ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 161.

An Act for the more effectually draining and improving Lands within the Level of *Hatfield Chace*, and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*. [22d *June* 1813.]

WHEREAS the Lands and Grounds belonging to the Participants of the Level of *Hatfield Chace*, and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, are chargeable with the Expences of supporting certain Works of Drainage within the said Level and Parts adjacent: And whereas the said Participants are desirous to improve the Drainage of the said Lands and Grounds, and also that the Expences thereof should be borne in Manner herein-after mentioned: And whereas it is expedient that certain Provisions contained in an Act, passed in the Fifty-first Year of the Reign of His present Majesty, intituled *An Act for inclosing Lands in the Parishes of* Hatfield, Thorne, *and* Fishlake, *in the Manor of* Haitefeld, *in the West Riding of the County of* York, should be altered; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Hall* of *Scorbrough*, in the County of *York*, Gentleman, and *Joseph Thackray* of *Gainsburgh*, in the County of *Lincoln*, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying into Execution this Act and the several Powers and Authorities hereby particularly vested in them.

Appointment of Commissioners.

Time of holding First Meeting of Commissioners.

II. And be it further enacted, That the said Commissioners shall and they are hereby required to hold their First Meeting within Two Months next after the passing of this Act, and proceed in the Execution of the Powers hereby vested in them; and the said Commissioners shall and may from Time to Time adjourn and hold their subsequent Meetings at such Time or Times, Place or Places, as they shall think most convenient for the due Execution of this Act; and if at any such Meeting it shall happen that only One of the said Commissioners shall attend such Meeting pursuant to such Notice, such Commissioner shall and may adjourn such Meeting from Time to Time, and shall cause Notice thereof in Writing to be given to the other of the said Commissioners, any Thing herein contained to the contrary notwithstanding: Provided always, that the said Commissioners shall, and they are hereby required to cause public Notice to be given by Advertisement to be inserted in *The Doncaster Gazette*, or some other Newspaper circulated in the Counties of *York*, *Lincoln*, and *Nottingham*, of the Time and Place of their First and every subsequent Meeting for the Purposes of this Act, Ten Days at least before any such Meeting of the said Commissioners shall be held, Meetings by Adjournment only excepted.

Notice by Advertisement of Time for holding First Meeting, and also of every subsequent Meeting.

Power to appoint new Commissioners.

III. And be it further enacted, That if either of the Commissioners herein named, or any Commissioner to be appointed in their or either of their Place as herein-after mentioned, shall die, refuse, neglect, or become disabled to act, or shall be directly or indirectly benefited or interested in any Contract which shall be made with any Person or Persons by the said Commissioners, then and in every such Case it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessments) of the said Participants, who shall attend by themselves or their known Agents, at any Meeting convened for that Purpose, within Two Calendar Months next after such Death, Refusal, Neglect, or Disability, or Benefit or Interest in such Contract respectively shall happen, be known and declared, to elect and appoint a new Commissioner, not interested in the Premises, in the Place of such Commissioner so dying, refusing, neglecting, or becoming disabled to act, or being benefited or interested in such Contract, of which Meeting Ten Days Notice at least shall be given by the Clerk or Clerks of the said Commissioners in *The Doncaster Gazette*, or in some other Newspaper as aforesaid; and every such Election or Appointment of a new Commissioner, shall be reduced into Writing, and signed by the Persons making such Election and Appointment, and shall be delivered to the surviving or remaining Commissioner; and in case the said Participants shall make Default in appointing any such new Commissioner within Two Calendar Months next after such Death, Refusal, Neglect, or Disability, or Benefit or Interest in such Contract shall happen, then the surviving or remaining Commissioner shall and may, and he is hereby required from Time to Time, by Writing under his Hand, within Twenty-one Days after the Expiration of the said Two Calendar Months allowed to the said Participants for naming such new Commissioner as aforesaid, to appoint One other Commissioner in the Place of such Commissioner so dying, refusing, neglecting, or becoming disabled to act, or being benefited or interested in such Contract, and every such Commissioner so to be appointed, having first taken and subscribed the Oath or Affirmation herein-after prescribed to be administered to him shall have the like Powers and Authorities for carrying this Act into Execution, in all Respects

ſpects whatſoever, as the Commiſſioner in whoſe Place he ſhall have been ſo appointed and choſen was inveſted with by virtue of this Act.

