



ANNO SEPTIMO & OCTAVO

GEORGIIV. REGIS.

Cap. xciv.

An Act for draining, embanking, and protecting certain Low Lands lying on the North Side of the River *Dun* in the West Riding of the County of *York*. [14th June 1827.]

WHEREAS there are within the several Parishes, Townships, Hamlets, or Places of *Bentley, Arksey, Langthwaite, Tilts, Adwick-le-Street, Owston, Burghwallis, Haywood, Sutton, Campsall, Thorpe-in-Balne, Barnby-upon-Dun, Kirk Sandall, Trumfleet, Kirk Bramwith, Moss, Stainforth, and Fishlake*, (or some of them,) situate on the North Side of the River *Dun* in the West Riding of the County of *York*, certain Low Lands, containing in the whole Eight thousand Acres or thereabouts, which are subject to be overflowed and injured by the Floods of the said River, and by the Waters of the Drains which lead from the adjoining and other High Lands into the said River, whereby the Crops growing thereon are often destroyed or seriously damaged, and the Lands are therefore rendered in a considerable Degree unprofitable to the Proprietors thereof: And whereas Sir *William Bryan Cooke* Baronet, *Philip Davis Cooke* Esquire, *John Cooke Yarborough* Esquire, *Michael Tasburgh* Esquire, the Trustees of the late *Peter Thellusson* Esquire, *Thomas Gresham* Esquire, *George Martin* Esquire, *William Martin*, and divers other Persons, are respectively the Owners or Proprietors of the said Low Lands: And whereas it would be highly advantageous

[*Local.*]

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to

Appointment
of Commis-
sioner.

to the several Owners or Proprietors aforesaid, and to all Parties interested in such Low Lands, if the same were effectually drained, embanked, and preserved and protected from the Floods of the said River *Dun*, and if Provision were made for the future Sustentation of the said Works; but the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Joseph Thackray* of *Hatfield* in the County of *York*, Gentleman, shall be and he is hereby appointed the Commissioner for executing the necessary Works, and for carrying the several Powers of this Act into Effect.

Appointment
of Surveyor.

II. And be it further enacted, That *James Alexander* of *Doncaster* in the County of *York*, Gentleman, and his Successors, to be elected in manner herein-after mentioned, shall be and he and they is and are hereby-appointed the Surveyor and Surveyors for the Purposes of this Act.

Recent Sur-
veys may be
used.

III. And whereas several of the Parishes, Townships, and Places which will be subject to the Operation of this Act have been inclosed by virtue of the several Acts of Parliament herein-after mentioned; (that is to say), an Act passed in the _____ Year of the Reign of King _____, intituled *An Act for dividing and inclosing the Commons and Waste Grounds in the Manor and Constabulary of Owston in the West Riding of the County of York*; another Act, passed in the Sixth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for inclosing and dividing a Common called Thorpe Marsh, and a Piece of Land called Grumble Hirst, within the Parish of Barnby-upon-Dun in the County of York*; another Act, passed in the Twentieth Year of the Reign of His said late Majesty King *George the Third*, intituled *An Act for dividing and inclosing the Commons and Waste Grounds within the Township of Moss, otherwise Mosley, in the Parish of Campsall, and also the Open Arable Fields, Meadows, Pastures, Commons, and Waste Grounds within the Parish of Kirk Bramwith, in the West Riding of the County of York*; another Act, passed in the Fifty-third Year of the Reign of His said late Majesty King *George the Third*, intituled *An Act for inclosing Lands in Burghwallis in the County of York*; in pursuance of which Surveys of the same have been made and taken; be it therefore enacted, That in order to ascertain the Property of the said several Owners and Proprietors of and in the said Low Lands, the several Surveys already had and taken by and under the Authority of any of the said Acts of Inclosure, and upon which the Commissioners therein appointed shall have acted, may, as far as the same shall be approved by the Commissioner appointed in and by this Act, be taken and used (wherever the same, or true Copies thereof, can be had and obtained,) as the true and exact Surveys of such Low Lands, and of the Quantities and Contents of each Proprietor's respective Estates or Shares therein.

IV. And be it further enacted, That if the said *Joseph Thackray*, or any other Commissioner to be elected in his Stead, or the said *James Alexander*, or any other Surveyor to be elected in his Stead, as herein-after mentioned, shall die, or refuse or neglect to act, or become incapable of acting before the Powers hereby vested in them respectively shall be executed and fulfilled, then, and so often as any of the Events shall occur, a public Meeting of the several Persons who for the Time being shall respectively be interested in the said Embankment and Drainage shall be called by any Two or more of such Persons, who shall respectively in their own Rights be the Owners or Proprietors of One hundred Acres of the said Low Lands, to be held within Two Months next after such Commissioner or Surveyor shall die, or refuse or neglect to act, or become incapable of acting, of which Meeting Ten Days Notice at least shall be given by the Clerk or Clerks of the said Commissioner, in like Manner as other Notices are hereby directed to be given; and the Proprietors then and there assembled, or the major Part of them in Value (such Value to be ascertained by the Land Tax Assessment for that Year), or their respective Agents or Solicitors, duly authorized by Writing under the Hands of such respective Proprietors, shall and may nominate, elect, and appoint some other Person or Persons, not interested in the said Embankment and Drainage, to be a Commissioner or Surveyor, or Treasurer, in the Room or Stead of such Commissioner or Surveyor, or Treasurer, so dying, refusing or neglecting to act, or becoming incapable of acting as aforesaid, and so from Time to Time as often as any such Vacancy in such respective Offices or Situations shall happen as aforesaid; and the Person or Persons so to be elected and appointed a Commissioner or Surveyor, or Treasurer, as the Case may happen, having first taken and subscribed the Oath or Affirmation herein-after prescribed to be administered to him, shall be invested with and have the same Powers and Authorities, in all respects, to act in the Execution of this Act, as if he had been originally named a Commissioner, or Treasurer, or Surveyor, in this Act.

Appointment
of new Com-
missioner
and Surveyor.

V. And be it further enacted, That no Person shall be capable of acting as Commissioner or Surveyor, or Treasurer, in the Execution of the Powers hereby given, except in the Power of signing and giving Notice of the First Meeting of the said Commissioner, until he shall have taken and subscribed the Oath or Affirmation following; that is to say,

Oath to be
taken by
Commis-
sioner, &c.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do affirm,*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested in me as Commissioner [*or Surveyor, or Treasurer, as the Case may be,*] by virtue of an Act passed in the Seventh and Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], according to the Provisions and Directions thereof, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.
So help me GOD.’

Which Oath or Affirmation it shall be lawful for any Magistrate acting in and for the said West Riding of the said County of *York* to administer

administer to the said Commissioner, and in like Manner for the Commissioner to administer the same to the Surveyor and Treasurer; and the said Oath or Affirmation, so taken and subscribed by the said Commissioner, Surveyor, and Treasurer, and also the Instrument of Appointment of every new Commissioner, or Surveyor and Treasurer, (if any such there shall be,) with the like Oath or Affirmation to be taken by him or them, and to be administered as aforesaid, shall be written upon Parchment, and annexed to the Award herein-after directed to be made by the said Commissioner.

