the faid Low Grounds and Carrs, amounting in the whole to fifty Acres at the leaft of fuch Grounds and Carrs, or their Deputies or Agents (appointed as aforefaid) to nominate any Perfon to vote for them at fuch Election, and fuch Perfon fo nominated fhall be and is hereby authorized and empowered to vote in the Choice of every fuch Commiffioner; and fuch new Commiffioner as fhall from Time to Time be chofen by a Majority in Value of fuch Votes as aforefaid (the fame being certified in Writing under the Hands of the Perfons choofing fuch Commiffioner) after having taken the Oath herein directed to be taken by every Perfon acting as a Commiffioner in the Execution of this Act, fhall have the like Power and Authority for putting this Act into Execution as the Commiffioner herein appointed is vefted with, and fuch Certificate, together with

with all such Nominations as aforesaid (if any) shall, within Eight Days after the same shall be so signed, be enrolled in such Manner as the Award herein-after mentioned is directed to be enrolled, and true Copies of such Certificates and Nominations shall be admitted in Evidence in like Manner as a Copy of the Enrolment of the said Award is herein-after directed to be admitted and allowed.

III. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers and Authorities given by this Act, until he shall have taken and subscribed the Oath following; that is to say,

Commissioner to take an Oath.

‘ I do swear [*or, being One of the People called Quakers, do affirm*] Oath.
 ‘ That I will faithfully, impartially, and honestly, according to the best
 ‘ of my Skill and Judgement, execute the Trusts reposed in me as a
 ‘ Commissioner by virtue of an Act of Parliament, made and passed in
 ‘ the Forty-fifth Year of the Reign of King George the Third, intituled,
 ‘ An Act [*here insert the Title of this Act*] without Favour or Affection,
 ‘ Prejudice or Malice, to any Person or Persons whomsoever.
 ‘ So help me GOD.’

Which Oath it shall be lawful for any Proprietor or Proprietors of Two Acres of the said Low Grounds and Carrs, to administer, and he or they is and are hereby severally authorized and required to administer the same, and such Oath so taken and subscribed, shall be enrolled at the same Time and Place as the Award to be made by the said Commissioner is herein directed to be enrolled.

IV. And be it further enacted, That out of the Money which shall be raised by the said Commissioner under the Authority of this Act, such Commissioner shall be allowed to retain the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each Day he shall attend, or be from Home, in the Execution thereof; and that the said Commissioner shall defray his travelling and all other his own Expences incurred in attending the Execution of this Act.

Allowance to Commissioner.

V. And be it further enacted, That the said Commissioner shall, and he is hereby empowered to make Orders, and give Directions, for the better and more regular Management of the Works for draining and improving the said Low Grounds and Carrs; and also from Time to Time to appoint such Clerk or Clerks, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, or such other Officer or Officers as he shall think needful, for the superintending or carrying on of any such Works, and for collecting the Rates or Assessments which shall be made or assessed by virtue of this Act, for the Maintenance thereof, and for paying and defraying the Charges and Expences incident to the Execution of this Act; and from Time to Time to remove, displace, and appoint all or any of them, as often as he the said Commissioner shall see Cause; and all and every such Officer or Officers so to be appointed as aforesaid, before they shall act in the Execution of their several Offices, shall give such Security to the said Commissioner for the due Execution of their respective Offices and Trusts, as the said Commissioner shall in his Discretion think fit; and the said Officers so to be appointed as aforesaid, shall observe and obey all such

Commissioner to direct the Works of Drainage, and choose a Clerk and other Officers.

Officers to give Security,

and obey Order of Commissioner,

and be paid
Salaries.

such Orders, Rules, and Directions, as the said Commissioner shall from Time to Time give, make, or appoint for them respectively, and shall be respectively paid by the said Commissioner out of the Monies to be by him raised by virtue of this Act, all such Salaries and Allowances, and at such Time or Times, and in such Manner, as the said Commissioner shall think reasonable, and order, direct, or appoint.

Officers to
account.

VI. And be it further enacted, That every such Clerk, Collector, Receiver, Treasurer, Surveyor, or other Officer, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, whenever thereunto required, give unto the said Commissioner true and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall from Time to Time, and at all Times, upon the request of the said Commissioner, or any Person appointed by him, deliver or cause to be delivered into his Hands all the Books, Papers, and Writings, relating to the Execution of this Act, in the Hands, Custody, or Power of such Clerk, Collector, Receiver, Treasurer, or other Officer or Person employed in the said Receipt or Expenditure, and shall pay all such Monies as shall remain in his or their Hands to the said Commissioner, or to such Person or Persons, or to such Uses and Purposes as he shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Commissioner (which Oath any One Justice of the Peace for the West Riding of the said County of York is hereby required and empowered to administer) and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner aforesaid, or shall neglect or refuse to deliver to the said Commissioner such Books, Papers, and Writings, as shall be in his Custody as aforesaid, then and in any of the said Cases it shall be lawful for any Two Justices of the Peace for the said Riding, or for the County or Place where such Officer or other Person shall reside (not being interested in the said Lands) and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Admission of the Parties themselves as by the Testimony of One or more credible Witnesses or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer) and if any such Person shall be thereof convicted, such Justice shall commit the Party to the Common Gaol of the said Riding, County, or Place, there to remain, without Bail or Mainprize, until he or they shall give and make a true and perfect Account, and verify such Account in Manner aforesaid, and deliver over such Books and Papers as aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the said Riding, County or Place, where such Person or Persons shall reside (not being interested as aforesaid) to make Enquiry touching such Neglect or Refusal in a summary Way, in Manner aforesaid, and by Warrant under their Hands and Seals, to cause such Sum or Sums of Money as shall appear to them to be due and unpaid, to be levied, by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the
Overplus

Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto such Person or Persons; and if sufficient Distress cannot be found, then the said Justices, or any other Justice of the Peace, not being interested in the said Lands, shall commit such Person or Persons to the Common Gaol of such Riding, County, or Place as aforesaid, there to remain, without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Commissioner, or to such Person as he shall appoint to receive the same, which Composition the said Commissioner is empowered to make: Provided always, that no such Person or Persons who shall be committed on Account of his or their not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for a longer Time than Six Calendar Months.

VII. Provided always, and be it further enacted, That the several Offices of Receiver or Treasurer, and Surveyor or Superintendant, shall not be united in the same Person or Persons.

Offices of Receiver, Treasurer, &c. not to be united in the same Person: Survey to be made.

VIII. And be it further enacted, That in order to ascertain what Parts of the said Low Grounds and Carrs shall be liable to be rated and taxed by virtue and within the Meaning of this Act, and in what Proportions respectively, the said Commissioner shall cause a Survey and Admeasurement to be taken of the said Low Grounds and Carrs; and that a Map or Plan of the said Low Grounds and Carrs, and the Number of Acres, Roods, and Perches in Statute Measure contained therein respectively, and of each Proprietor's Property in the same, shall be therein set forth and expressed, and shall be delivered to the said Commissioner for the Purposes in this Act mentioned, and certified upon the Oath or Oaths of the Person or Persons making the same, which Oath or Oaths the said Commissioner is hereby empowered and required to administer.

IX. And be it further enacted, That the said Commissioner shall and he is hereby required to make or cause to be made a true and perfect Valuation of all the said Low Grounds and Carrs in their present State and the said Valuation so to be made shall be reduced into Writing upon a Map or Maps, Plan or Plans to be made thereof as aforesaid, and signed by the said Commissioner, and shall be made use of as such by him, and may be inspected by any of the Persons interested in such Lands without Fee or Reward.

