



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. xxxvi.

An Act for draining and improving certain Low Lands situate within the several Townships of *Norton, Campsall, Askren, Moss, Fenwick, Little Smeaton, Stubbs Walden, Womersley, Whitley, Baln, Pollington, Snaith* and *Cowick*, and *Sykehouse*, in the several Parishes of *Campsall, Womersley, Kellington, Snaith*, and *Fishlake*, all in the West Riding of the County of *York*.

[2d August 1831.]

WHEREAS there are within the several Townships of *Norton, Campsall, Askren, Moss, Fenwick, Little Smeaton, Stubbs Walden, Womersley, Whitley, Baln, Pollington, Snaith* and *Cowick*, and *Sykehouse*, in the respective Parishes of *Campsall, Womersley, Kellington, Snaith*, and *Fishlake*, all in the West Riding of the County of *York*, certain Low Lands, which now are and for some Years past have been subject to be overflowed with Water in wet Seasons, so as to be wholly unfit for the Purposes of Agriculture; but the same, as well as certain other Low Lands within the same Townships, are capable of being rendered productive, and of greater Value to the Proprietors thereof, if the same were drained and improved; but the same cannot be effectually done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may

[Local.]

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be

Appointment
of Commis-
sioner and
Surveyor.

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 *William Pilkington* of *Thorne* in the County of *York*, Gentleman, shall be and he is hereby appointed the Commissioner for draining and improving the said several Low Lands, and executing the necessary Works for such Purposes, and for carrying this Act into effect; and the said *William Pilkington*, or the Commissioner for the Time being, is hereby appointed Surveyor for the Purposes of this Act.

Recent
Surveys may
be used.

II. And be it further 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 and Plans already had and taken by and under the Authority of any Act or Acts of Parliament heretofore passed for the Inclosure of Commons or other Lands in any Township or Townships within the Limits of this Act, and upon which Surveys and Plans the Commissioners or Commissioner in or by any such Acts appointed shall have acted, may (as far as the same shall be approved of by the Commissioner for executing 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; and in case any of such Plans shall, by the Commissioner for executing this Act, be found defective and insufficient for the Purposes of this Act, then fresh Surveys and Plans shall or may be made or caused to be made by the Commissioner for executing this Act; and the Proprietors of the Estates, the Surveys and Plans of which shall be found to be so defective and insufficient, shall bear and pay the Expence of making Surveys and Plans of such last-mentioned Lands.

Appointment
of new Com-
missioner and
Surveyor.

III. And be it further enacted, That if the said *William Pilkington*, or any other Commissioner to be elected in his Stead as herein-after mentioned, shall die, or become incapable of acting, or shall refuse or neglect to act for the Space of Three Calendar Months, before the Powers hereby vested in him shall be executed and fulfilled, then and so often as any of the said Events shall occur or be known, a public Meeting of the several Persons who for the Time being shall respectively be interested in the said Drainage and Improvement shall be called by the Clerk to the said Commissioner, or by any Two or more of such Persons who shall respectively in their own Rights be the Proprietors or Owners of Fifty Acres of the Low Lands liable to be rated by virtue of this Act, to be held within Two Months next after such Death, Incapacity, Refusal, or Neglect to act shall happen or be known, and of which Meeting Ten Days Notice at least shall be given by such Clerk or Proprietors in like Manner as other Notices are hereby directed to be given; and the Proprietors of such Lands then and there assembled, or the major Part of them in Value (such Value to be ascertained by the several Land Tax Assessments 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, not inter-
rested

rested in the said Drainage and Improvement, to be a Commissioner in the Room or Stead of such Commissioner so dying, or becoming incapable of acting, or refusing or neglecting to act as aforesaid, and so from Time to Time as often as any such Vacancy shall happen as aforesaid; the Person so to be elected and appointed a Commissioner, having first taken and subscribed the Oath or Affirmation in this Act mentioned, 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 in this Act.

IV. And be it further enacted, That no Person shall be capable of acting as Commissioner 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 an Oath or Affirmation in the following Form or to the like Effect; (that is to say,) Oath to be taken by Commissioner.

‘ I do swear, [*or being one of the People called Quakers,*
‘ I do solemnly 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 by virtue of an Act passed in the First and
‘ Second Years of the Reign of His Majesty King *William* the
‘ Fourth, intituled [*here insert the Title of this Act*], according to the
‘ Provisions and Directions thereof, and without Favour or Affection,
‘ or Partiality, or Prejudice or Malice 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 County of *York* to administer to the said Commissioner; and the said Oath or Affirmation so taken and subscribed by the said Commissioner, and also the Instrument of Appointment of every new Commissioner, with the like Oath or Affirmation to be taken by him 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.

V. 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 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; and such First Meeting, and any such subsequent Meetings, may be adjourned from Time to Time as Occasion shall require: 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 published or circulated in the said West Riding, 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 Notice to be given of Meetings.

at any such Meeting, it shall be lawful for the Clerk 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.

Meetings to
be held within
a limited
Distance.

VI. And be it further enacted, That all Meetings of the said Commissioner in the Execution of this Act, at which the Presence of any of the Persons interested in the Drainage and Improvement hereby authorized shall be requisite, shall be held within Eight Miles of the Parish of *Snaith* aforesaid; and all other Notices requisite or necessary 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 or circulated in the West Riding of the said County of *York*.

Regulating
the Duration
of Meetings
or Sittings.

VII. And for regulating the Duration of all Meetings or Sittings of the said Commissioner to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings or Sittings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that any Meetings or Sittings to be holden for the Purposes of this Act of less Duration than Eight Hours and Six Hours (as the Case may be) shall be charged as only Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk, in which shall be entered the several Days on which the said Commissioner shall hold his Meetings or Sittings, and in such Book shall also be entered at what Hour the said Commissioner and Clerk were respectively present at such Meeting or Sitting, and at what Hour they respectively left the same, and such Book shall be signed by the said Commissioner and Clerk at the Termination of each Meeting or Sitting, and shall be open to the Inspection of all Persons interested, or his, her, or their Agents or Attornies, during all the Meetings or Sittings to be held in pursuance of this Act, and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioner to retain or pay himself or Clerk, out of any Money to be received by him or over which he may have any Controul in the Execution of this Act, any Sum or Sums of Money on account of any Allowance herein-after directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowance to which they shall be entitled as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award herein-after directed to be made, or in case the Accounts of the said Commissioner shall be appealed against, then not until the said Appeal shall have been heard and decided: Provided also, that in case of the Decease of the said Commissioner or of the said Clerk previous to the Execution of the Award herein-after directed to be made, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the

the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due to the said Commissioner or Clerk.