Meetings of
Commis-
sioner.

VI. And be it further enacted, That the said Commissioner shall and he is hereby required to hold his First Meeting within Two Months next after the passing of this Act, and proceed in the Execution of the Powers hereby vested in him; and the said Commissioner shall and may from Time to Time adjourn and hold his subsequent Meetings at such Time or Times, Place or Places, as he shall think most convenient for the due Execution of this Act: Provided always, that the said Commissioner shall and he is hereby required to cause public Notice to be given, by Advertisement to be inserted in the *Doncaster Gazette*, or in some other Newspaper circulated in the Neighbourhood, of the Time and Place of every Meeting for the Purposes of this Act, Ten Days at least before any such Meeting shall be held, Meetings by Adjournment only excepted; and if the said Commissioner shall not attend or be present at any such Meeting, it shall be lawful for the Clerk or Clerks to the said Commissioner to adjourn such Meeting to a future Day, to be held (at the same Place) not exceeding Twenty-one Days from the Day of such Adjournment, giving Ten Days Notice at the least thereof in Writing to the said Commissioner.

Notice of
Meetings.

Meetings to
be held
within Eight
Miles of
Thorpe-in-
Balne.

VII. And be it further enacted, That all Meetings of the said Commissioner or Surveyor in the Execution of this Act, at which the Presence of any of the Persons interested in the Drainage and Embankment hereby authorized shall be requisite, shall be held within Eight Miles of *Thorpe-in-Balne* aforesaid; and all other Notices to be given for the Purposes of this Act shall be inserted in the said Newspaper called *The Doncaster Gazette*, or in some other Newspaper published in the West Riding of the said County of *York*.

Officers to be
appointed.

VIII. And be it further enacted, That the said Commissioner may from Time to Time, by Writing under his Hand, appoint a Treasurer and Clerk or Clerks, and also a Collector or Collectors of the Rates or Assessments to be made as herein-after mentioned, and such other Officers and Servants as he shall think necessary, and may remove any Officer or Officers as he shall think proper, and appoint others in the Stead of such of them as shall be removed, or shall die, or relinquish or discontinue such Office, and out of the Money to be raised by virtue of this Act pay such Salaries and make such Allowances to such Officers and other Persons to be employed in the Execution of this Act, as he the said Commissioner shall think reasonable; and the said Commissioner is hereby required to take such Security
from

from every such Treasurer and Collector, or other Person, as he shall think proper.

IX. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Commissioner relative to the Execution of this Act, and the same shall be signed by the said Commissioner; and all such Entries, being so signed, shall be deemed Originals, and shall be deemed good Evidence in all Cases touching any thing done in pursuance of this Act; and the said Book or Books shall be kept by the Clerk or Clerks of the said Commissioner.

Proceedings
to be entered
in Books.

X. And be it further enacted, That out of the Monies which shall be raised under or by virtue of this Act, the said Commissioner acting in the Execution of this Act shall be paid for each and every Day on which he shall travel or be engaged in any Business relating to the Execution of this Act, or of any of the Powers hereby vested in him, the Sum of Three Pounds and Three Shillings, and no more, in full Satisfaction for his Time and Trouble, and for the several Expences which he may incur during his several Journeys and Attendances in the Execution of this Act; and the Surveyor acting in the Execution of this Act shall be paid such Sum or Sums of Money for his Trouble, Attendances, and Expences, as the said Commissioner shall think just and reasonable.

Allowance to
Commis-
sioner and
Surveyor.

XI. And be it further enacted, That the said Commissioner shall and he is hereby required to order and direct a Book or Books to be provided and kept by the Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which any Sum of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioner, and any other Person or Persons whose Lands shall be embanked and drained by virtue of this Act, without Fee or Reward; and the said Commissioner and Person or Persons shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Commissioner, or such Person or Persons, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, every such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner hereinafter mentioned.

Accounts to
be kept.

XII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Commissioner, make out and deliver to the said Commissioner, or to such Person or Persons as he shall for that Purpose appoint, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been

Officers to
account.

by him or her had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Commissioner shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioner, or to such Person or Persons as he shall appoint, within Ten Days after being thereunto required by the said Commissioner, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Commissioner, or by any Person on his Behalf, to any Justice of the Peace for the West Riding of the County of *York*, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the Commissioner might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and is hereby authorized and required, by Warrant under his Hand, to commit such Officer or Person to the Common Gaol or House of Correction of the said West Riding, there to remain, without Bail or Mainprize, until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Commissioner for such Money and Charges, and paid the Composition Money to the Commissioner, and which Composition the said Commissioner is hereby empowered to make, and shall have delivered up all such Books, Papers, and Writings aforesaid; or have given Satis-

faction in respect thereof to the said Commissioner: Provided always, that no Person who shall be committed for want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioner to appoint the Person who may be appointed to act as his Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be the Clerk to the said Commissioner; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioner other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Same Person
not to be
Clerk and
Treasurer.

XIV. 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 Embankment, and all the Works necessary or proper for that Purpose, shall be perfected, to assess, tax, and charge by an equal Acre Rate, not exceeding Ten Pounds *per* Acre, all and singular the said Lands and Grounds of the said Proprietors, with such Sum and Sums of Money as he the said Commissioner shall from Time to Time find necessary and requisite, for defraying the Charges and Expences of obtaining this Act and carrying the same into Execution, and for enabling the said Commissioner to complete the Works relating thereto, and to carry into Execution the several Powers hereby given to him for those Purposes; and as soon as the said Works shall have been completed, the said Commissioner shall make a final Assessment, Rate, or Charge upon every Owner or Proprietor of the said Lands and Grounds within the several Parishes, Townships, Hamlets, or Places of *Bentley, Arksey, Langthwaite, Tilts, Adwick-le-Street, Owston, Burghwallis, Haywood, Sutton, Campsall, Thorpe-in-Balne, Barnby-upon-Dun, Kirk Sandall, Bramwith, Moss, and Stainforth*, with such Share and Part of the same Expences according and in proportion to the Benefit which each such

Commis-
sioner to
assess the
Lands of the
Proprietors,
in order to
raise Money
for executing
Works of
Embank-
ment.

such Proprietor shall receive, and as the said Commissioner shall deem just and reasonable; and all such Sum and Sums of Money so to be charged and assessed upon every such Proprietor or Owner of the said Lands and Grounds shall be paid to such Person or Persons, and at such Time or Times, as the said Commissioner shall order, direct, or appoint, he the said Commissioner first causing Twenty-one Days Notice of the Time of Payment to be given in the *Doncaster Gazette*, or in some other Newspaper circulated in the said West Riding.

Tenants to pay the Taxes, and deduct the same out of their Rents.