Commissioner to value Land.

X. And be it further enacted, That when and so soon as the said Weir or Dam adjoining or belonging to the said Mill called *Selby Mill* shall have been removed or taken away by virtue of this Act, it shall be lawful for the said Commissioner to make or fix, or order or cause to be made and fixed such Cloughs, Floodgates, or other Works, as he shall think necessary and sufficient, as well to carry away the Water from or near the said Mill, and to discharge the same into the said River *Ouse* with sufficient Expedition, as also to prevent the Waters of the said River from flowing into the said Low Grounds and Carrs near the said Mill in Times of Tides or Floods, in consequence of the Removal of the said Weir or Dam by virtue of this Act.

Power for Commissioner to make Floodgates, &c. near the Ouse when the Dam shall be removed.

[Loc. & Per.]

22 K.

XI. Pro-

This Act not
to interfere
with Bishop's
Dyke Drain,
&c.

XI. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioner, or any future Commissioner or Commissioners, or any Trustee or Trustees to be appointed under or by virtue of this Act, or any other Person or Persons whomsoever, to divert, alter, obstruct, intercept, make use of, or intermeddle with a certain ancient Drain, Dyke, or Watercourse, called *Bishop's Dyke*, or any Brooks, Springs, Feeders, Streams, Drains, or Watercourses, which run, drain, or flow to or into the same, or to break, injure, damage, or intermeddle with the Banks thereof, or the Tunnels or Foxes belonging thereto, or to lay any Tunnel or Tunnels, or make, construct, or erect any other Work or Works from or under the same, or to do any other Act whatsoever to lessen or diminish the Water of the said Drain, Dyke, or Watercourse, called *Bishop's Dyke*, or to impede or interrupt the same, or the Feeders thereof, from flowing to the Mills at *Caxwood* aforesaid, belonging to his Grace the Lord Archbishop of *York*, and now in Lease to *Lucas Nicholson* Esquire, in as full, ample, useful, and beneficial a Manner as before the Commencement of this Act, or whereby the said Mills, or the Lessee or Lessees thereof for the Time being, or his or their Tenant or Tenants, or his, their, or any of their Rights therein or belonging thereto, shall or may be in any other Manner prejudiced or affected.

Commission-
ers not to
make Drains
through any
other Lands
but those
mentioned in
the Schedule.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioner, or any future Commissioner or Commissioners, Trustee or Trustees to be appointed by virtue of this Act, or any other Person or Persons whomsoever, to make, cut, construct, or erect, or cause to be made, cut, constructed, or erected, any Drains, Cuts, Dams, Sewers, Ditches, Banks, Tunnels, or other Works, or for any other Person to use or enter in or upon any other Lands or Grounds whatsoever, other than and except the said Low Grounds and Carrs specified in the said Schedule to this Act annexed.

Old Drains,
etc. to be
kept in Re-
pair, with
Power to
make such
others as
Commission-
er shall think
fit.

XIII. And be it further enacted, That it shall be lawful for the said Commissioner to enlarge, straighten, make deeper, or embank and maintain, or order or cause to be enlarged, straightened, made deeper, embanked, and maintained, any of the ancient Drains or Watercourses already made, in, over, or through any of the said Low Grounds and Carrs, and to enlarge, raise, widen, or otherwise to alter and improve, or to order or cause to be enlarged, raised, widened, or otherwise altered and improved, any of the Cloughs, Arches, Banks, Bridges, or other Works already made, in, upon, or near any of the said Low Grounds and Carrs, and also to make, or order or cause to be made such new Cuts, Drains, Dams, Sewers, Ditches, Banks, Tunnels, Outlets, Engines, Cloughs, Floodgates, Bridges, or other Works, in, upon, or near any Part or Parts of the said Low Grounds and Carrs, as he the said Commissioner shall think proper for the draining and improving the same or any Part thereof; and that it shall be lawful for the said Commissioner, his Servants, Workmen, and Agents, and he and they is and are hereby authorized and empowered from Time to Time, as they shall think proper, to enter upon and divide off, take, and use such Lands and Hereditaments as they shall judge necessary to be cut, dug, taken, or used for making and maintaining any of the Cuts, Drains, Dams,
Sewers,

Sewers, Ditches, Banks, Tunnels, Outlets, Engines, Cloughs, Flood-gates, Bridges, or other Works to be made, maintained, or used under or by virtue of this Act, they doing as little Damage as may be, and making such Satisfaction for the same as herein-after mentioned.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required to make, or cause to be made, a Drain or Watercourse of such Breadth, Height, and Dimensions, and with such Works for completing and perfecting the same as he shall think fit, from the aforesaid Drain or Watercourse called *The Dam*, through a certain Carr, called *Clark's Carr*, to and from the Tan Yard of *Thomas Shipton*, at *Selby*, for the Purpose of conveying such a Quantity of Water thereto as shall or may be necessary and expedient to be used by the said *Thomas Shipton*, in his Trade or Business of a Tanner.

A Drain to be made from the Dam to the Tan Yard of Thomas Shipton at Selby.

XV. And be it further enacted, That the said Commissioner shall, and he is hereby empowered and required, in order to obviate any Inconvenience that may arise to the Occupiers of any of the said Low Grounds and Carrs, by reason of any of the present Communications being interrupted or stopped up by the Works of Drainage to be made and executed under the Authority of this Act, to set out and appoint such additional private Roads and Ways, in, over, or through any of the said Low Grounds and Carrs, of such Width as the said Commissioner shall think necessary, useful, and convenient for executing the Works of Drainage by this Act directed, the said Commissioner causing Satisfaction to be made out of the Monies to be raised towards defraying the Expence of the Works of Drainage in the Township, Parish, or Place where such Roads or Ways do lie or are situate, to the Owners, Proprietors, and Occupiers of such Lands through which any new Roads or Ways shall be made, for any Damages they may sustain thereby, as to the said Commissioner shall seem meet; and that from and after setting out such additional Roads and Ways (if any) it shall not be lawful for any Person or Persons to make use of any other Roads or Ways, in, over, or through the said Low Grounds and Carrs, or any of them, either on Foot, or with Horses, Carts, or Carriages, other than such Roads and Ways as are now in being, and shall not be altered or stopped up by the said Commissioner, and also such additional Roads and Ways as shall be so set out and appointed by virtue of this Act; and that such of the former Roads and Ways through the said Low Grounds and Carrs which shall be so altered or stopped up, shall, by the said Commissioner be awarded to the Person or Persons whose Lands shall be adjoining or contiguous thereto, he, she, or they making such Satisfaction for the same as the said Commissioner shall in and by his said Award, or by any other Instrument in Writing to be by him signed and sealed, and enrolled in like Manner as the said Award, direct and appoint; and the Money so to be paid shall be applied towards defraying the Works of Drainage in the Township, Parish, or Place, where such Roads do lie or are situate.

Commissioner to set out Roads.

XVI. Provided nevertheless, and be it further enacted, That nothing in this Act contained shall empower the said Commissioner to set out or appoint any such additional Roads or Ways over any of the said Lands

Roads not to be set out over Lands without Consent of the Owners of the Lands.

or Grounds without the Leave and Consent in Writing of the Owner or Owners of the said Lands and Grounds first had and obtained.

Commission-
ers empower-
ed to purchase
Lands.