VIII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act and executing the same, the said Commissioner, and the Clerk to be appointed by the said Commissioner in pursuance of this Act, shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act the Sum of Three Pounds and Three Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act into execution, during the first Three Years next after the passing of this Act; and after the Expiration of the first Three Years, then the Sum of Two Pounds and Two Shillings, and no more, shall be paid to the said Commissioner and Clerk for each Day they shall travel or be employed as Commissioner and Clerk as aforesaid.

Allowance
to Commis-
sioner and
Clerk.

IX. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act and executing the same, the said Commissioner, whilst he shall be employed as Surveyor for the Purposes of this Act, shall be paid and allowed any Sum not exceeding One Shilling and Sixpence *per* Acre for his Time and Trouble in surveying, measuring, mapping, or planning the Lands and Grounds necessary to be surveyed for the Purposes of this Act, or any Sum not exceeding Three Pounds and Three Shillings for each and every Day he shall be actually and wholly employed in surveying, measuring, mapping, or planning, or otherwise acting as a Surveyor for the Purposes of this Act, which said Sums of One Shilling and Sixpence *per* Acre, or Three Pounds and Three Shillings *per* Day, shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by him as such Surveyor in and about the Execution of this Act.

Allowance
for surveying.

X. And be it further enacted, That the said Commissioner may from Time to Time, by Writing under his Hand, appoint a Treasurer and also a Clerk, 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

Officers to be
appointed.

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sufficient

sufficient Security from every such Treasurer and Collector, and may also require and take Security from any Officer or Person, as he shall think proper, employed for the Purposes of this Act.

Proceedings
to be entered
in Books.

XI. 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 said Drainage and Improvement, and 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 admitted in Evidence by all Judges, Justices, and others, in all Cases touching any thing done in pursuance of this Act; and the said Book or Books shall be kept by the Clerk of the said Commissioner until the Execution of the Award of the said Commissioner, and afterwards by the Clerk to the Trustees to be appointed as herein-after mentioned.

Accounts to
be kept;

XII. 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.

and Books to
be inspected.

XIII. And be it further enacted, That all and every Book and Books by this Act directed or authorized to be provided or kept shall at all reasonable Time and Times be open to the Inspection of the said Commissioner, and of all or any other Persons or Person interested in the Lands to be drained and improved by virtue of this Act, without Fee or Reward, and the said Commissioner and such Person and Persons shall and 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, or any Person having the Custody of such Book or Books, 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 any of them, or to take such Copies or Extracts as aforesaid, every such Clerk or other Person shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Officers to
account.

XIV. 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, or to the Trustees herein-after mentioned, when thereunto by them required, a true and perfect Account in Writing, under his or her Hand, of all Monies which shall have been 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 or such Trustees 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 Trustees, or to such Person or Persons as he or they shall appoint, within Ten Days after being thereunto required by the said Commissioner or Trustees, 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 Trustees, or by any Person on his or their 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 said Commissioner or Trustees 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 under or by virtue of or for the Purposes of this Act shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment 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 Charge 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 or Trustees for such Money and Charges, and paid the Composition Money to the Commissioner or Trustees, and which Composition the said Commissioner or Trustees is and are hereby empowered to make, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in

in respect thereof to the said Commissioner or Trustees: 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.

Same Person
not to be
Clerk and
Treasurer.

XV. 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 or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any 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 or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioner; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioner other than that of Treasurer, every such 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.

Works to be
done by the
Commis-
sioner.

XVI. And be it further enacted, That the Commissioner for executing this Act shall and he is hereby authorized and required to construct and build, or cause to be constructed and built, in some convenient Place at or near the present Outlet of the River *Went* into the River *Dun*, a good and substantial Sluice or Clough, having a clear Waterway of Eighteen Feet in Width at the least; and the said Commissioner shall and he is hereby authorized and required to scour out, cleanse, deepen, widen, enlarge, alter, and divert, or cause to be scoured out, cleansed, deepened, widened, enlarged, altered, and diverted, the said River *Went* from the said intended Sluice up to the Sluice or Clough at the low End of *Norton Common*; and in the Prosecution of such Works, the Bottom of the said River shall be made Eighteen Feet in Width at the Outlet, and decreased to Eleven Feet in Width at the said Sluice or Clough at the low End of *Norton Common*; and also to make Embankments from the
Outlet

Outlet of the said River *Went* to *Fleet Dike End* on the North Side thereof, and to *Topham Ferry* on the South Side thereof, which shall be so constructed and made as to protect the Low Lands adjoining the said River from Floods; and also to make or cause to be made sufficient Side Drains on the North and South Sides of such Embankments, with proper Sluices, to drain the Low Lands of *Snaith* and *Cowick* on the North Side, and *Sykehouse* on the South Side, into the new River *Went*; and also to enlarge, alter, divert, and embank (where necessary) the River *Went* from the said Sluice or Clough at the low End of *Norton Common* to a certain Bridge called *Willow Bridge*, in the said Townships of *Norton* and *Little Smeaton*; and to embank, where necessary, so much of the said River *Went* as extends from *Fleet Dike End* to the said Sluice or Clough at the low End of *Norton Common*; and also, upon the Request in Writing of the Right Honourable *Edward William Harvey* Lord *Hawke*, (if his Lordship shall think it necessary,) to erect and build a good and sufficient Sluice or Clough in the Course of a certain Drain called *Lake Drain*, at or near to the low End thereof, to protect the Low Lands in *Stubbs Walden* and *Womersley* from Injury by the Floods from the River *Went*; and also to enlarge, alter, divert, and embank, where necessary, the said *Lake Drain* from its Outlet into the River *Went* up to its Junction with a certain Drain called *Bradley Drain*.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize the Execution of any Works whereby the *Goole Canal*, or any of the Works or Appurtenances thereto belonging, shall in any Manner be prejudicially affected, or to turn any Water which now flows to and down the River *Went* into the Drains or Drain made by the Undertakers of the *Aire* and *Calder* Navigation in lieu of the *Fleet Drain*, and the Extension thereof, into the River *Dun*.