XV. And to the end that the said Taxes may be the more easily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds which shall be so assessed, rated, taxed, and charged by virtue of this Act, shall pay, and they are hereby authorized and required to pay, all and every such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged upon or for or in respect of their respective Lands and Grounds in their several Occupations, to the Receivers, Collectors, Treasurers, or other Person or Persons appointed by the said Commissioner acting in the Execution of this Act to receive the same; and it shall be lawful for such Tenants and Occupiers (save and except Tenants possessing beneficial Lease or Leases for long Terms of Years) to deduct and retain, out of his, her, or their Rent or Rents, all such Sum and Sums of Money as he, she, or they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments, upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier paying such Rate or Tax (save and except as aforesaid) shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his or her Landlord or Landlords.

Power of Distress in case of Non-payment.

XVI. And be it further enacted, That if any of the said Owners or Proprietors shall refuse to pay all or any Part of the Rates and Taxes to which he and they are hereby made liable, for the Space of One Calendar Month next after the Days or Times to be limited or appointed for the Payment of the same respectively, then and in every such Case it shall be lawful for the Treasurer, Collector, or Receiver acting in the Execution of this Act, or any other Person or Persons empowered or appointed by him, or by virtue of any Warrant or Precept under the Hand and Seal of the said Commissioner, which Warrant or Precept such Commissioner is hereby authorized and required from Time to Time to grant and make as Occasion shall require, and whether at a Meeting or not, to enter into and upon all or any Part of the Lands and Grounds hereby directed or authorized to be taxed and charged as aforesaid, for which such Rates and Taxes shall be due and owing or payable, and to levy the Sum or Sums of Money due and payable for such Rates or Taxes, with lawful Interest for the same, by Distress of any Goods, Chattels, and Effects which shall or may be found thereon; and where no such sufficient Distress can be found on such Lands whereon to levy the Tax or Taxes which shall be then in arrear in respect thereof by virtue of this Act, it shall be lawful for the Treasurer, Collector, or Receiver

Receiver of the said Commissioner, or any other Person or Persons authorized and empowered by him, by virtue of any Warrant or Precept under his Hand and Seal, (which said Warrant or Precept such Commissioner is hereby empowered and required from Time to Time to make, as Occasion shall require,) to levy all and every the said Tax or Taxes which shall be then in arrear, by Distress of any Goods or Chattels of the Owners or Proprietors, or Person or Persons so occupying any Lands chargeable with any such Tax or Taxes, whensoever and wheresoever (within the Limits of this Act) such Goods and Chattels shall be found; and it shall be lawful for the Person or Persons distraining any Goods, Chattels, or Effects for any such Rates and Taxes, to impound and keep the same on the Premises where any such Distress shall be made, or to take, lead, drive, carry away, and impound the same elsewhere, for the Space of Five Days, including the Day on which such Goods, Chattels, and Effects shall be taken, at the proper Costs and Charges of the Person or Persons liable to pay such Rates and Taxes, delivering to the Owners or Proprietors, or Occupier or Occupiers of the same, or leaving at his or their last usual Place of Abode or Residence, Notice in Writing of such Distress being made, and of the Cause thereof, and of the Place or Places where such Distress is intended to be or shall be led, driven, taken away, impounded, and kept; and in case the Sum or Sums of Money for which any such Distress shall be made, and all Costs, Charges, and Expences attending such Distress, shall not be paid and discharged to the Treasurer, Collector, or Receiver of the said Commissioner, or to the Person or Persons making such Distress, within the said Five Days after the making of such Distress, the Person or Persons so making such Distress shall and may, with the Constable of the Parish where such Distress shall be made, (which said Constable is hereby directed, upon being thereunto required, to assist therein,) cause the Goods, Chattels, and Effects so distrained to be appraised by Two indifferent Persons upon Oath (which Oath the said Constable is hereby empowered to administer), and such Two Persons are hereby required to appraise the same according to the best of their Judgment; and after Appraisement it shall be lawful for such Person or Persons making such Distress to sell or cause to be sold the Goods, Chattels, and Effects so distrained, for the best Price that can reasonably be had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be so made, and the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of the Monies arising from any such Sale (if any), on Demand, to the Person or Persons entitled thereto.

XVII. And be it further enacted, That it shall and may be lawful to and for all and every Person and Persons who shall be Tenants for Life or in Tail, or for Years, not being at Rack Rent, and for the Husbands, Guardians, Trustees, Committees, or Attornies of all and every Person or Persons, being under Coverture, Minors, Lunatic, or beyond the Seas, or otherwise incapable to act for themselves, and whose Lands or Grounds shall respectively be embanked, drained, or improved in pursuance of this Act, by and with the Consent of the said Commissioner, in Writing under his or their Hand and Seal or

For enabling Proprietors to borrow Money, and charge the same on the Land.

[*Local.*]

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Hands

Hands and Seals, from Time to Time to charge the several Lands and Grounds which shall be so embanked, drained, or improved, or any Part thereof, with any Sum or Sums of Money, at the Discretion of the said Commissioner, not exceeding Five Pounds for every Acre of Land and Ground so to be drained and improved as aforesaid, to be paid to such Person or Persons as the said Commissioner shall nominate and appoint, in order to be applied and disposed of for and towards paying and defraying the respective Shares and Proportions of the Charges and Expences incident to and attending such Drainage and Embankment as aforesaid, and of obtaining this Act and executing the same; and for securing the Repayment of the said Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise the Lands and Grounds so to be charged therewith, unto any Person or Persons who shall lend and advance the same respectively, for any Term or Number of Years; so as every such Grant or Demise be made with a Proviso or Condition to cease and be void when such Sum and Sums of Money thereby secured, with the Interest thereof, shall be paid and satisfied; and so as in every such Grant and Demise to be made by any Person or Persons entitled only as Tenants in Tail, or for Life or Lives or Years, or upon any other Contingency, there be contained a Covenant to pay and keep down the Interest of the Money thereby to be secured during his, her, or their respective Life or Lives, or for so long as he, she, or they shall continue seised of such Lands or Grounds respectively, so that no Person afterwards becoming possessed of or entitled to such Lands or Grounds so to be charged with any Sum or Sums of Money as aforesaid, shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and every such Grant, Lease, Mortgage, Assignment, Appointment, and Devise, or Charge, by Deed or Will as aforesaid shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Enabling
Rectors and
Vicars to
raise Money.