XVII. And be it further enacted, That the said Commissioner shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, which the said Commissioner shall judge necessary or expedient to be cut, dug, pulled down, thrown up, carried away, or otherwise made use of, for the Purposes of, or which may be liable to be damaged in the Execution of this Act, for the Purchase of such Mills, Weirs, Dams, Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damage they may sustain, or for any eventual Injury that may arise to their Property by the Execution of any of the Powers contained in this Act, and also to settle and ascertain in what Proportion the Sum or Sums to be agreed on, as the Compensation, shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, and Officers in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seised or entitled in their own Right, and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in such Mills, Weirs, Dams, Lands, Tenements, and Hereditaments, to contract with the said Commissioner, and to sell and convey, assign, and surrender unto the said Commissioner, or to such Person or Persons as he shall appoint, any Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, for the Purposes aforesaid, or to agree with the said Commissioner for any Recompence or Compensation to be made for the Damage which may from Time to Time happen or be done to any such Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all such Contracts and Agreements, Sales, Conveyances, Assignments, Surrenders, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Title, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their several and respective *Cestuique* Trusts, whether Infants or Issues unborn, Lunatics, Idiots, Femmes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, Custom, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in the Premises, pursuant to this Act; but if it shall happen that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Fourteen Days after Notice given in Writing signed by the said Commissioner, and given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Mills, Weirs, Dams, Lands, Tenements, or Hereditaments,

ditaments, neglect or refuse to treat, or shall not agree with the said Commissioner, or by reason of necessary Absence shall be prevented from treating, then and in every such Case any one of His Majesty's Justices of the Peace for the Riding wherein such Mills, Weirs, Dams, Lands, Tenements, or Hereditaments shall be situate, shall, and he is hereby empowered from Time to Time to issue his Warrant under his Hand and Seal, to the Sheriff of the County of *York*, or if such Sheriff shall be interested in the Matter in Question, then to one of the Coroners of such County, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff or Coroner is hereby empowered accordingly to impanel, summon, and return Twenty-four Men, qualified according to the Laws of this Realm, to be returned for the Trial of Issues joined in His Majesty's Courts at *Westminster*, to appear before His Majesty's Justices of the Peace who shall be assembled at the then next General Quarter Sessions of the Peace to be held for the West Riding of the County of *York*, in order that out of them a Jury of Twelve Men may be drawn, and be sworn to enquire touching the Matters in Question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men who can speedily be procured to attend that Service, being 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, and the Justices of the Peace for the said Riding are hereby empowered by Warrant under their Hands and Seals, from Time to Time as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses, touching the Matters in Question, and the said Justices or any one of them may, on Application of either Party, order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy, which Jury, upon their Oaths, to be administered by the said Justices respectively (which Oaths, as also the Oaths to such Persons as shall be called upon to give Evidence thereof, the said Justices, or any one of them, is and are hereby empowered and required to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and to settle and ascertain what Proportions of the Sum or Sums of Money so assessed shall be paid to the several Persons interested in the Premises; and the said Justices so assembled as aforesaid (not being interested in the Matter in Question) shall give Judgement for such Purchase Monies or Recompence so to be assessed by such Juries, which said Verdict, and the Judgement thereupon pronounced by the said Justices, shall be binding and conclusive to all Intents and Purposes against all Parties, Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever: Provided always, that such Justices may adjourn such Appeal to any other Sessions of the Peace for such Riding as aforesaid, and finally determine the same at any of the said Sessions, and give Costs to either Party as they shall adjudge to be reasonable.

XVIII. Provided always, and be it further enacted, That if any such Sheriff, or his Deputy or Agent, or Coroner, shall make Default in the Premises, every such Person shall for every such Offence forfeit any Sum exceeding Twenty Pounds; and if any Person so summoned and returned

Penalty on Sheriff or Coroner refusing to return a Jury.

as aforesaid on such Jury shall not appear (except for some sufficient Excuse) or appearing shall refuse to be sworn, or being sworn shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear (except as aforesaid) or appearing shall refuse to be sworn or be examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Justices, shall for every such Offence forfeit and pay such Sum of Money as the said Justices, or the major Part of them so assembled as aforesaid, shall appoint, not exceeding the Sum of Ten Pounds upon any one Person for one Offence.

Verdicts, &c.
to be recorded
and filed with
the Clerk of
the Peace.

XIX. And be it further enacted, That all Agreements, Contracts, Sales, and Conveyances, and all Verdicts, and Judgements which shall be made and given, in relation to any such Mills, Weirs, Dams, Lands, Tenements, and Hereditaments as aforesaid (such Verdicts and Judgements being signed by any of the Justices of the Peace, or by the Clerk of the Peace, or Deputy Clerk of the Peace, who shall be present at the taking of such Inquest) shall be delivered to the Clerk of the Peace for the West Riding of the County of York, and shall be filed with the Rolls of the said Riding; and the same, or a true Copy thereof, signed by the Clerk of the Peace or his Deputy, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling, and for every such Copy, not exceeding One hundred Words, the Sum of Sixpence, and so in Proportion for any greater Number of Words.

Limiting a
Time for re-
ceiving Com-
plaints of
Damages.

XX. And be it further enacted, That the said Commissioner shall not be obliged 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 by virtue of this Act, unless Application in Writing hath been or shall be made in relation thereto, by or on Behalf of such Person or Persons to the said Commissioner, or to his Clerks or Clerk, within the Space of Three Calendar Months next after the Time that such Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Upon Satis-
faction being
made Com-
missioner to
proceed in
Works.

XXI. And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be agreed upon between the said Commissioner and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any such Jury to such Party or Parties, or legal Tender thereof made to them, or to the Principal Officer or Officers of any such Bodies Politick, Corporate, or Collegiate; or if he, she, or they cannot be found, or shall refuse to accept such Money upon Payment thereof to such Person or Persons as the said Commissioner shall by Writing under his Hand appoint, for the Use of, and to be paid upon Demand without Fee or Reward, to such Party or Parties respectively, the said Commissioner, and all Persons employed or authorized by him, shall have full Power and Authority to enter upon the Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Mills, Weirs, Dams, Lands, Tenements, or Hereditaments for the Purposes of this Act, and they shall be

be and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick, Corporate, or Collegiate whatsoever, shall from thenceforth be to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property to or in the same.

XXII. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on Behalf of the said Commissioner, before the summoning of any such Jury, for or in respect of any such Mills, Weirs, Dams, Lands, Tenements, Hereditaments, or Damages as aforesaid, that then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of taking such Inquest, shall be paid by the said Commissioner out of the Monies to be raised by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on Behalf of the said Commissioner, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Mills, Weirs, Dams, Lands, Tenements, or Hereditaments in Question: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Commissioner, such Costs and Expences shall be borne and paid by the said Commissioner out of the Money to be raised or received by virtue of this Act.

Expences of Jury and Witnesses how to be paid.

XXIII. And be it further enacted, That upon Payment of the Sum or Sums of Money so assessed and adjudged as aforesaid to the Person or Persons to whom the same shall be so adjudged, for the Purchase of the said Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, or for the Purchase of any Estate or Interest therein, such Person or Persons shall, at the Costs and Charges of the said Commissioner, make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Commissioner and his Successors, in Trust for effecting the Purposes hereby intended for or in respect of the said Drainage of the said Low Grounds and Carrs, or of such Estate or Interest for which such Sum or Sums of Money shall be so adjudged, and shall at the like Costs and Charges, procure all necessary Parties to execute such Conveyances, Surrenders, Assignments, and Assurances, and shall do all Acts, Matters, and Things necessary and requisite to make and derive a good, clear, and perfect Title thereto to the said Commissioner, and his Successors, in Trust as aforesaid for effecting the Purposes of this Act; and such Conveyances, Surrenders, Assignments, and Assurances shall contain all such reasonable and usual Covenants as shall on the Part of the said Commissioner be required.