Goole Canal
not to be
injured.

XVIII. And be it further enacted, That on receiving a Request and Authority in Writing of a Majority in Value of the Proprietors of Lands in any of the respective Townships within which it may appear desirable to improve the old Works of Drainage, or make any new Work for that Purpose therein, it shall be lawful for the said Commissioner and he is hereby required to widen, enlarge, fill up, change, remove, alter, and divert all such interior Drains, Ditches, Sluices, Cloughs, and Culverts within any of the said Townships of *Norton*, *Campsall*, *Askren*, *Moss*, *Fenwick*, *Little Smeaton*, *Stubbs Walden*, *Womersley*, *Whitley*, *Baln*, *Pollington*, *Snaith* and *Cowick*, and *Sykehouse*, (when the Proprietors of Lands therein shall request the same as aforesaid,) as he the said Commissioner shall from Time to Time think proper for the better Improvement of the Drainage of the Lands within the Limits of this Act; and also to make, dig, erect, and set up, support and maintain, all such new Cuts, Drains, Ditches, Sewers, Sluices, Cloughs, Tunnels, Trenches, Passages, Banks, Bridges, Gates, Stiles, Outlets, Engines, and other Works and Conveniences within, upon, and through the said Lands or any of them, as he the said Commissioner shall think necessary or con-

Commission-
er may widen
or alter certain
Drains, &c.
within the
Places herein
mentioned
upon Request
of the Pro-
prieters of
Lands.

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venient

venient for effecting such Improvement of the said Drainage and other Purposes of this Act.

Purchase of
Lands, &c.

XIX. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby authorized to purchase any House, Land, or Ground, Tenement or Hereditaments, Cloughs, or other Works or Things proper for accomplishing any of the Purposes of this Act, and also to dig, throw up, take, and carry away any Earth, Clay, Soil, Stone, Gravel, or other Materials for the making, deepening, widening, carrying on, ordering, repairing, and perfecting any of the Works by this Act directed or intended, in, upon, from, or out of any of the Lands and Grounds of any Person or Persons, Body Corporate or Collegiate, within the Limits of this Act, and also to carry and convey the said Materials in, over, and upon all such Lands and Grounds, and to place and lay any such Materials or Things on the Lands and Grounds near to the Place or Places where such Works or any of them shall be making; and it shall be lawful for the said Commissioner to make such Orders and Contracts, and give such Directions, and do such Acts for carrying on or effecting and preserving the said Works, and for executing the Purposes of this Act, as he the said Commissioner shall think proper, making such reasonable Satisfaction and Recompence to the Person or Persons, Body Corporate or Collegiate, entitled to or interested in the Lands and Grounds through or upon which any such Works, Matters, or Things shall be done, or who may be prejudiced thereby or by means or in consequence thereof, for the Damages which shall be thereby sustained, or shall be settled and ascertained by a Jury in the Manner herein-after mentioned, in case the said Commissioner shall not be able to come to any Agreement for the same with such Person or Persons, Body Corporate or Collegiate: **Provided** always, that nothing herein contained shall authorize or empower the said Commissioner to injure or prejudice a certain Mill called *Norton Mill*, belonging to the Master and Fellows of *Catharine Hall, Cambridge*, nor to enter upon or take or use any House, Building, Tenement, Yard, Garden, Curtilage, Plantation, or private Road or Way.

Occupation
Bridges.

XX. And be it further enacted, That the said Commissioner shall and he is hereby required to make good and sufficient Bridges across the said intended new River, for the convenient Occupation of any Parcel of Land exceeding in Quantity One Acre, which may be severed from the Estate of any of the several Proprietors by the Execution of the Works hereby authorized.

Commissioner may take up the Clough and Sluice belonging to the Participants of the Level of Hatfield Chase.

XXI. And whereas in the Execution of the Works herein-before directed, it may be necessary to take up the present Sluice or Clough in the River *Went*, the Property of the Participants of the Level of *Hatfield Chase*, and to the Repair of which they have hitherto been liable, as well as to the cleansing out and repair of the said River *Went* from its Outlet to a Place called *Hooding Dike End*; be it therefore enacted, That the said Commissioner shall have full Power and Authority to take up the said Sluice or Clough, and dispose of the

the Materials thereof, in executing the Works authorized by this Act, and to alter and divert the said River *Went*, without the Controul or Interference of the said Participants: Provided always, that after the said Sluice or Clough shall be so taken up, the said Participants or their Successors shall not be liable to make any Repairs in the said River *Went*, but that the said Repairs shall be done solely by the Proprietors of Estates within the Limits of this Act.

XXII. And be it further enacted, That for the Purpose of defraying the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, and for enabling the said Commissioner to carry into execution the several Powers hereby given to him for scouring out, cleansing, deepening, widening, enlarging, altering, diverting, and completing as Main Drains the said River *Went* and the said Drain called *Lake Drain*, and for embanking the same where necessary, and for making Side Drains, Sluices, and other Works, for the general Drainage and Improvement of the said Low Lands, it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, from Time to Time to assess, tax, and charge every Owner and Proprietor of the Low Lands within the said Townships of *Norton, Campsall, Askren, Moss, Fenwick, Little Smeaton, Stubbs Walden, Womersley, Whitley, Baln, Pollington, Snaith and Cowick, and Sykehouse*, now, of right, draining into the said River *Went*, with such Share and Part of the same Expences, not exceeding Five Pounds *per Acre*, according and in proportion to the Benefit to be derived by each such Proprietor, as the said Commissioner shall deem just and reasonable (subject to the Provisions and Restrictions in this Act contained with respect to the Lands belonging to *Edward William Harvey Lord Hawke* within the Township of *Womersley*); and for enabling the said Commissioner to complete the other Works of Drainage hereby authorized to be made or done, it shall also be lawful for the said Commissioner, and he is hereby authorized and empowered, to assess, tax, and charge every Owner and Proprietor of Low Lands within the said Townships of *Norton, Campsall, Askren, Moss, Fenwick, Little Smeaton, Stubbs Walden, Womersley, Whitley, Baln, Pollington, Snaith and Cowick, and Sykehouse*, with such Share and Part of the Expences attendant on such Works of Drainage, not exceeding Five Pounds *per Acre*, according and in proportion to the Benefit to be derived by each such Proprietor, as the said Commissioner shall deem just and reasonable; and all such several 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: Provided always, that no Lands which lie at a higher Level than Two Feet above the Flood Waters of the said River *Went* and the said Drain called *Lake Drain*, shall be liable to be rated or assessed with any Part or Share of the Expences of this Act, or of carrying the same into execution, so far as regards the Improvement of the said River and the said Drain as Main Drains; and provided also, that the