XVIII. And whereas some of the Lands liable to be assessed, rated, or taxed by the Authority of this Act, may be the Property of or in the Possession of Rectors, Vicars, or Perpetual Curates, or other Ecclesiastical Persons; be it therefore enacted, That it shall and may be lawful for such Rectors, Vicars, or Perpetual Curates, and their Successors, by and with the Consent and Approbation of the Lord Bishop or Peculiar of the Diocese, from Time to Time to charge all and every the said Lands lying within the said Parishes, Townships, Hamlets, or Places, and liable to be assessed by virtue of this Act, with any Sum or Sums, not exceeding in the whole Five Pounds *per* Acre, in order to be applied and disposed of for and towards the Payment of the said Assessments, which may be charged upon the Lands lying within the said Parishes, Townships, Hamlets, or Places, and belonging to their respective Advowsons or Incumbencies; and for securing the Payment of such Sums and Interest, to grant, mortgage, lease, or demise the said Lands so to be assessed unto any Person or Persons who shall advance and lend the same, for any Term or Number of Years; so as every such Grant or Demise be made with a Proviso to cease and be void, or with an express Trust to be surrendered, for the Sum or Sums of Money thereby

to be secured, with the Interest thereof, shall be lawfully satisfied and paid; and so as in every such Grant or Demise there be contained a Covenant to pay and keep down the Interest of the Monies to be thereby secured, in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any further or larger Arrear of Interest than from the Time when the Title of such Possession shall accrue and commence; and so that in every such Grant or Demise there be also contained a Covenant to pay off and discharge annually the Sum of Five Pounds *per Centum*, Part of the Principal Money so to be raised as aforesaid, until the whole of such Principal Money shall by such annual Payments or Instalments be paid off and discharged.

XIX. And be it further enacted, That every such Tenant for Life or in Tail, and every other Person who shall be entitled to the said mortgaged Premises, shall pay and keep down the Interest of the Principal Money so to be borrowed as aforesaid; so that no Person afterwards becoming entitled to the said mortgaged Premises shall be liable, upon his or her becoming possessed thereof, to the Payment of any larger Arrear of Interest than for One Year preceding the Time when his or her Title to the Possession of such mortgaged Premises shall have commenced.

Interest of Money borrowed to be paid.

XX. And be it further enacted, That if any Person shall *bond fide* advance any Money for or towards defraying the Charges and Expences of obtaining and executing this Act; or shall have already advanced any Money for those Purposes, such Person or Persons shall, out of the first Monies which shall be raised by virtue of this Act, be repaid, with Interest after the Rate of Five Pounds *per Centum per Annum* from the respective Times of advancing thereof.

Persons advancing Money to be repaid with Interest.

XXI. And be it further enacted, That all Monies to be raised and received under and by virtue of the Powers of this Act, during the Progress of the said Embankment and Drainage, shall be paid into the Hands of the Treasurer so appointed as aforesaid; and no such Monies deposited or paid into the Hands of any such Treasurer shall be issued or paid by him without an Order in Writing under the Hand of the said Commissioner, specifying the Person or Persons to whom the same are respectively payable.

Monies raised to be deposited in the Hands of the Treasurer.

XXII. And be it further enacted, That the Monies arising from the Taxes to be raised by virtue of this Act shall be paid and applied by the said Commissioner, in the first place, in defraying the Charges and Expences of obtaining and passing this Act, and of making the necessary Surveys, Plans, Valuations, and Reports incident or preparatory thereto, and in the Payment of all such Monies as shall be advanced by any Person or Persons whomsoever for the Purpose of defraying such Charges and Expences, with lawful Interest for the same, and in the making, executing, and completing the several Works of Embankment and Drainage by this Act directed and authorized to be made, done, and executed, and all necessary Charges and Expences to be incurred in or relating to the due Execution of this Act.

Application of Taxes.

XXIII. And

Embankment
to be made.

XXIII. And be it further enacted, That for the draining, embanking, preserving, and protecting the said Low Lands from the Floods of the said River *Dun*, the said Commissioner shall and may, and he is hereby authorized, empowered, and required, as soon as conveniently may be after the passing of this Act, to make or cause to be made; for the effectual Embankment of the said Low Lands, such good and sufficient Bank or Banks, of such Dimensions and Forms, and in such Courses and Directions, as in the Judgment of the said Commissioner shall be requisite and necessary for the Preservation of the said Low Lands; and for the aforesaid Purpose or Purposes it shall and may be lawful for the said Commissioner, by himself, his Officers, Managers, Agents, Servants, Workmen, and Assistants, to enter upon any of the said Lands or Grounds, and also upon the adjoining Lands, and to stake out the same as he shall think necessary, within the Limits of this Act, without being deemed a Trespasser or Trespassers, or being liable to any Fine, and also to cut, dig, take, or carry away any Quantity of Earth or Materials proper for the Purpose of making the said Embankment in, upon, out of, or from any of the said Lands or Grounds, which he is hereby authorized to take, and to do all such other Acts as may be necessary for carrying into Execution the Purposes of this Act, he the said Commissioner, his Agents, Servants, and Workmen, doing as little Damage as may be in the Execution thereof, and making full Satisfaction, in manner herein-after mentioned, to the Owners of and Persons interested in any Lands or Hereditaments which may be taken or injuriously prejudiced, for any Damages which shall be sustained by such Owners of or other Persons interested in such Lands or Hereditaments: Provided always, that such Embankment shall commence at or near to a certain Weir in the River *Dun* called *Sandall Weir*, and extend along the North Side of the said River, and as near to the Course thereof as the said Commissioner may think proper, and shall terminate at or near to a certain Place called *Plum Tree Hill*, near *Bramwith Woodhouse*, where the said Embankment shall be made to join or unite with a certain Bank there called the *Dutch Bank*; provided nevertheless, that such Part of the Embankment so to be made as shall extend from that Point of the said River *Dun* where the *Bramwith Drain* falls into it, near *Bramwith Church*, to *Plum Tree Hill*, shall be Three Inches lower than the average Height of a certain Bank near *Bramwith* aforesaid, called *Darburn Bank*, extending from *Bramwith* towards *Trumfleet*, and betwixt *Sandall Weir* and *Bramwith* shall be Six Inches lower than the present North Bank of the Canal belonging to the Proprietors of the River *Dun* Navigation respectively opposite thereto; and the said Commissioner shall and he is hereby authorized, empowered, and required to contract, support, and maintain, and, provided the Consent of the Participants of the Level of *Hatfield Chase*, in the Counties of *York*, *Lincoln*, and *Nottingham*, shall be first obtained thereto, also to alter and enlarge any of the present Banks now being within the said Lands; and the said Commissioner shall and he is hereby authorized, empowered, and required, from Time to Time as he shall think proper and requisite, to make, enlarge, raise, alter, improve, or rebuild, support and maintain, or cause to be made, enlarged, raised, altered, improved, or rebuilt, supported and maintained, all such
Cuts,