Upon Payment of Sums assessed Conveyances to be made to the Commissioner.

XXIV. And be it further enacted, That immediately after such Verdicts, Judgements, and Proceedings, and Payment into the Bank as herein after mentioned, and after Receipt or Receipts of the said Cashier or Cashiers, shall be given and filed as herein after mentioned, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, at Law and in Equity, of all and every Person or Persons in, to, and out of the Mills, Weirs, Dams, Lands, Tenements, and Hereditaments to be purchased as aforesaid, shall vest in the said Commissioner and his Successors, in Trust, for the Purposes of the said Drainage, and he

After Purchase Money is paid the Title to vest in Commissioner.

he shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale, enrolled Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Credit such Payment shall have been made, but also shall extend to, and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied and suffered by the proper Parties in due Form of Law.

Directing Application of Purchase Money amounting to 200 l and upwards.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Mills, Weirs, Dams, 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, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount unto the Sum of Two hundred Pounds or upwards, with all convenient Speed be paid to their Trustees, or into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Commissioner, 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 Petition in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Mills, Weirs, Dams, Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or other Part thereof, as the said Court shall authorize to be paid, affecting the same Mills, Weirs, Dams, 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 Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed or settled to, for, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and 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 or capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Monies shall, by Order of the said Court of Chancery, upon the Application of the said Commissioner thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or 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

would for the Time being have been entitled to the Rents and Profits of the said Mills, Weirs, Dams, Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were then actually made.

XXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Mills, Weirs, Dams, Lands, Tenements, and Hereditaments, purchased, taken, or used for the Purposes aforeaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforeaid, shall be less than the Sum of Two hundred Pounds, and shall 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 Mills, Weirs, Dams, Lands, Tenements, and 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, to be placed to his Account as aforeaid, in order to be applied in Manner herein before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by such Commissioner (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Cases be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Compensation Money does not exceed 200 l. and above 20 l.

XXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last above mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, or applied for his, her, or their Use, in such Manner as the said Commissioner 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.

Application where less than 20 l.

XXVIII. 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 Mills, Weirs, Dams, 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 Commissioner, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforeaid cannot be found, or if the Person or Persons entitled to such Mills, Weirs, Dams, 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 Commissioner, to order the said Sum or Sums of Money so awarded as aforeaid, 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

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

[*Loc. & Per.*]

22 M

placed

subject to the Order of the Court of Chancery on Motion or Petition.

placed to his Account to the Credit of the Parties interested in the said Mills, Weirs, Dams, 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 same Court shall seem meet, to order the same to be laid out and invested in the Publick 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.

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

XXIX. 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 Mills, Weirs, Dams, 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 Mills, Weirs, Dams, 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 Mills, Weirs, Dams, 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 and 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 Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Commissioners.

XXX. 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 Mills, Weirs, Dams, 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 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 Commissioner, out of the Monies to be received by

by virtue of this Act, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

XXXI. And be it further enacted, That the Conveyance or Surrender of any Estate or Interest of any Feme Covert to the said Commissioner, upon the Trusts and for the Purposes of this Act as aforesaid, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert in the Presence of and attested by Two credible Witnesses, and duly acknowledged before a Master Extraordinary in Chancery, and enrolled in the Register Office established for the registering of Deeds, Conveyances, and Wills affecting Freehold Lands, Tenements, and Hereditaments, lying in the Riding wherein the same Estate shall be situated, within Three Calendar Months next after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises, as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Mills, Weirs, Dams, Lands, Tenements, and Hereditaments, as shall be purchased by the said Commissioner by virtue of and for the Purposes of this Act, and enrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had, if levied or suffered by the Bargainor or Bargainors, or any Person or Persons seized of any Estate in the Premises, in Trust for such Bargainor or Bargainors, in any legal Manner or Form whatsoever.

Declaring
certain Con-
veyances valid.

XXXII. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use any Part of any Commons or Waste Lands, for any of the Purposes of this Act, the Conveyance of such Parts of such Commons or Waste Lands by the Lord or Lady, Lords or Ladies, of the Manor or Manors to which such Commons or Waste Lands are appurtenant, to the said Commissioner, shall be a good and sufficient Conveyance for vesting in him the Fee Simple and Inheritance thereof, in Trust and for the Purposes of this Act, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Lands had joined in and executed such Conveyance; and the Purchase Money of such Parts of such Commons or Waste Lands as aforesaid shall be paid by the said Commissioner to the said Lord or Lady, Lords or Ladies of such Manor or Manors, for the Use of the said Lord or Lady, Lords or Ladies, and the Person having Right of Common upon such Commons or Waste Lands, in Proportion to their respective Rights and Interests in the Land so taken; and if any Difference shall arise respecting the Division of the said Purchase Money, the same shall be determined by the said Commissioner, or by a Jury to be summoned in the Manner herein-before mentioned.

As to Convey-
ance of Lands
taken from
Commons or
Wastes, and
Payment of
the Purchase
Money.

XXXIII. And be it further enacted, That every Lessee or Tenant for Years or at Will, or any other Person or Persons in Possession of any such Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, which shall be purchased by virtue of and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioner, or to such Person or Persons as he shall appoint to take Possession of the same, upon having Notice from the said Commissioner, or the Person or Persons

Lessees or
Tenants of
Lands pur-
chased to de-
liver up Pos-
session to Com-
missioner.

sons so authorized by him to quit the same, at such Time or Times as shall be required by such Notice, he the said Commissioner, or such Person or Persons, making such Recompence to every such Lessee or Tenant as aforesaid, in case such Lessee or Tenant shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioner shall deem just and reasonable; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioner, or to the Person or Persons authorized by him to take Possession thereof; and that in case any such Person or Persons so in Possession as aforesaid shall refuse to give up such Possession, then it shall and may be lawful to and for the said Commissioner to issue his Precept or Precepts to the Sheriff of the County of *York*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels upon Demand:

Commissioner
to pay off
Mortgages
on purchased
Lands.

XXXIV. And be it further enacted, That in case any Lands to be used for the Purposes of this Act shall happen to be in mortgage to any Person or Persons, it shall be lawful for the said Commissioner, upon Application being made to him by each Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Commissioner is hereby authorized and required to pay such Sum or Sums of Money, after the same shall have been so agreed for and adjuted, or assessed in Manner aforesaid, for such Lands in mortgage, in Part of the Principal Money that shall be due upon such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, 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 due upon such Mortgage or Mortgages.

Purchase Mo-
nies to be paid
before Build-
ings taken
down.

XXXV. And be it further enacted, That all Sums of Money, or other Consideration or Recompence or Satisfaction to be paid or made pursuant to any such Agreement, Surrender, Conveyance, or Verdict as aforesaid, or in Discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or be paid into the Bank of *England* as aforesaid, before the said Commissioner, or any Person or Persons authorized by him, shall proceed to pull down any House or Houses, or other Erections or Buildings, to make use of any Lands comprised in or affected by such Agreement, Conveyance, Surrender, Verdict, or Mortgage respectively.