Commissioner to assess the Lands of the Proprietors, in order to raise Money for executing the Works.

Expence

Expence of the Drainage of each of the said Townships, as to its own interior Drains, shall be recovered and kept separate and distinctly from the other Townships, and the Rate or Rates for defraying the Expences of such interior Drainage shall also be recovered and kept separate and distinct, it being intended that the general Works of Drainage by means of the said River *Went* and the said Drain called *Lake Drain* only shall be defrayed out of the general Rate, and all interior Works within each Township separately and distinct from each other.

Engineers to
be appointed.

XXIII. And for ascertaining what Quantity of Land in the Township of *Womersley* will be benefited by the said Works of Drainage; be it further enacted, That within Forty Days after the passing of this Act, some Person, not being a Proprietor or Occupier of Lands within the Limits of this Act, shall be nominated and appointed, by Writing under the Hand and Seal of the Right Honourable *Edward William Harvey Lord Hawke* (being the Proprietor of the major Part of the Lands within the said Township of *Womersley* liable to be affected by the Provisions of this Act), as One Engineer for that Purpose, and some Person, not being a Proprietor or Occupier of Lands within the Limits of this Act, shall be nominated and appointed, by Writing under the Hand and Seal of the said Commissioner, as One other Engineer for that Purpose; and such Two Persons so to be nominated and appointed, or their Successors to be appointed as herein-after mentioned, shall be and they are hereby appointed Engineers for inquiring into, ascertaining, and determining the same: Provided always, that in case the said *Edward William Harvey Lord Hawke*, or the Proprietor for the Time being of the Land in the said Township of *Womersley* now belonging to the said *Edward William Harvey Lord Hawke*, shall refuse or neglect to make any such Appointment within the Time aforesaid, then it shall be lawful for the said Commissioner to nominate and appoint both the said Engineers.

For appoint-
ing Engineers
in case of
Death, &c.

XXIV. And be it further enacted, That in case the said Engineers or either of them, or their Successors respectively, shall die, or refuse to act, or shall neglect to act as such Engineers or Engineer for the Space of Twenty Days after receiving Notice in Writing of his Appointment from the said *Edward William Harvey Lord Hawke*, or the Proprietor or Proprietors for the Time being of the Lands and Grounds in the said Township now the Property of the said *Edward William Harvey Lord Hawke*, or from the said Commissioner, then and in every such Case some other Persons or Person, not being Proprietors or Occupiers or a Proprietor or Occupier of Lands within the Limits of this Act, shall be appointed Engineers or Engineer in the Place or Stead of the Engineers or Engineer so dying, refusing or neglecting to act as aforesaid; that is to say, in case of such the Death, Refusal, or Neglect to act, of any Engineer appointed by the said *Edward William Harvey Lord Hawke*, or such Proprietor or Proprietors aforesaid, some other Person, not being a Proprietor or Occupier of any Lands within the Limits of this Act, shall be appointed, by Writing under the Hand and Seal of the said *Edward William Harvey Lord Hawke*, or such Proprietor or Proprietors aforesaid,

aforesaid, as an Engineer in the Place and Stead of the Person so dying, refusing, or neglecting to act; and in case of such the Death, Refusal, or Neglect to act of any Engineer appointed by the said Commissioner, some other Person, not being a Proprietor or Occupier of any Lands within the Limits of this Act, shall be appointed, by Writing under the Hand and Seal of the said Commissioner, as an Engineer in the Place and Stead of the Person so dying, refusing, or neglecting to act; and every Engineer so appointed shall be and is hereby declared to be invested with the same Powers and Authorities as the Engineers respectively to be appointed by virtue of this Act are or is invested with by virtue of this Act: Provided always, that in case the said *Edward William Harvey* Lord *Hawke*, or such Proprietor or Proprietors aforesaid, shall refuse or neglect to make any such Appointment within the Time aforesaid, then it shall be lawful for the said Commissioner to nominate and appoint an Engineer in the Place and Stead of the Engineer to be appointed by the said *Edward William Harvey* Lord *Hawke* or such Proprietor or Proprietors aforesaid.

XXV. And for the Purpose of ascertaining, settling, and determining the Quantity of Land in the said Township of *Womersley* to be benefited by the said Works of Drainage, in case the said Engineers shall not agree concerning the same; be it further enacted, That the said Engineers shall, before they shall commence or proceed to act as such Engineers for the Purposes aforesaid, and they are hereby required, by Writing under their Hands to nominate and appoint some proper and skilful Person (not being a Proprietor or Occupier of Lands within the Limits of this Act) to be the Umpire for the Purposes aforesaid; and in case the said Engineers cannot agree concerning the Quantity of Land to be so benefited, then and in every such Case such Umpire shall be and is hereby authorized and required to inquire into, ascertain, and determine the same; and the Determination of the said Umpire touching the same shall be deemed and considered to be the Judgment and Determination of the said Engineers, and shall be final and conclusive upon the said Engineers, and upon the said Commissioner, and upon all Persons interested or concerned in the said Lands: Provided always, that in case the Person so nominated and appointed by the said Engineers as Umpire shall die, or refuse to act or become incapable of acting as such Umpire, then and in every such Case it shall be lawful for the said Engineers to nominate and appoint One other such proper Person as aforesaid to be Umpire in the Place or Stead of the Person so dying, refusing to act, or becoming incapable of acting as last aforesaid, and so from Time to Time as Occasion shall require; and in case any such Person shall neglect to act as such Umpire within Thirty Days after he shall have received Notice in Writing that the said Engineers cannot agree in the Premises, such Neglect shall be deemed a Refusal to act within the Intent and Meaning of this Act.