Cuts, Tunnels, Drains, Ditches, Dams, Sluices, Bridges, Staunches, Outlets, and Waterways, through and under the said Embankment, or any other Bank or Banks made or to be made upon or against the said Low Lands by virtue of this Act, and also to make, dig, erect, set up, support and maintain, or order or cause to be made, digged, erected, set up, supported and maintained, all such new Cuts, Drains, Ditches, Sewers, Sluices, Dams, Trenches, Passages, Bridges, Gates, Stiles, Cloughs, Tunnels, Outlets, and Engines, within, upon, and through the said Lands and Grounds, or any of them, as he the said Commissioner shall think necessary or convenient for effecting such Improvements of the said Drainage, and for other Purposes necessary, expedient, or incident thereto, and from Time to Time, and as Occasion or Need shall require, cleanse and clear the Sides of the said River *Dun* from the occasional Accumulation of Warp or Soil, and for the Purpose last aforesaid to take and make use of the Lands and Grounds mentioned and described in the Schedule to this Act annexed, and shall also remove all Willows or other Obstructions that shall or may arise, grow, or occur from Time to Time in the said River, and which shall and may impede, obstruct, or otherwise prevent the proper Drainage or Flow of Water down the Channel or Course thereof from *Sandall Weir* aforesaid, to or near to a certain Sluice called *Sour Lane Sluice*, near *Hangsman Hill Ferry*, as he may think proper and expedient for effectually preserving the said Low Lands, without the Controul or Interruption of any Person or Persons whomsoever: Provided always, that the *Wash Way Bank*, or any Embankment or Mound to be hereafter formed on the North Side of that Part of the said River which lies between *Stainforth Bridge* and *Sour Lane Sluice*, shall at all Times hereafter be kept and maintained as low as the lowest Part of the *Wash Way Bank* on the South Side of the said River immediately opposite thereto, so as the Level of the said North and South Banks shall at all Times hereafter be kept the same; and provided always, that before making any Part of the said Embankment from *Sandall Weir* to *Plum Tree Hill*, the said Commissioner shall and he is hereby required to cleanse and widen that Part of the said River which lies between *Stainforth Bridge* and *Sour Lane Sluice*, by the Removal of all Willows and other Obstructions which shall exist therein, in order that there may be a clear Channel for the Waters of the said River.

XXIV. And be it further enacted, That if at any Time after that Part of the Embankment between *Bramwith* and *Plum Tree Hill* shall have been made, it shall appear to the Approbation of the said Participants of the Level of *Hatfield Chase*, that the same may be raised so as to be of the same Height as the *Dutch Bank* belonging to the Participants is at *Plum Tree Hill*, without Injury or Damage to the said *Dutch Bank*, or any other Bank or Banks belonging to the said Participants, the said Commissioner shall and he is hereby authorized and empowered, with their Consent, to raise the proposed Embankment between *Bramwith* and *Plum Tree Hill* aforesaid, so as to be of the same Height as the said *Dutch Bank* is at *Plum Tree Hill*.

Bank between Bramwith and Plum Tree Hill may be raised.

[Local.]

26 F

XXV. And

Power to
divert Roads.

XXV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered to divert and alter the Course of any public or private Roads during only the making, forming, and completing the Embankment or other Works, where such public or private Roads shall be found to interfere with, impede, or inconvenience the completing the Works by this Act directed to be made; and the said Roads shall be restored to their former Course by the said Commissioner as soon as may be practicable.

Bodies Politic, &c. empowered to sell and convey Lands.

XXVI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person or Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Commissioners; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioner, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; namely,

Form of
Conveyance
to the Com-
missioner.

‘ I of in consideration of the
‘ Sum of to me paid by the Commissioner
‘ acting under the Authority of an Act of Parliament passed in the
‘ Seventh and Eighth Years of the Reign of His Majesty King George
‘ the Fourth, intituled [*here set forth the Title of this Act*], do hereby
‘ grant and release to the said Commissioner all [*describing the Pre-
‘ mises to be conveyed*], together with all Ways, Rights, and Appur-
‘ tenances thereunto belonging, and all my Estate, Right, Title, and
‘ Interest in and to the same and every Part thereof; to hold to the
‘ said Commissioner and his Successors for ever, according to the
‘ true Intent and Meaning of the said Act. In witness whereof I
‘ have hereunto set my Hand and Seal, the Day of
‘ in the Year of our Lord

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

XXVII. And for settling all Differences which may arise between the said Commissioner and the several Owners of or Persons interested in any Lands and Hereditaments which shall or may be taken, used, damaged, affected, or injuriously prejudiced by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or any other Person so interested, entitled, or capable to sell as aforesaid, for and on behalf of himself or herself, or for or on behalf of his or her Cestuique Trusts, or of the Person or Persons entitled in Remainder or Reversion after him or her as aforesaid, or of any other incapacitated Person as aforesaid, shall differ or shall not agree with the said Commissioner as to the Amount of such Purchase Money, Recompence, or other Compensation, and such Amount cannot be adjusted, settled, and agreed for by and between such Parties and the said Commissioner, or if any such Parties shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered by the said Commissioner, and shall give Notice thereof in Writing to the said Commissioner, within Twenty-one Days next after such Offer shall have been made, and the Party or Parties giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee, or other Person or Persons interested, entitled, or capacitated to sell as aforesaid, shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Person respectively, or left at the last or usual Place or Places of his or her Abode, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands or other Hereditaments required for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Commissioner for the Sale and Conveyance of their respective Estates and Interest therein, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage, or any other Impediment or Disability not provided for by this Act, be incapable of treating or making such Agreement as shall be expedient for enabling the said Commissioner to proceed in making the said Embankment and other the Works aforesaid, or shall not produce and fully disclose the State of the Title to the Premises they may be in Possession of, or to the Interest they shall claim therein; then and in every such Case the said Commissioner may and shall; and he is hereby empowered and required, from Time to Time, to issue a Warrant under his Hand to the Sheriff of the County in which the Lands and Hereditaments in question shall be situate, or the Matter in question or dispute shall arise, or in case such Sheriff or his Under Sheriff shall be the said Commissioner, or enjoy any Office of Trust or Profit under him, or shall be in anywise interested in the Matters in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested, then to the Person then in being who last filled the Office of Sheriff or Coroner of the said County, not interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel,

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

pannel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place, and as in such Warrant shall be directed or appointed, and to attend from Day to Day until discharged; and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury shall, upon their Oaths, or being of the Society called *Quakers*, upon their solemn Affirmation, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmation of such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands and Hereditaments, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation either for the Damages which shall or may before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual, or any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Commissioner, and which cannot or will not be further obviated, remedied, or repaired by him; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Commissioner to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of any such Person, or
 Persons,

Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.

XXVIII. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Commissioner for the Purchase of any Lands or Hereditaments to be used or taken by him for the Purposes of this Act, or as Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expence of Witnesses, shall be defrayed by the said Commissioner, and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioner, or of the Treasurer of the said Commissioner, vested in them or either of them by virtue of this Act, unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do, under a Warrant to be issued for that Purpose by any Justice of the Peace for the West Riding of the County of *York*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Commissioner, then and in every such Case one Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Commissioner shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Commissioner; and all such Costs and Expences, having been ascertained and settled in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use; and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioner.

Expences of
Jury how to
be paid.

XXIX. And be it further enacted, That all and every Person and Persons with whom the said Commissioner shall have any such Controversy or Dispute, shall, before the said Commissioner shall be obliged to issue out his Warrant or Warrants for the summoning of such Jury, enter into a Bond, with Two sufficient Sureties, to the

Persons re-
questing Juries
to enter into
Bonds to pro-
secute their
Complaint.

[*Local.*]

26 G

Treasurer

Treasurer of the said Commissioner, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon him, her, or them to be paid according to the true Intent and Meaning of this Act.