Not to take
down Houses
without Con-
sent.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioner, or any other Person or Persons, to take down any House or other Building, or to take in any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue

to a House or any Part thereof respectively, without the Consent of the Owner or Owners thereof respectively in Writing first had and obtained.

XXXVII. And whereas some Part or Parts of the Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, so to be purchased as aforesaid, may happen to be more than may be necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioner to let, sell, or dispose of, and to convey, or cause to be let, sold, or disposed of, and conveyed, such Part or Parts of the said Mills, Weirs, Dams, Lands, Tenements, and Hereditaments, to such Person or Persons as shall be willing to contract, agree for, rent, or purchase the same, and the Money arising therefrom shall be paid and applied for the Purposes of this Act; and it shall and may be lawful for the said Commissioner to sign and give Receipts for the Money for which any such Mills, Weirs, Dams, Lands, Tenements, or Hereditaments respectively shall be sold, and such Receipts shall be sufficient Discharges for the same Purchase Money, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received.

Empowering
Commissioner
to sell Lands
not wanted
for the Pur-
poses of this
Act.

XXXVIII. Provided always, and be it enacted, That the former Proprietor or Proprietors of such Part or Parts of the same Mills, Weirs, Dams, Lands, Tenements, or Hereditaments, as may not be made use of for the Purposes of this Act, shall have the Preference of taking, renting, or purchasing the same; and in case the former Proprietor or Proprietors shall not agree, or shall refuse to purchase the same as hereinbefore mentioned, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Mills, Weirs, Dams, Lands, Tenements, or Hereditaments shall lie, by some Person or Persons no way interested therein, stating that such Offer was made by or on the Behalf of the said Commissioner, and that such Offer was not then and thereupon agreed to, or was refused by the Proprietor or Proprietors to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Former Pro-
prietors of
Lands to be
sold to have
Preference of
purchasing,
&c.

XXXIX. And be it further enacted, That if any Proprietor or Proprietors, Occupier or Occupiers, or any of the said Low Grounds and Carrs intended to be drained by virtue of this Act, shall refuse or neglect to cleanse and scour out, and keep sufficiently wide and deep, any Drain, Ditch, or Dike, or neglect to make and keep in repair any private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel, which shall be directed in and by the Award of the Commissioner in this Act mentioned to be scoured, cleansed, made, or kept in Repair by him, her, or them, in such Manner as shall be therein directed, after Twenty-one Days Notice in Writing shall have been given to him, her, or them, for that Purpose, by the Officer or Officers respectively for managing the Works of the said Drainage for the Time being, it shall and may be lawful to and for such Officer or Officers, and he and they is and are hereby authorized and required to cause such Drain, Ditch,

How Drains
to be cleansed
in case Pro-
prietors or
other Persons
neglect.

or Dike to be cleansed and scoured, or such private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel, to be made and repaired in such Manner as shall be in the said Award directed; and the Proprietor or Proprietors, Occupier or Occupiers, so refusing or neglecting as aforesaid, shall reimburse and pay unto such Officer or Officers all such Costs, Charges, and Expences as shall be incurred by the cleansing, scouring, making and repairing of any Drain, Ditch, or Dike as aforesaid, with reasonable Satisfaction unto such Officer or Officers for his or their Time or Trouble therein; and in case such Proprietor or Proprietors, Occupier or Occupiers, or any other Person or Persons, shall (after Demand thereof made by such Officer or Officers) refuse or neglect to reimburse and pay all such Costs, Charges, Expences, and Satisfaction as aforesaid, then the same shall and may be levied, by Distress and Sale of the Goods and Chattels of the Party so refusing, by virtue of a Warrant or Precept under the Hand and Seal of the said Commissioner, or under the Hands and Seals of the said Trustees respectively for the Time being, for putting this Act into Execution.

For disposing
of Herbage of
Banks.

XL. And be it further enacted, That the Herbage and Produce of the Banks to be made or erected by virtue of this Act, shall belong to and be the Property of the Proprietors of the Lands adjoining thereto respectively and shall be consumed or taken away at the Option of such Proprietors, subject nevertheless to such Rules, Orders, and Regulations for stocking the said Banks, and fencing the same from adjoining Lands, as the said Commissioner or Trustees respectively shall from Time to Time think necessary, and order, direct, or appoint, for the Preservation thereof.

Empowering
Commissioner
to remove Ob-
structions
to Works of
Drainage.

XLI. And be it further enacted, That the said Commissioner shall have full Power, and he is hereby authorized to remove or cause to be removed, all Impediments, Annoyances, and Obstructions whatsoever, from Time to Time, in or near the said Cuts, Drains, and other Works, or which shall damage or prejudice the same, or which shall in anywise obstruct or impede the Drainage hereby authorized to be made.

Persons re-
fusing or
neglecting
to remove
Obstructions.

XLII. And be it also enacted, That in case the Person or Persons who shall occasion any Impediment, Annoyance, or Obstruction as last aforesaid, shall refuse or neglect to remove the same in such Manner as the said Commissioner, or his Agents, Officers, or Workmen, shall require, for the Space of Four Days after Notice in Writing given for that Purpose every such Person or Persons so neglecting or refusing, on Conviction by the Oath or Oaths of One or more credible Witnesses or Witnesses before any Justice of the Peace for the West Riding of the said County of York, shall for every such Offence forfeit and pay such Sum of Money as the said Justice shall think fit, not exceeding the Sum of Five Pounds (One Half thereof to the Informer and the other Half thereof to the Poor of the Parish where the Offence shall be committed) to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the Common Gaol or House
of

of Correction for the same Riding, for any Time not exceeding Three Calendar Months, nor less than Twenty-one Days, or until such Penalty shall be paid or otherwise compounded for (which Composition the said Commissioner is hereby empowered to make).

XLIII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and required from Time to Time, until the said intended Drainage shall be perfected, to assess, tax, and charge, all and every the Proprietors of the said Low Grounds and Carrs, named in the said Schedule to this Act annexed, and also the Proprietors or Persons entitled to Rights of Common, and Common of Pasture thereon, or in any Part or Parts thereof, with any Sum or Sums of Money which he shall think necessary or convenient for defraying the Charges and Expences incurred in the obtaining and passing this Act, and for carrying on and effecting the Purposes thereby intended, in such Shares and Proportions, and in such Sort, Manner, and Form, as the said Commissioner shall deem just and reasonable, regard being had in so doing as well to his first Valuation of the said Low Grounds and Carrs, as to the Benefit that such Person or Persons shall be likely to receive, and to the Time at which such Benefit shall accrue; and also to make or cause to be made and fairly written upon Paper, a separate Tax or Taxes for each of the Townships, Parishes, or Places, the Lands whereof are to be assessed and taxed as aforesaid, which shall contain and express the Names of the several Owners and Occupiers of the said Low Grounds and Carrs, and Rights of Common within the said Townships, Parishes, or Places respectively, for the Sums for which they shall be respectively so assessed, and shall therein cause to be inserted Fourteen Days previous Notice of the Time and Place when and where, and of the Name or Names of the Person or Persons to whom the Payment thereof shall be made, to which Paper so to be written the said Commissioner shall subscribe his Name, and shall cause the Tax for each Township or Parish respectively to be affixed upon the Church Door of the respective Parish or Parishes so assessed and taxed, which Paper shall be a sufficient Notice to the several Proprietors and Persons interested in the said Low Grounds and Carrs, and the Rights of Common or Common of Pasture therein respectively, for the Payment of the Sum or Sums of Money wherewith they should be charged as aforesaid.