Umpire to be appointed.

XXVI. Provided always, and be it further enacted, That no Lands within the said Township of *Womersley* which lie at a higher Level than Two Feet above the Flood Waters of the said *Lake Drain* at the Point of its Junction with the said Drain called *Bradley Drain*,
[Local.] 6 T shall

Lands more than Two Feet above Flood Waters of Lake Drain not to be affected.

shall be comprised or included in the Declaration or Certificate herein-after directed to be made by the said Engineers, or their Umpire, to be appointed as herein-before directed.

Engineers
to certify the
Quantity of
Land in
Womersley
to be drained.

XXVII. And be it further enacted, That when the said Engineers or the said Umpire shall have ascertained and determined what Quantity of Land in the Township of *Womersley* will, in their or his Opinion, be benefited by the said Works of Drainage, the said Engineers or the said Umpire shall and they or he are and is hereby required to make a Declaration or Certificate in Writing under their Hands and Seals or his Hand and Seal, setting forth such their Determination, and specifying the Quantity of such Land, and such Declaration or Certificate shall be by them or him delivered to the said Commissioner, and the same shall be binding upon the said Commissioner, and upon all Persons interested or concerned in the said Lands; and no greater Quantity of Land belonging to the said *Edward William Harvey* Lord *Harwe* in the said Township of *Womersley* shall be liable to be rated or assessed by virtue of this Act towards the Expences incident thereto, and of the said Works of Drainage, than shall be so specified in the said Declaration or Certificate, any thing herein-before contained to the contrary notwithstanding.

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

XXVIII. And to the end that the said Taxes may be 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 longer Terms of Years than Thirty-one 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 for 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.

XXIX. 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

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, to enter into and upon all or any Part of the said 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; or it shall be lawful for the Treasurer, Collector, or 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 within the Limits of this Act chargeable with any such Tax or Taxes, whensoever and wheresoever 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 him,) 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

rendering the Overplus of the Monies arising from any such Sale (if any), on Demand, to the Person or Persons entitled thereto: Provided always, that the Goods, Chattels, or Effects of any Tenant or Occupier of any such Lands or Grounds shall not be liable to be distrained by virtue of this Act for any larger Amount than shall be actually due to his, her, or their Landlord for Rent of such Lands or Grounds at the Time of making the Distress, including in such Amount (so limited) the Costs, Charges, and Expences of such Distress, and all Expences incident thereto.

Enabling
Tenants for
Life to bor-
row Money.

XXX. 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, 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 drained or improved in pursuance of this Act, (with the Consent of the said Commissioner,) by Writing under his or their Hand and Seal or Hands and Seals from Time to Time to charge the several Lands or Grounds which shall be so drained, embanked, 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 Improvement 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 shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Rectors and
Vicars may
raise Money.

XXXI. And whereas some of the Lands liable to be assessed, rated, or taxed by the Authority of this Act may be the Property
of

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, when 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 to 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.

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

Persons
advancing
Money for
Works, &c.
to be repaid
with Interest.

XXXIII. 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 Works of 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 de-
posited in the
Hands of the
Treasurer.

XXXIV. And be it further enacted, That the Monies by this Act authorized to be raised in respect of the general Works of Drainage to be made or executed by virtue of this Act shall be paid and applied by the said Commissioner, in the first place, in defraying the Costs, Charges, and Expences of obtaining and passing

Application
of Taxes.

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this

this Act, and afterwards in defraying the Costs and Expences of making the necessary Surveys, Plans, Valuations, and Reports incident or preparatory thereto, and in the Repayment of all such Monies as shall be advanced by any Person or Persons whomsoever for the Purpose of defraying such Costs, Charges, and Expences, with Interest as aforesaid for the same; and in the making, executing, and completing the general Works of 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 in respect thereof; and all the Monies to be raised by virtue of this Act shall be paid and applied by the said Commissioner for the Purpose for which the same shall be raised.

Provision
respecting
Roads.

XXXV. 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 Roads during only the making the said Works of Drainage, where such Roads shall be found to interfere with, impede, or inconvenience the completing the Works by this Act directed to be made, provided a temporary Road be first made and opened for the convenient Passage of the Public, and that the said Roads shall be restored to their former Course by the said Commissioner as soon as may be practicable.

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

XXXVI. 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, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for all and every other Person or Persons whomsoever, who is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be required to be taken or used for the Purposes of this Act, to contract with the said Commissioner for the Sale and Conveyance of the same for the Purposes of this Act, and to sell and convey the same and every Part thereof unto the said Commissioner for the Purposes aforesaid; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be paid for by the said Commissioner out of the Monies to be raised by virtue of this Act as aforesaid, 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 First and Second
‘ Years of the Reign of His Majesty King *William* the Fourth, inti-
‘ tuled [*here set forth the Title of this Act*], do hereby grant and
‘ release

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.

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

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 empanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to empanel, 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 empanelled, 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 empanelled, 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 or 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 of Persons called *Quakers*, upon their solemn Affirmation, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations 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 or remedied

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 no 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, 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.

XXXVIII. 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 out of the Monies to be raised as aforesaid; 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: Pro-

Expences of
Jury how to
be paid.

[*Local.*]

6 X

vided

vided 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 out of the Monies aforesaid.

Persons
requesting
Juries, to
enter into
Bonds to pro-
secute their
Complaint
and pay
Expences.

XXXIX. 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 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
Commis-
sioner before
Complaint is
made.

XL. 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 that 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
Commis-
sioner on
Payment or
Tender of
Purchase
Money.

XLI. And be it further enacted, That upon Payment or legal Tender, or upon Payment into the Bank of *England* as herein-after mentioned, 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 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, such Payments being made respectively within One Calendar Month after the same shall be so agreed for, determined, or assessed as aforesaid, 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 Interest of any Person or Persons therein, shall thenceforth be vested in the said Commissioner to and for the Purposes of this Act, until the Power of the said Commissioner shall, as herein-after mentioned,

mentioned, cease, and then and from thenceforth the same shall be vested in the Trustees to be appointed as herein-after mentioned.