Notice of Injury to be given to Commissioner before Complaint be made.

XXX. And be it further enacted, That the said Commissioner shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed to receive or take notice of any Complaint to be made by any Person for any Injury or Damage by him or her sustained, or supposed to be sustained, or having been discovered to have been sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Person to the said Commissioner, Ten Days at the least before such Complaint shall be made to the said Commissioner, and within the Space of Six Calendar Months after the Time of such supposed Injury or Damage having been sustained, or the doing or committing thereof shall have ceased.

Lands, &c. to vest in Commissioner on Payment or Tender of Purchase Money.

XXXI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any such Lands or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of any such Lands or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall be so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Commissioner, and his Agents, Workmen, and Servants, immediately to enter upon such Lands and Hereditaments respectively, and then and thereupon such Lands and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interests of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Commissioner to and for the Purposes of this Act; and such Payment or Tender and Investiture shall not only bar all the Right, Title, Interest, Claim and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other

other Estates, in Reversion and Remainder or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein.

XXXII. Provided always, and be it further enacted, That in any Case where the Amount of the Compensation for any Damage done or occasioned by the Commissioner in the Exercise of any of the Powers herein contained, for making or repairing the said Works, shall be disputed, and be alleged to amount to any Sum under Twenty Pounds, then the Amount of the Compensation for such Damage shall or may be ascertained and settled by any Justice of the Peace for the said West Riding, and shall and may be levied and recovered, by Warrant under the Hand and Seal of any such Justice, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justice, by Distress and Sale of the Goods and Chattels of the Treasurer to the said Commissioner, unless such Treasurer shall pay and discharge the same, which he is hereby authorized and empowered to do, out of any Monies received or to be received by him as such Treasurer as aforesaid by virtue of this Act.

If Amount of Compensation for Damages done to Lands be alleged to be under 20*l.*, a Justice may settle the same.

XXXIII. And be it further enacted, That if any Money shall be paid for Satisfaction for any Damage to be done to any Lands, Tenements, or Hereditaments, in the Execution of the Powers of this Act, for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioner for draining, embanking, and protecting certain Low Lands lying on the North Side of the River *Dun* in the West Riding of the County of *York*; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments; in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands 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 and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order

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

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

Where less than 200*l.* and amounting to 20*l.*

XXXIV. And be it further enacted, That if any Money so paid as aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and to be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioner acting in execution of this Act, 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 manner herein-before directed, so far as the Case is applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where less than 20*l.*

XXXV. Provided always, and be it further enacted, That where such Money so to be paid as aforesaid shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Commissioner acting in the Execution of this Act shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XXXVI. And be it further enacted, That in case the Person or Persons to whom Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioner acting in the Execution

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

XXXVII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or some Estate or Interest therein.

Where any Question shall arise touching the Title to Money.

Conveyance
by Lords of
Manors of
Lands taken
from Com-
mons to be
sufficient.

XXXVIII. And be it further enacted, That in all Cases where there shall be Occasion to cut through, use, or take Part of any Commons or Waste Grounds for the Purposes of this Act, the Conveyance thereof by the Lord or Lady of the Manor, or the reputed Lord or Lady of the Manor wherein the same shall be situate, unto the said Commissioner, or any Person in Trust for him, for the Purposes aforesaid, shall be a good and sufficient Conveyance for the Purpose of vesting the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Grounds had joined in and executed such Conveyance; and the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid shall be paid by the said Commissioner to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Townships respectively as a Vestry of the Parish in which such Townships may be situated, to be convened by such Churchwardens for that Purpose, shall direct.

Penalty on
driving Car-
riages or
foddering
Cattle on the
Banks.

XXXIX. And be it further enacted, That if any Person shall drive any Wain, Cart, Waggon, or Carriage along any Part of the Bank erected, supported, or maintained under the Authority of this Act, or shall fodder or drive, or cause to be foddered or driven, any Cattle or Stock upon any Part of such Bank, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; provided that nothing in this Act contained shall extend or be construed to extend to prevent, hinder, obstruct, or impede (except during the Execution of the Works) any Person or Persons from using, exercising, or enjoying any Right of Way or Passage, with Horses, Carts, or Carriages, or without, in, upon, or over any Embankment raised or to be raised by the Authority of this Act, from the Ferry at *Barnby-upon-Dun* to *Trumfleet Marsh*, in as full, ample, and beneficial a Manner as the same has hitherto been used and enjoyed.

Penalty on
neglecting to
scour out
Ditches.

XL. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the Lands or Grounds within the Limits of this Act, to which any Drain, Watercourse, Division Dyke, or other Dyke or Dykes whatsoever, doth or shall belong, shall neglect or refuse sufficiently to scour, cleanse, open, widen, or repair the same, or to make such Dyke of a sufficient Depth for the Conveyance of the Water, after Ten Days Notice in Writing given to him, her, or them, or left at his, her, or their usual or last Place of Abode, from Time to Time for that Purpose, by the said Commissioner acting in the Execution of this Act, specifying the Depth that such Dyke shall be of (and which Depth the said Commissioner is hereby authorized and required to specify and set out in such Notice, at his Discretion), he, she, or they shall for every such Neglect and Refusal forfeit and pay to the said Commissioner any Sum not exceeding Forty Shillings for every Rod so neglected to be scoured, cleansed, opened, deepened, and widened as aforesaid;

aforesaid; and it shall be lawful from Time to Time for such Commissioner to cause such Dyke or Dykes, at the Expence or Charge of such Owner or Owners, Occupier or Occupiers, to be scoured, cleansed, opened, repaired, deepened, and widened in a sufficient Manner, at the Discretion of the said Commissioner; and also, where any Way or Ways shall have been made over any Dyke or Dykes, without a sufficient Tunnel, to cause such Way or Ways to be taken up, and such Dyke or Dykes to be made of a proper Width and Depth (such Width and Depth not being less than the Width and Depth of the Dyke in which such Tunnel shall be placed), with a sufficient Tunnel therein, at the Discretion of the said Commissioner, and at the Expence and Charges of such Owner or Owners, or Occupier or Occupiers; and by Warrant or Precept under the Hand and Seal of the said Commissioner to levy such Penalty, and also such Charges and Expences, upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods, Chattels, and Stock, wherever the same shall be found; and all such Penalties shall be applied for the Purposes of this Act; and if any Person or Persons, after such Dyke or Dykes, Tunnel or Tunnels, shall have been so scoured, cleansed, opened, widened, repaired, or deepened by such Commissioner, shall again fill, stop up, or in any Manner obstruct any such Dyke or Dykes, Tunnel or Tunnels, or cause, procure, permit, or suffer the same to be in any Manner filled, stopped up, or obstructed, for the Space of Fourteen Days, any such Person so offending, and being thereof convicted before any Two Justices of the Peace for the County, Riding, or Place where the Offence shall be committed, upon the Oath of any One Witness, or by the Confession of the Party or Parties, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be applied for the Purposes of this Act, and levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender and Offenders, by Warrant under the Hands and Seals of the said Justices; and in default of such Payment, or for Want of such Distress or Distresses, the Person or Persons so offending shall be committed by such Justices to the House of Correction, there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices.