Commissioner to make Assessment for paying the Expences of this Act, and carrying on the Works.

XLIV. Provided always, and be it further enacted, That no Proprietor or Owner of the said Low Grounds and Carrs shall be rated, taxed, or assessed with any Sum or Sums of Money, to be raised under or by virtue of this Act, for or in respect of any larger or other Share or Proportion of the same Low Grounds and Carrs than is specified in the said Schedule hereto annexed, as belonging to such Proprietor or Owner respectively.

XLV. And be it further enacted, That the said Commissioner shall apply and dispose of the Monies to be raised and paid by the Ways and Means hereby directed, in the first place, in discharging the several Charges and Expences of obtaining and passing this Act; and in the next place, in the Drainage of the said Low Grounds and Carrs, and defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this Act.

Monies to be raised, how to be applied.

XLVI. And

If any Doubt
arise whether
Lands be sub-
ject to Inun-
dation
Commissioner
to determine
it.

XLVI. And be it further enacted, That in case any Doubt or Difficulty shall arise whether any Lands or Grounds shall have been subject to Inundation, or have been overflowed or annoyed with Water, the said Commissioner shall determine the same by taking Levels thereof, or by such other Ways and Means as to him shall be deemed just and reasonable.

Assessments
how to be
recovered.

XLVII. And be it further enacted, That if any Person or Persons rated, taxed, or assessed as aforesaid, shall refuse or neglect to pay the Money so rated, taxed, or assessed on him, her, or them respectively, within Twenty-one Days after the respective Times of Payment to be appointed as aforesaid, it shall and may be lawful for any Person or Persons, authorized by virtue of a Warrant or Precept under the Hand of the said Commissioner (which Warrant or Precept the said Commissioner is hereby empowered and required from Time to Time to grant, as Occasion shall require) to levy such Sum or Sums of Money so taxed or assessed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale; or otherwise, it shall and may be lawful to and for the said Commissioner, from Time to Time to enter upon the said Low Grounds and Carrs so to be drained respectively, belonging to or occupied by such Person or Persons so refusing or neglecting to pay as aforesaid, and the Rents and Profits thereof respectively to receive and take, until thereby, or otherwise, such Taxes, Rates, or Assessments, and all Arrears thereof, so from Time to Time directed to be paid by such Person or Persons as aforesaid, and all Costs, Charges, and Expences, occasioned by or attending such Entry and Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied; and the Tenant or Tenants of all and singular such Lands and Grounds so to be rated, taxed, or assessed, is and are hereby required and authorized to pay such Sum and Sums so assessed and rated thereon as the same shall become due; and it shall be lawful for such Tenant or Tenants to reimburse him, her, or themselves, such Sum and Sums of Money out of the next Rent to become due to his, her, or their Landlord or Landlords respectively, who shall allow the same to be deducted out of his, her, or their Rents accordingly.

Empowering
Tenants for
Life, &c. to
borrow Mo-
ney.

XLVIII. And be it further enacted, That it shall and may be lawful for the Most Reverend Father in God the Lord Archbishop of York, and his Successors, and to and for the respective Prebendaries, Rectors, Vicars, and other Incumbents of the said several Parishes of *Selby, Brayton, Willow, Cawood,* and *Sherburn*, or their Lessees, and also for any other of the Owners of any of the Low Grounds and Carrs, liable to be rated and taxed by virtue of this Act, being Tenants in Tail, or Tenants for Life, or Tenants *propter vicem*, or for Years determinable on Lives, and also for the Husbans, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, of, or any Person or Persons, acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies for any Charity or Charities, or of or for such of the said Owners as shall be under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, from Time to Time, by Writing under their Hands and Seals, with the Consent and

Approbation

Approbation of the said Commissioner testified by Writing under his Hand and Seal, to charge such Part or Parts of the said Low Grounds and Carrs as he, she, or they shall respectively be entitled to as aforesaid, with such a perpetual Annuity or clear Rent Charge as shall amount or be equivalent unto the Interest of the Sum or Sums of Money which shall or may be assessed, rated, taxed, or charged on any of the said Low Grounds or Carrs for their contributive Share of the Expences of making and effectuating the said Drainage, or incident thereto, under the Powers of this Act, after the Rate of Five Pounds *per Centum per Annum*, and for that Purpose to grant such Annuity or Yearly Rent Charge as aforesaid, to be issuing and payable Half-yearly out of any Part or Parts of the said Low Grounds and Carrs belonging to such Owner or Owners as aforesaid, unto any Person or Persons, in Trust for such of the said Owners paying such Sum or Sums of Money as aforesaid, or unto any other Person or Persons advancing and lending the same respectively, his, her, or their respective Heirs and Assigns, for ever, with such and the like Power of Distress and Entry, for recovering and enforcing Payment of every such Annuity or Yearly Rent Charge so to be granted as aforesaid, as Landlords are by Law entitled in case of Rents due on common Demises, so as every such Grant so to be made as aforesaid shall contain a Proviso, that the Person or Persons entitled in Remainder or Reversion, or future Possession of the Lands so to be charged, shall not, nor shall any Person or Persons be liable upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of any Annuity or Yearly Rent Charge so to be granted as aforesaid, than for Two Half-yearly Payments preceding the Time that the Title to such Possession shall have commenced; and every Grant or Charge so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the want of legal Title in the said Tenant in Tail, Tenants for Life, Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies; any Settlement, Will, Trust, Use, Remainder, Limitation, Law, or Usage, or other prior or former Incumbrances of or concerning the same Low Grounds and Carrs, or any Part or Parts thereof then in being or capable of taking Effect to the contrary thereof in any wise notwithstanding.

XLIX. Provided always, and be it further enacted, That the said intended Drainage, or any Works whatsoever, to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers; any Law or Statute to the contrary notwithstanding.

Works not to be under Controul of Commissioners of Sewers.

L. And be it further enacted, That if any of the Proprietors or Persons interested in the Low Grounds and Carrs by this Act directed to be drained, or any other Person or Persons on his, her, or their Behalf, shall advance and pay any Money in Discharge of the Fees and other Expences of obtaining and executing this Act, or shall have already advanced any Money for these Purposes, such Person or Persons shall, out of the first Monies which shall be raised by virtue of this Act, be repaid the same, with lawful Interest, from the respective Times of advancing thereof.

Money advanced by Proprietors, &c. to be repaid with Interest.

LI. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, by Advertisement in any of the *York Newspapers*,

Commissioner may contract for Works.

papers, to appoint a Time and Place to receive Proposals from, and enter into, make, and execute Contracts with any Engineers or Workmen, for embanking and draining the said Low Grounds and Carrs, and for providing proper Engines, Utensils, and Materials for that Purpose, and all other Matters, Articles, and Things concerning the same; and all such Contracts so to be made shall be entered in a Book to be kept for that Purpose, and signed by the said Commissioner.

Award to be made by Commissioner.