XLII. 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 and 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.

XLIII. And be it further enacted, That if any Money shall be paid or agreed to be paid, or awarded, for the Purchase of or 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 in the several Townships of *Norton, Campsall, Askren, Moss, Fenwick, Little Smeaton, Stubbs Walden, Womersley, Whitley, Baln, Pollington, Snaith and Cowick, and Sykehouse*, 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

Application of Compensation Money, when exceeding 200*l.*

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 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.

When less
than 200l.
and exceed-
ing 20l.

XLIV. And be it further enacted, That if any Money so paid or agreed or awarded to be 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 20l.

XLV. 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,
or if Persons

XLVI. And be it further enacted, That in case the Person or Persons to whom any 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,

Premises, to the Satisfaction of the said Commissioner acting in the 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 to 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.

cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Exchequer, by Motion or Petition.

XLVII. 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 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.

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

Penalty on
driving Car-
riages or fod-
dering Cattle
on the Banks.

XLVIII. And be it further enacted, That if any Person shall wilfully or negligently fodder, or cause or permit to be foddered, any of his, her, or their Cattle or Stock upon any of such Bank or Banks, or shall drive or cause to be driven any Waggon, Cart, or other Carriage along any such Bank or Banks as aforesaid, (except in the Line of any Road,) or doing any other wilful Damage, such Person or Persons shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on
neglecting
to scour out
Ditches.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioner to order or direct 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 Ditch, or other Ditch or Ditches whatsoever doth or shall belong, to scour, cleanse, open, widen, or repair the same, or to make such Ditch of a sufficient Depth for the Conveyance of Water from the same, at such Time or Times and in such Manner as the said Commissioner shall think proper; and if any such Owner or Occupier shall refuse or neglect to scour, cleanse, open, widen, or repair the same accordingly, 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, specifying the Depth such Ditch shall be of, (and which Depth the said Commissioner is hereby authorized and required to specify and set out in such Notice,) he, she, or they shall for every such Neglect and Refusal forfeit and pay any Sum not exceeding Forty Shillings for every Rod of Five and a Half Yards in Length so neglected to be scoured, cleansed, opened, deepened, and widened as aforesaid; and it shall be lawful from Time to Time for such Commissioner to cause such Ditch or Ditches, 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 Ditch or Ditches without a sufficient Tunnel, to cause such Way or Ways to be taken up, and such Ditch or Ditches to be made of a proper Width and Depth, (such Width and Depth not being less than the Width and Depth of the Ditch in which such Tunnel shall be placed,) with a sufficient Tunnel therein, 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 Ditch or Ditches, 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 Ditch or Ditches, 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

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, and 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; but the Payment or Discharge of any such last-mentioned Penalty shall not operate to exonerate any such Owner or Occupier from his, her, or their Liability to scour, cleanse, open, widen, or repair any such Drain or Ditch in future, but the Owner or Occupier of such Lands and Grounds shall nevertheless continue liable to the Provisions of this Act in respect of the future scouring, cleansing, opening, widening, and repairing of such Drains and Ditches.

L. 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 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 Simple Larceny.

To prevent
destroying
Works.

LI. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully damage or dam up or obstruct any Sluice, Bank, Tunnel, Bridge, or any Cut, Drain, Watercourse, Doors, Dams, or other Work or Works 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 Person shall wilfully hinder or obstruct the said Commissioner or the Trustees acting in the Execution of this Act, or any of his or their Officers or Servants, or other Person to be employed by him or them, 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 One or more of the Justices of the Peace for the County, Riding, or Place wherein such Offence shall be committed, (which Justice or Justices is and 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 be applied 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 Justice or Justices shall order and direct, not exceeding Six Calendar Months.

Penalty for
wilfully
damaging
Works.

LII. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice of the Peace

In case of
Nonpayment
of Compen-

sation for
Damages,
&c. the same
to be levied
by Distress
of the Goods
of the Com-
missioner or
his Treasurer.

Peace in pursuance of this Act to be paid as or by way of Compensation or Satisfaction 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 his Treasurer for the Time being, (unless such Treasurer shall pay such Sum out of any Money in his Hands received in pursuance of this Act, 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 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 the 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.

Damages and
Charges, in
case of Dis-
pute, to be
settled by
Justices.

LIII. 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 Non-payment 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.

Justices may
proceed by
Summons for
the Recovery
of Penalties.

LIV. 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 the 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 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; and all such Proceedings by Summons without Information in Writing shall be as good,

good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

LV. 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*,)

Manner of proceeding for Conviction of Offenders.

‘ } Be it remembered, That on the Day of
 ‘ to wit. } 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.’

LVI. 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.

Justices may administer Oaths.

LVII. 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 of the Laws or Statutes of this Realm.

Persons giving false Evidence to be deemed guilty of Perjury.

LVIII. 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

Plaintiff not to recover after Tender of Amends.

[Local.]

6 Z

lawful

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.

Limitation
of Actions.

LIX. 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, 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 his, her, or their 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.

Proceedings
not to be
vacted for
Want of
Form, or
removed by
Cetriorari.

LX. And be it further enacted, That no Order, Verdict, Rate, Assessment, Warrant or Notice of Distress, Judgment, or Conviction, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Recovery
of Penalties
and For-
feitures.

LXI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or incurred under the Provisions or Directions thereof, (the Manner of levying and recovering whereof is not herein otherwise particularly directed,) may in case of Non-payment 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 him 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 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 any such 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 any Common Gaol or House of Correction, 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.