XLI. And be it further enacted, That the Constable or Constables for the Time being of the Parish, Township, or Place in which such Drain, Watercourse, Division Dyke or other Dyke may be situated, shall, and they are hereby authorized and required, Twice in every Year, that is to say, at *Lady Day* and *Michaelmas Day*, to view all and every the said Drains; Watercourses, Division Dyke or other Dyke, subject to the Powers, Authorities, and Provisions of this Act, and to report the State thereof to the Magistrates assembled at the Petty Sessions then next held after the Day aforesaid, for the Riding or Division in which such Drain, Watercourse, Division Dyke or other Dyke, may be situated; and the said Magistrates are hereby required to hear and consider such Report, and if it shall appear to them that, upon the View or Inspection of the said Constables, any such Drain, Watercourse, Division Dyke, or other Dyke or Dykes, shall

Constables
to view
Ditches.

shall stand in need of scouring, cleansing, opening, or repairing; the said Magistrates shall require the said Constables to give unto the Owner or Owners of the Property to which such Drain, Watercourse, Division Dyke, or other Dyke or Dykes, shall belong, Ten Days Notice to scour, cleanse, open, and repair the same, and in default thereof within the Time aforesaid, any such Person or Persons so liable, and neglecting to scour, cleanse, open, and repair the same, being convicted thereof before any Justice of the Peace acting in and for the Riding, Division, or Place where such Neglect shall arise and occur, upon the Oath of any One Witness, or by the Confession of the Party or Parties so offending, shall for every such Neglect or Offence forfeit and pay any Sum of Money not exceeding the Sum of Five Pounds, to be applied and levied by Distress, as other Penalties are required and directed to be by virtue of this Act.

Punishment
for destroy-
ing Works.

XLII. And be it further enacted, That if any Person or Persons shall at any Time hereafter maliciously cut, break down, burn, demolish, or destroy any Sluice, Bank, Tunnel, Bridge, or other Works already made or erected, or which shall at any Time hereafter be erected, supported, or maintained, for answering any of the Purposes of this Act, every Person so offending, and being thereof convicted, shall be liable to the like Pains and Penalties as in Cases of Felony, and the Court by or before whom any such Person shall be tried shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, or, in mitigation of such Punishment, such Court may in its Discretion award such Punishment and Sentence as the Law directs in Cases of Petit Larceny.

Obstructions.

XLIII. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully damage, or dam up or obstruct (by planting Willows or otherwise) any such Sluice, Bank, Tunnel, Bridge, or any Cut, Drain, Watercourse, Doors, Dams, or other Work or Works already made or erected, or which shall at any Time or Times hereafter be making or erecting, or made or erected, supported or maintained, for answering any of the Purposes of this Act; or if any Persons shall wilfully hinder or obstruct the said Commissioner acting in the Execution of this Act, or any of his Officers or Servants, or his Superintendent, or other Person to be employed by him, in making or repairing any Work or Works hereby directed or authorized to be made; every Person offending in any or either of the Cases aforesaid, and being thereof convicted before any Two or more of the Justices of the Peace for the County, Riding, or Place wherein such Offence shall be committed, (which Justices are hereby required to hear and determine the Matter,) on the Oath of some credible Witness, shall forfeit any Sum not exceeding Ten Pounds to the said Commissioner, to be applied by him for the Purposes of this Act; and in default of Payment thereof the Person or Persons so offending shall be sent to the House of Correction of the County, Riding, or Place where such Offence shall be committed, there to be kept to hard Labour for such Time as such Justices shall order and direct, not exceeding Six Calendar Months.

XLIV. And

XLIV. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioner, or any Person acting by or under his Authority, and such Sum of Money shall not be paid by the said Commissioner to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made of the said Commissioner, in pursuance of the Directions or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioner by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being (unless such Treasurer shall pay such Sum out of any Money belonging to the said Commissioner in his Hands, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioner, or to his Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

In case of Nonpayment of Compensation for Damages, &c., the same to be levied by Distress of the Goods of the Commissioner or his Treasurer.

XLV. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalty or Forfeiture.

Damages and Charges, in case of Dispute, to be settled by Justices.

XLVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of Peace, it shall be lawful for the Justice of the Peace to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge

Justices may proceed by Summons for the Recovery of Penalties.

him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of
Conviction of
Offenders.

XLVII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or to the same Effect; (*videlicet*),

to wit. } BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ A. B. is convicted before me, C. D., [or us, C. D. and E. F.,] of His Majesty's Justices of the Peace for the County [Place, or Liberty, as the Case may be,] of [specifying the Offence, and the Time and Place when and where the same was committed, as the Case may be.] Given under my Hand and Seal [or our Hands and Seals], the Day and Year first above written.'

Justices may
administer
Oaths.

XLVIII. And be it further enacted, That in all Cases wherein Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person or Persons for his or their more certain Information in the Matters then depending.

Persons
giving false
Evidence to
be deemed
guilty of
Perjury.

XLIX. And be it further enacted, That all and every Person and Persons who, in the Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before any Justice or Justices of the Peace, or shall wilfully and corruptly swear falsely before the said Commissioner in any Matter in which such Justice or Commissioner is hereby authorized to administer an Oath, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualifications as any Person or Persons is or may be subject to for wilful and corrupt Perjury by any Laws or Statutes of this Realm.

Power to
appeal.

L. And be it further enacted, That any Body or Person whosoever who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule or Order of the said Commissioner, or by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County where the Cause of Appeal shall happen to arise, first giving Twenty-one Days Notice in Writing of such Intention to appeal, and of the Nature thereof, to the Body or Bodies, Person or Persons, against whom such Complaint is intended to be made, or to the said Commissioner, as the Case may be,

be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think just and reasonable.

LI. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their usual or last Place of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney of such Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of good and sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall be nonsuited, and shall pay Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Cause by Law; or in case no Tender shall have been made, it shall and may be lawful to and for the Defendant and Defendants in any such Action, by Leave of the Court where such Action shall depend; at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without 21 Days Notice of Action, nor after Tender of Amends.

EII. Provided always, and be it further enacted, That no Action or Suit shall be brought or prosecuted against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then after Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the County or Place where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his, her, or their Election, plead specially or the General Issue,

Limitation of Actions.

Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Causes by Law.

Distress not
unlawful for
Want of
Form.

LIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or the Appointment of a Collector or Collectors, Receiver or Receivers, or any other Agent of the said Commissioner, or in any other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularities shall and may recover full Satisfaction for the special Damages which she or they shall have sustained thereby, with usual Costs, in an Action of Trespass or upon the Case.

Recovery and
Application
of Penalties
and Forfeitures.

LIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace for the said West Riding of the County of *York*, on Complaint to them for that Purpose exhibited, by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, (the reasonable Charges of such Distress and Sale being first deducted); and in case such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress,
unless

unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said West Riding of the County of *York*, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County within his Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

LV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, as soon as conveniently may be after the said Works hereby directed and authorized to be made shall be perfected and completed, and the said Commissioner shall have ascertained, adjusted, and settled, by Survey or otherwise, the Lands and Grounds to be assessed, rated, and taxed by virtue of this Act, finally to tax, charge, and assess the said Lands and Grounds within the several Parishes, Townships, Hamlets, or Places of *Bentley, Arksey, Langthwaite, Tilts, Aarwick-le-Street, Owston, Burghwallis, Haywood, Sutton, Campsall, Thorpe-in-Balne, Barnby-upon-Dun, Kirk Sandall, Bramwith, Moss, and Stainforth*, of each and every the said Owners or Proprietors, with his, her, or their respective Quota or Proportion of the whole Expence attending the said Works to that Time, and in proportion as the said Lands and Grounds may be benefited; and in case the Quota or Proportion of any such Owner or Proprietor, so to be assessed, rated, and taxed by the said Commissioner as aforesaid, shall exceed what such Owner or Proprietor shall have been assessed, rated, and taxed at and paid, or shall have been raised by Mortgage of his Lands by virtue or in pursuance of the Powers and Authorities hereby given to the said Commissioner, then such Owner or Proprietor shall, within Fourteen Days after Notice shall be given to him by the said Commissioner, in Writing under his Hand, of such Excess, (by Advertisement in the *Doncaster Gazette*, or some other Newspaper circulated in the Neighbourhood,) pay the same Excess to the Treasurer of the said Commissioner for the Time being, (which Notice to the several Owners or Proprietors so assessed, rated, or taxed as aforesaid, shall be deemed sufficient to

all Intents and Purposes); and in case of Neglect or Default in Payment of such Excess as aforesaid, the said Commissioner shall and may, and he is hereby authorized and required to recover the same by such and the like Ways and Means as any other Taxes or Assessments are herein-before directed to be recovered, or as near thereto as the Nature or Circumstances of the Case will admit; and the said Commissioner shall pay and apply, or order to be paid and applied, such Excess, when paid or raised as aforesaid, in or towards paying and refunding to such others of the said Owners or Proprietors such Sum and Sums of Money as they shall have respectively paid, or have had raised upon their respective Estates by or in pursuance of the Methods herein prescribed, over and above what their respective Quotas and Proportions, to be taxed and assessed by the said Commissioner as aforesaid, shall amount to.

Commis-
sioner to lay
his Accounts
before Jus-
tices once in
every Year.

LVI. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing of this Act) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due, in the Execution of this Act; and such Statement and Account, when so made, together with the Vouchers relating thereto, shall be by him laid before some One or more Justices of the Peace for the County of *York*, to be by them examined and balanced, and such Balance shall be by them stated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices as aforesaid.

Award.

LVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, as soon as conveniently may be after the said Works hereby directed and authorized to be made shall be perfected and completed, and which Works shall be perfected and completed within Five Years from the passing of this Act, unless prevented by any specific Cause, and all the Assessments, Rates, or Taxes shall have been paid, to form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, directing by whom and in what Manner the said Works shall hereafter be done, be maintained, supported, and kept in repair, so as such Commissioner shall not contravene any of the Clauses in this Act; and such Commissioner shall and he is hereby required to include in such Award all such Orders, Regulations, and Determinations as are in and by this Act mentioned, declared, required, or authorized to be made or established; Two Parts of which said Award or Instrument shall be fairly ingrossed or written upon Parchment, and signed and sealed by the said Commissioner, unto each of which shall be annexed a Schedule describing the Lands and Grounds liable to be assessed, rated, and taxed by virtue of this Act, to whom such Lands and Grounds respectively belong, and in what Proportion such Assessment, Rate, or Tax is to be borne and paid, together with a Map or Plan of the said Lands and Grounds; One Part whereof shall be lodged, for safe Custody among the Records of the

Court of Quarter Sessions, with the Clerk of the Peace for the West Riding: of the said County of *York*, or his Deputy, and the other Part thereof shall be deposited in the Parish Church of *Arksey* in the said Riding and County; and which said Award, or a true Copy thereof, or of any Part thereof respectively, certified by the proper Officer, shall be allowed as Evidence in all Courts of Law and Equity; and the said Clerk of the Peace and his Deputy, and the Clerk of the Parish Church of *Arksey* respectively, shall permit and suffer any Person whomsoever, at all reasonable Times, to peruse and inspect the said Award, paying for every such Perusal and Inspection One Shilling and no more; and the said Schedule annexed to the Award of the said Commissioner shall be a Rule and Precedent or Proportion for all future Taxations to be made and raised upon the said Lands and Grounds of the said Owners or Proprietors, for maintaining and supporting the said Works.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to prejudice or affect, or to repeal or alter any of the Powers or Authorities given or granted to the Proprietors of the Navigation of the River *Dun*, in and by any Act or Acts of Parliament passed relating to the said Navigation, or in any respect to impede, obstruct, prejudice, affect, injure, or damage the said River Navigation, or any of the old or new Cuts made by the said Company of Proprietors for the Improvement of the said Navigation, or any of the Banks belonging to the same, but the said Company of Proprietors and their Successors shall at all Times hereafter have and enjoy all such their Rights and Privileges in as full, ample, and beneficial a Manner as if this Act had not been passed, and that without any Prejudice or Injury to such Banks.

River Dun
Navigation
not to be
affected.

LIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect, or to repeal or alter any of the Powers or Authorities given or granted to the Company of Proprietors of the *Stainforth* and *Keadby* Canal Navigation, in and by any Act or Acts of Parliament passed relating to the said Canal Navigation, or in any respect to impede, obstruct, prejudice, affect, injure, or damage the said Canal, or the Soak or the Side Drains thereof, but the said Company of Proprietors and their Successors shall at all Times hereafter have and enjoy their said Canal Navigation, and the Soak and Side Drains thereof, and all their Powers, Authorities, Rights and Privileges, in as full, ample, and beneficial a Manner as if this Act had not been passed.

Stainforth
and Keadby
Canal not to
be affected.

LX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to lessen, prejudice, alter, or affect the Jurisdiction, or any of the Rights, Privileges, Powers, or Authorities of or belonging to the Commissioners of Sewers for the Level of *Hatfield Chase*, and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, but that the same and every of them shall remain and continue in the said Commissioners of Sewers, as fully and amply, to all Intents and Purposes, as if this Act had not been made.

Saving the
Jurisdiction
of the Com-
missioners of
Sewers.

LXI. And

Public Act.

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

SCHEDULE referred to in the foregoing Act.

THAT Part of the Foreshore or Accumulation of Warp of the River Dun, extending from or near to Sandall Weir to or near to Sour Lane Sluice, along and on the North Side of the said River, and the Land or Ground adjoining such Foreshore, for the whole Length thereof between the said Places, to the Distance of Twenty Yards from such Foreshore.

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