LII. And be it further enacted, That when and so soon as the said intended Drainage, and all the Works requisite and necessary for effecting the same, shall in the Judgement of the said Commissioner be perfected and completed, the said Commissioner or his Successor for the Time being, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity in Statute Measure of Acres, Roods, and Perches contained in the said Low Grounds and Carrs intended to be embanked and drained as aforesaid, and the Quantity and Contents of each Owner's Property in the said Low Grounds and Carrs, and how much thereof, and in what Proportion the same Property respectively shall be liable to be rated and assessed by virtue and within the Meaning of this Act, to be ascertained in Manner aforesaid, and proper Orders and Directions for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair the Ditches, Drains, Dams, Banks, Tunnels, Engines, and other necessary Works, in, upon, and over the said Low Grounds and Carrs intended to be embanked and drained as aforesaid, and for and concerning the Nomination and Election of Trustees for the further Execution of this Act; and all such Orders, Regulations, and Determinations as are in or by this Act mentioned, declared, required, or authorized to be made and established, and such other Orders and Regulations, as shall be necessary or proper, conformable to the Tenor of this Act, for the more easy, convenient, and effectual Execution thereof, and for preventing all Difficulties and Disputes in relation to the Matters therein contained, which Award or Instrument shall be fairly ingrossed or written upon Parchment, and signed and sealed by the said Commissioner, with a fair Plan or Map of all the Lands intended to be embanked and drained, drawn upon Vellum, to be annexed to the same; and the said Award or Instrument, with a Duplicate of the same Plan, shall, within the Space of Six Calendar Months after such signing and sealing, together with the Commissioner's Oath herein-before mentioned, be enrolled with the Clerk of the Peace for the West Riding of the said County of York, or in One of His Majesty's Courts of Record at *Westminster*, to the Intent that Recourse may be had to the same by any Person or Persons interested in the said Embankment and Drainage; and the said Award, with the said Oath, or a true Copy of the Enrolment thereof, or of any Part thereof respectively, certified by the proper Officer, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence, which Copy or Copies the proper Officer for the Time being of the Court where such Enrolment shall be made, is hereby directed to make and deliver to any Person or Persons desiring the same, he, she, or they paying for such Copy after the Rate of Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet; and any Person or Persons shall have Liberty to inspect and peruse the said Enrolment, paying for every such Inspection or Perusal One Shilling and no more; and that all Orders, Directions, Regulations,

Regulations, and Determinations so to be made as aforesaid, shall be binding and conclusive unto and upon all Parties interested therein; and the said Original Award or Instrument and Plan, after the same shall be so inrolled as aforesaid, shall be deposited in the Parish Church of *Selby* aforesaid, for the Inspection and Perusal of the several Proprietors of Lands within the said several Townships and Parishes or Places intended by this Act to be embanked and drained.

LIII. Provided always, and be it further enacted, That from and immediately after the Appointment of Trustees for the Purposes of continuing and preserving the said Works of Drainage as herein-after mentioned, the several Powers and Authorities granted to the said Commissioner shall cease and determine; any Thing herein-before contained to the contrary notwithstanding.

Power of Commissioner to cease on Appointment of Trustees.

LIV. Provided nevertheless, That the said Commissioner shall have full Power and Authority by virtue of this Act, at any Time or Times after such Appointment of Trustees, to levy, recover, and receive all such Rates, Taxes, Costs, Charges, and Sums of Money, as before the Time of such Appointment shall have been rated, taxed, or charged by him, upon any of the said Low Grounds and Carrs hereby intended to be embanked and drained, and which shall be then in Arrear and unpaid; any Thing herein-before contained to the contrary notwithstanding.

Commissioner may levy Taxes assessed by him before his Power ceases.

L.V. And, in order that the several Drains, Banks, Tunnels, and other Works necessary for preserving the said Low Grounds and Carrs intended to be drained by virtue of this Act, may be maintained, supported, and kept in Repair; be it further enacted, That the said Commissioner shall, in and by his Award herein directed to be made and executed, order, direct, and appoint in what Manner and by whom, and for what Term of Years, one or more proper Person or Persons shall from Time to Time be nominated a Trustee or Trustees, and for what Townships, Parishes, or Places, such Trustee or Trustees shall respectively be appointed, for preserving the said Works of Drainage within the said Low Grounds and Carrs intended to be embanked and drained by virtue of this Act; and such Person or Persons as shall be from Time to Time appointed, pursuant to the Order and Direction of the said Commissioner contained in his said Award, shall be and is and are hereby appointed a Trustee or Trustees for putting in Execution the Powers and Authorities hereby given to and vested in him or them respectively, in, over, and upon such of the said Low Grounds and Carrs, and the Works of Drainage situate within the same, for and over which he and they shall be respectively appointed to act as Trustee or Trustees in Manner aforesaid; and he and they is and are hereby authorized and empowered to make, support, erect, alter, and maintain, or cause to be made, supported, erected, altered, and maintained, all such Cuts, Tunnels, and Watercourses through and under any Banks whatsoever to be made upon or against the said Low Grounds and Carrs by virtue of this present Act; and all such Cuts, Drains, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stumps, Engines, and other Works, in, upon, through, and over the said Low Grounds and Carrs, as the Trustees acting within and for the Townships, Parishes, or Places wherein such

Appointment of Trustees.

Works

Works of Drainage shall respectively be situate or become requisite, shall think necessary for draining and preserving the same; and that it shall be lawful for a Majority of the Trustees for the Time being, for the said Low Grounds and Carrs situate within the Township, Parish, or Place in which the said Trustees shall be respectively appointed to act, to do and perform every Act and Thing necessary to be done in pursuance of this Act, and of the Award to be made as herein-before directed, and to put in force and execute all and every the Powers and Authorities vested in the said Trustees; and the same shall be as valid and effectual, to all Intents and Purposes, as if done, performed, and executed by all the said Trustees: Provided always nevertheless, that no such Direction or Appointment of or respecting the Trustees for the said respective Townships, Parishes, and Places as aforesaid, shall be valid, or inserted by such Commissioner in his Award, unless the same shall have been submitted to and approved of by the Majority in Value of the several Owners or Proprietors of the Low Grounds and Carrs to be embanked and drained within each respective Township, Parish, or Place, or their known Deputies or Agents, who shall attend at a Meeting to be held for that Purpose, pursuant to a Notice to be given by the said Commissioner in the like Manner as is herein-before directed, with respect to Notices of Meetings for choosing a new Commissioner; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Taxes to be
paid for fu-
ture Repairs.

LVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to be respectively appointed in and by the Award of the said Commissioner as herein is directed, and they are hereby required annually or otherwise, after such Award shall be made, further to tax, charge, and assess all and every the Proprietor or Proprietors, and Persons interested in all and every the said Low Grounds and Carrs proportionably according to such Award, with such further Sum and Sums of Money as the said Trustees shall from Time to Time think necessary, for defraying the Charges and Expences of maintaining and repairing the Works of Drainage which shall be then made, or of making or repairing such other new Works as shall from Time to Time be found necessary or expedient for the better draining and keeping dry the said Low Grounds and Carrs, and for Payment of Salaries to Officers, and all other Charges and Expences incident unto or attending the said intended Drainage; and if any of the said Proprietors or Persons interested, shall refuse or neglect to pay such Tax for the Space of Twenty-one Days next after Notice thereof, upon one of the outer Doors of the Church of the Parish where the Low Grounds and Carrs in respect whereof, or of the Common Right wherein the Tax shall be laid, then and in every such Case it shall and may be lawful for the said Trustees to cause the same to be recovered, and for the Proprietors of and Persons interested in the said Low Grounds and Carrs to raise the same, by such and the like Ways and Means as they are hereby respectively empowered to recover and raise any of the Taxes or Assessments before mentioned.

Commissioner
and Trust-
ees to ac-
count.