LXII. And whereas the ancient Course of the River *Went* forming the Boundary between the said Townships of *Little Smeaton*, *Stubbs Walden*, *Baln*, *Pollington*, and *Snaith* and *Cowick*, on the North Side, and the Townships of *Norton*, *Fenwick*, and *Sykehouse*, on the South Side thereof is very sinuous and crooked, and it will be necessary, in making the Works hereby directed, to straighten the Course of the said River, in the doing of which sundry small Screeds or Parcels of Lands will be severed from the Estates of some of the Proprietors by so straightening the Course of the said River: And whereas it is desirable and expedient that the River *Went* should continue to be the Boundary of the Townships on the North and South Sides thereof, after it has been so straightened and improved under the Powers of this Act; be it therefore enacted, That it shall be lawful for the said Commissioner to vary the present Boundaries of the said several Townships, so far as the same adjoin upon the said River, taking care in varying such Boundaries that such of the said Lands as shall lie in each Township after such Variation

River *Went*
to continue
the Boundary
Line of
Townships.

Variation shall have been made shall be equal in Value to such of the said Lands as were in such Townships before the said Variations were made, and having due Regard, in varying the said Boundaries, to the Convenience of the Parties interested in the said Lands and Grounds; and from and after the Execution of the Award of the said Commissioner, the River *Went* when so straightened shall be deemed and taken to be the Boundary Line, for all Intents and Purposes whatsoever, between the said Townships lying on the North and South Sides of the said River respectively, any Law, Usage, or Custom to the contrary notwithstanding.

Provision in
case Lands
are severed
by straight-
ening the
River *Went*.

LXIII. And whereas many small Pieces of Land may, by the making more straight the Line of the said River in pursuance of this Act, be severed from the Estates of the Owners or Proprietors on either Side of the said River, and it will be advantageous to such Owners or Proprietors, if the Pieces of Land so severed should be allotted to the Owners or Proprietors of the Estates to which the same shall (after the said Alteration is made and completed) adjoin and be annexed thereto in lieu of the Pieces of Land which shall be so severed from such last-mentioned Estates; be it therefore enacted, That in case of any Difference in the Value (according to the Judgment of the said Commissioner) of any of such small Pieces of Land which by reason of the Premises it shall be expedient to allot to the Owners or Proprietors of Estates opposite or nearly so to each other, on the said new Line of the said River, the said Commissioner shall order and direct what Sum of Money shall be paid by one Owner or Proprietor to the other in respect of such Difference in Value; and in all Cases where the Person or Party to whom such Money shall be ordered to be paid shall be a Tenant for Life, or otherwise incapacitated from disposing of his, her, or their Estate, such Money shall be paid into the Bank of *England*, and be applied and disposed of as any other Monies belonging to incapacitated Persons are by this Act directed to be applied and disposed of.

Award to be
made.

LXIV. 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 of Drainage hereby directed and authorized to be made shall be perfected and completed, and which Works shall be perfected and completed within Three Years from the passing of this Act, unless prevented by any specific Cause, 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 and at whose Expence the said Works shall hereafter be maintained, supported, and kept in repair, 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 declared, required, or authorized to be made or established; which said Award or Instrument shall be fairly ingrossed or written upon Parchment, and signed and sealed by the said Commissioner, and to 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 Proportions such Assessment, Rate, or Tax is to be borne and paid, together with a Map or Plan of the said Lands and Grounds.

LXV. And

LXV. And be it further enacted, That the Proportions stated in the said Schedule and Assessment hereby directed to be annexed to the said Award shall be adopted and taken, by the Trustees to be appointed as herein-after directed, as the Scale or Proportion upon which all Assessments to be laid by them under the Authority of this Act shall be apportioned and regulated.

Schedule annexed to the Award to be the Scale for future Assessments.

LXVI. And be it further enacted, That a true Copy of the said Award, made upon Parchment, together with a Schedule and Map or Plan annexed thereto, shall, within Six Calendar Months next after the Execution thereof, be deposited with the Clerk of the Peace for the said West Riding of the said County of *York*, who shall be paid on the Delivery to him of the said Copy so signed and attested as aforesaid the Sum of Two Guineas, and no more, and which said Clerk shall and he is hereby required to keep the same, for public Reference, with the Records of the said Riding; and the said original Award shall be deposited and kept in the Care and Custody of the Clerk to be appointed by the Trustees herein-after mentioned; and the said Award and Copy thereof, and the said Map or Plan, and every other Copy of the said Award and Map or Plan, or of any Part thereof, attested by the said Clerk of the Peace or his Deputy (for which Copy no more shall be paid than Sixpence *per Folio* of One hundred Words), shall be admitted in Evidence by all Judges, Justices, and others, and in all Courts and elsewhere.

Copy of Award to be deposited with the Clerk of the Peace.

LXVII. And be it further enacted, That the said Commissioner shall not at any Time permit or suffer any just Claims or Demands upon him as such Commissioner to remain unpaid for a longer Period than Three Calendar Months, except such Sums as may from Time to Time be due and owing and payable, according to the Provisions of this Act, to the said Clerk, for Attendances at Meetings to be held in pursuance of this Act; and once at least in every Three Calendar Months during the Execution of this Act (such Space of Time to be computed from the Day of the passing of this Act) the said Commissioner shall and he is hereby required to make and enter in a Book, to be provided for that Purpose, a true and just Statement or Account of all Sums of Money by him received or expended, or due to him or to the Clerk for their respective Trouble and Expences in the Execution of this Act; and in such Statement or Account shall be particularly specified the several Items and Articles for which each particular Sum has been paid or disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be kept at the Office of the Clerk to the said Commissioner, and at all seasonable Times during the Execution of this Act, until the Execution of the Award of the said Commissioner, and until such Accounts are finally settled, for the Inspection of all Persons interested, without Fee or Reward; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by the said Commissioner laid before One of His Majesty's Justices of the Peace for the said West Riding (not interested in the said Drainage and Works), to be by him examined and balanced, and such Balance shall be by the said Justice stated in the Books of Account to be kept by the Clerk of

Commissioner to keep Accounts, which shall be examined by a Justice.

the said Commissioner; and an Abstract of such Accounts so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be published in the *Doncaster Gazette*, or in some other Newspaper circulated in the said West Riding; and no Charge or Item in the said Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been attested by such Justice, nor until such Accounts, or the Abstract thereof, shall have been published in such Newspaper as aforesaid; subject nevertheless to the Power of Appeal herein-after mentioned.

Power of
Appeal.

LXVIII. And be it further enacted, That any Body or Person whosoever who may think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of or contrary to this Act or the Provisions thereof, or by any Order or Determination of the said Commissioner or Trustees, or by any Order, Judgment, or Determination of any Justice of the Peace, relating to any Matter or Thing done in pursuance of or under colour of the Powers in this Act contained, may, within Six 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 said West Riding of the said 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 said Commissioner or Trustees, or to the Body or Bodies, Party or Parties, or Person or Persons, against whom such Complaint is intended to be made, as the Case may be, (except with respect to the Accounts of the said Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the said Award, on giving to the said Commissioner or his Clerk such Notice as last aforesaid,) 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 Justice shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or if they think proper may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such Riding; 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.

After the
Execution of
the Award of
the Commis-
sioner, his
Powers to
cease.

LXIX. And be it further enacted, That after the Execution of the said Award, and after the Election and Nomination of Thirteen Persons to be Trustees as herein-after mentioned shall be had and made, all and every the Appointment of the Commissioner herein-before named, and his Successors to be elected as aforesaid, and the Powers by this Act given to and vested in him or them, of any Nature or Kind whatsoever, touching the Execution of this Act or any Part thereof,

shall cease and absolutely determine, any thing herein contained to the contrary thereof in anywise notwithstanding.

LXX. And be it further enacted, That from and after the Execution of the Award of the said Commissioner, all and every the Powers, Authorities, and Provisions herein-before contained relating to the Repair or Maintenance of the Works of Drainage by this Act directed or authorized to be made or improved, and all the Powers and Provisions herein-before contained relating to the scouring, cleansing, widening, deepening, repairing, and maintaining any Drain, Ditch, or Watercourse within the Limits of this Act, and relating to the Appointment of Officers and their Duty, and relating to laying and levying and recovering any Rates and Assessments for the Purposes of this Act, shall devolve upon and be for ever thereafter vested in Thirteen Persons to be elected, nominated, and appointed by the Proprietors of Lands and Grounds within the Limits of this Act, who shall be rated and pay for Fifty Acres of Land or Ground, and who shall by themselves, or their Agent or Agents, Deputy or Deputies, thereunto authorized by Writing under the Hand or Hands of such Proprietor or Proprietors, be assembled at a Meeting to be called by the Clerk to the said Commissioner or Trustees, or by any Two of such Proprietors, of which Meeting Ten Days Notice shall be given in the Manner directed by this Act for the Appointment of any new Commissioner; which said Thirteen Persons, when so nominated and appointed, shall be and are hereby appointed Trustees for maintaining in repair the said Works of Drainage, and for carrying into effect the several Purposes of this Act, and of the said Award relating thereto; and such Trustees shall have and are hereby vested with all and every the Powers and Authorities aforesaid for maintaining in repair the Works of Drainage within the Limits of this Act, and for laying and levying and recovering any Rates and Assessments necessary for effectuating such Purposes, and for such several Purposes shall or may use and exercise all and every the same Powers and Remedies, to all Intents, Constructions, and Purposes, as are herein-before given to or vested in the Commissioner herein-before named or authorized to be appointed.

After Execution of Award, Powers of Act vested in Trustees.

LXXI. Provided always, and be it further enacted and declared, That when and so often as any of the said Thirteen Trustees, or their Successors, shall die, or refuse or neglect to act, or become incapable of acting, the Clerk to the said Trustees shall and he is hereby required, or it shall be lawful for any Two of such Proprietors, to call a Meeting for the Appointment of a Successor to the Trustee who shall so die, refuse, neglect, or become incapable of acting; and at such Meeting some Person shall be elected and appointed a Successor to such Trustee by the Proprietors of Lands and Grounds within the Limits of this Act who shall be rated and pay for Fifty Acres of Land or Ground, and who shall by themselves, or their Agent or Agents, Deputy or Deputies, thereunto authorized by Writing under the Hand or Hands of such Proprietor or Proprietors, be assembled at any such Meeting; and every Trustee so elected as aforesaid shall from Time to Time, after such Election as aforesaid, have the same Authority for executing this Act as the Trustee in whose Stead he shall so be elected as aforesaid.

Appointment of new Trustees.

LXXII. And

Meetings
of Trustees.

LXXII. And be it further enacted, That the said Trustees shall and they are hereby required to hold their First Meeting for carrying this Act into execution at some Place within the said Parish of *Snaith*, or within Eight Miles thereof, on the First *Monday* in the Month next after the Execution of the said Award, or as soon after as conveniently may be; and it shall be lawful for the said Trustees, or the major Part of them, present at any Meeting to be held by them by virtue of this Act, from Time to Time to adjourn to such convenient Place within the said Parish, or within Eight Miles thereof, as they the said Trustees or the major Part of them present at any such Meeting shall appoint; and it shall be lawful for the said Trustees, or any Two or more of them, or for the Clerk to the said Trustees by Order of any Two or more of the said Trustees, from Time to Time, as Occasion may require, to call a Meeting of the said Trustees, to be holden at some Place within the said Parish, or within Eight Miles thereof, by Notice to be published in the *Doncaster Gazette*, or in some other Newspaper published or circulated in the said West Riding, Eight Days at least previous to the Time appointed for such Meeting; and that all Powers and Authorities by this Act granted to or vested in the said Trustees shall and may from Time to Time be exercised by the major Part of them present at any Meeting, in case Three Trustees shall be then present; and all Acts and Proceedings of the said Trustees at any such Meetings, at which not less than Three Trustees shall attend, shall be as valid and effectual as if all the said Trustees had attended such Meeting, and had concurred in the Proceedings of such Meeting; and at all such Meetings a Chairman shall or may be appointed; and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote.

Proceedings
of Trustees
to be entered
in Books.

LXXIII. 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 Appointments, Acts, Orders, Directions, and Proceedings of the said Trustees relative to the Execution of this Act, subsequent to the said Award, and the same shall be signed by the said Trustees, or any Three of them, who may be present at any Meeting held by them in pursuance of this Act; and all such Entries, being so signed, shall be deemed Originals, and taken as good Evidence in all Cases touching any thing done in pursuance of this Act by the said Trustees; and the said Book or Books shall be kept by the said Clerk to the said Trustees, or as they shall order or direct.

Public Act.

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

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