LVII. And be it further enacted, That the said Commissioner shall and he is hereby required to keep an Account in Writing of all Monies by him received, laid out, and assessed on the Parties interested or concerned in the said Embankment and Drainage, previous to the Execution of the said Award, and shall at all seasonable Times permit any of the Proprietors

to inspect such Accounts, with the Vouchers for any Money therein charged to have been paid by him or by his Order, and shall deliver the said Account to the said Proprietors at the Time of executing the said Award; and that from and after the Execution of the said Award or Instrument, the Commissioner and Trustees respectively for the Time being for executing this Act, are hereby respectively required to keep an Account of all Monies received and disbursed in pursuance thereof, and shall permit any of the Proprietors, at any seasonable Times, to inspect and copy the same; and the said Commissioner and Trustees respectively shall from Time to Time, on the Appointment of Trustees to succeed them, pursuant to the Directions contained in the Award of the said Commissioner, or in Twenty-one Days next after, deliver such Account, and make Payment of all the Money arising by virtue of this Act, and then in their Hands, to the succeeding Trustees, which Money shall be by them laid out and disposed of for the Purposes of this Act.

LVIII. And be it further enacted, That all and every Person or Persons whomsoever, who shall or may, at any Time or Times hereafter, wilfully and maliciously demolish, burn, pull down, break, or otherwise destroy or damage any Bank, Mill, Clough, Floodgate, Drain, or Watercourse, or other Work or Works which shall or may at any Time or Times hereafter be made or erected for answering any of the Purposes of this Act, and who shall thereof lawfully be convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person or Persons shall be tried and convicted, shall and have hereby Power and Authority to punish such Person or Persons, in such Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or the Court may and are hereby empowered, if they shall think fit, in Mitigation of such Punishment, to award and impose such Fine and Imprisonment as such Court shall judge expedient.

Persons damaging or destroying Works declared to be guilty of Felony.

LIX. And be it further enacted, That the Penalties or Forfeitures for any Offence against this Act (the Recovery whereof is not herein-before otherwise directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any one Justice of the Peace for the Riding or Place wherein the Offender shall be or reside, which Warrant such Justice is hereby empowered to grant upon the Confession of the Party offending, or upon the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer) rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and for want of sufficient Distress such Justice is hereby empowered and required to commit the Offender to the Common Gaol of the County, or House of Correction for the Riding or Place where the Offence shall be committed, for which such Penalty or Forfeiture shall be levied as aforesaid, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied; and that all such Penalties or Forfeitures (the Application whereof is not herein-before otherwise directed) shall be paid to the said Commissioner, and shall be applied and disposed of for the Purposes of this Act.

For Recovery and Application of Penalties or Forfeitures.

Allowing an
Appeal to the
Quarter Ses-
sions.

LX. And be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, upon Account of any Offence committed or supposed to be committed against this Act, or any Penalties to be levied, or any Thing to be done in pursuance and by virtue thereof, may appeal to the Justices of the Peace for the said West Riding of the County of *York*, at the next General or Quarter Sessions of the Peace to be held for the said Riding; after the Cause of such Appeal shall happen, the Person or Persons so appealing first entering into a Recognizance, with two sufficient Sureties to the Satisfaction of the said Justices, to prosecute such Appeal with effect, and to pay the Costs which shall be ascertained by the said Justices in the said General or Quarter Sessions, in case such Order and Judgement shall be affirmed; and the said Justices in their said General or Quarter Sessions, are hereby authorized and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just, which Order shall be final and conclusive to all Parties, and shall not be removed or removeable, by any Writ or Writs of *Certiorari* or otherwise, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Limitation of
Actions.

LXI. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *York* and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and if in Replevin may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and give this Act and the special Matter in Evidence, without pleading the same other than as aforesaid, at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass or Judgement be given against him, her, or them upon Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Double Costs, for which he, she, or they shall have the like Remedy as where Costs are awarded.

Preserving
Lady Petre's
Rights to
ancient
Fisheries.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, lessen, or defeat the Right, Title, and Interest of the Dowager Lady *Petre*, or any other Person or Persons entitled to any ancient Fisheries in the said Dams, Springs, and Watercourses, or any of them, and to Right of Navigation in the said Dam, further than shall and may be requisite or necessary for effecting and maintaining the said Drainage.

LXIII. Pro-

LXIII. Provided also, and be it further enacted, That all such Right or Rights as are now vested in any Lord or Lords, Lady or Ladies, of any Manor or Manors, Liberties, Hundreds, or Half Hundred, within or without the said Low Grounds and Carrs, to Waifs, Estrays, Felons Goods, Privileges of Arrests, and all Royalties not prejudicial to draining, shall be and are hereby saved to them, their Heirs, Successors, and Assigns; any Thing in this Act contained to the contrary notwithstanding.

Saving the Rights of Lords of Manors.

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

Publick Act.

The SCHEDULE to which the forgoing Act refers.

Lands and Grounds lying within the Parish of Selby.

	Quantities.		
	A.	R.	P.
The Right Hon. Lady Petre, as Guardian to her Son } Edward Robert Petre	200	—	—
The Air and Calder Navigation Company, or Lady Petre	2	—	—
Christopher Twist	5	—	—
John Spencer	6	—	—
John Turner	4	—	—
George Burton	3	—	—
Charles Weddall	2	—	—
William Sykes	1	—	—

Lands and Grounds lying within the several Townships of Brayton, Thorp, Willowby, and Hambleton, in the Parish of Brayton.

	A.	R.	P.
Lady Petre, as Guardian to her Son Edward Robert Petre	44	—	—
Lady Petre in her own Right	50	—	—
John Dunnington	15	—	—
John Coultman	4	—	—
John Thompson	6	—	—
Joseph Richardson	6	—	—
John Spencer	7	—	—
Richard Ellifon	10	—	—
Mitchell, late Richard Gilson	2	—	—
John Shillito	2	—	—
Benjamin Wheeler	3	—	—
Samuel Smith	14	—	—

Ann

	Quantities.		
	A.	R.	P.
Ann Hartley	7	—	—
Margaret Woodcock	7	—	—
William Bew	5	—	—
Mary Smith	7	—	—
John Turner	4	—	—
Richard Jebson	1	—	—
John Richardson	3	—	—
Thomas Hawden	—	2	—

Lands and Grounds lying within the several Townships or Places of Sherburn, South Milforth, Rest Park, Lennerton, and Barkston Ash, in the Parish of Sherburn.

	A.	R.	P.
Sir Thomas Gascoigne	120	—	—
John Clayton	21	—	—
Mary Hunter	8	—	—
The Heirs or Devisees of John Perfect	14	—	—
Miles Jackson	10	—	—
The Heirs or Devisees of George Barber	15	—	—
Samuel Smith	15	—	—
George Baker, late Francis Ferrand Foljambe, Esquire	10	—	—
John Nordin	3	—	—
Joseph Morkill, or his Assignees	5	—	—
William Markham	50	—	—
Edward Squire	12	—	—
Joseph Dobson	20	—	—
The Reverend Torre	6	—	—
The Heirs or Devisees of William Sugden	7	—	—
Richard Paver	7	—	—
Lord Hawke	12	—	—
William Marshall	7	—	—
Marshall, Widow	6	—	—

Lands and Grounds lying within the respective Parishes, Townships, or Places of Cawood, Wistow, and Scalm Park.

	A.	R.	P.
The Archbishop of York	28	—	—
Edward Wolley and John Benfon	50	—	—