Commiſſioners to take an Oath.

IV. And be it further enacted, That no Perſon ſhall act as a 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 Commiſſioners, until he ſhall have taken and ſubſcribed the Oath or Affirmation following, (that is to ſay),

Oath of Commiſſioners.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do affirm,] That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, execute and perform the ſeveral Truſts, Powers, and Authorities veſted in me as a Commiſſioner by virtue of an Act of Parliament, made and paſſed in the Fifty-third Year of the Reign of King *George* the Third, intituled, [*here inſert the Title of this Act*] according to the Proviſions and Directions thereof, without Favour or Affection, Prejudice or Partiality to any Perſon or Perſons whomſoever. So help me GOD.'

Commiſſioners to adminiſter Oath one to the other, &c.

Which Oath or Affirmation it ſhall be lawful for either of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame to the other of the ſaid Commiſſioners; and the ſaid Oath or Affirmation ſo taken and ſubſcribed by each Commiſſioner, and alſo the Inſtrument of Appointment of every new Commiſſioner (if any ſuch there ſhall be) with the like Oath or Affirmation to be taken by him or them, and to be adminiſtered as aforeſaid, ſhall be written upon Parchment, and annexed to the Award herein-after directed to be made by the ſaid Commiſſioners.

Allowance to each Commiſſioner.

V. And be it further enacted, That out of the Money that ſhall be raiſed for defraying the Expences of obtaining and executing this Act, there ſhall be paid to each of the ſaid Commiſſioners and Umpire, to be appointed as herein-after mentioned, as a Recompence for his Pains and Trouble, the Sum of Three Pounds and Three Shillings, and no more, for each Day he ſhall be employed in travelling to, returning from, and attending in the Execution of this Act; and that the ſaid Commiſſioners and Umpire ſhall defray their own Travelling Expences, and alſo their Expences at all Meetings to be held in purſuance of this Act; and that but One Meeting ſhall be charged for by them for any One Day.

Appointment of Umpire.

VI. And be it further enacted, That if any Difference ſhall ariſe between the ſaid Commiſſioners, touching or concerning any Matter or Thing to be done by them by virtue or in Execution of this Act, whereupon the ſaid Commiſſioners ſhall differ in Opinion, the ſaid Commiſſioners from Time to Time, when and ſo often as ſuch Difference of Opinion ſhall ariſe, ſhall by Writing under their Hands appoint ſome fit and proper Perſon (not being intereſted in the Premiſes, nor being the Attorney or Agent of any Perſon ſo intereſted) to be an Umpire between them; and the Matter upon which ſuch Difference of Opinion ſhall or may ariſe, ſhall be referred to, and ſhall be ſettled and determined by ſuch Umpire, whoſe Determination ſhall be made in Writing, and ſhall be binding and concluſive upon the ſaid Commiſſioners, and ſhall be deemed and taken to be the Determination of the ſaid Commiſſioners; and the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto;

and for the Purpoſes aforeſaid, but not for any other Purpoſe, every Umpire ſo appointed, ſhall have and is hereby veſted with the ſame Powers and Authorities as by this Act is given to or veſted in the ſaid Commiſſioners.

Umpire to take an Oath.

VII. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as Umpire in the Execution of this Act, until he ſhall have taken and ſubſcribed an Oath in the following Words; that is to ſay,

Oath.

'I Do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as an Umpire, by virtue of an Act paſſed in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled [*here inſert the Title of this Act*], according to Equity and good Conſcience, and without Partiality, Favour, or Affection, Prejudice or Malice to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath the ſaid Commiſſioners, or either of them, are and is hereby empowered and required to adminiſter, and ſuch Oath ſo to be taken and ſubſcribed by ſuch Umpire, and alſo the Writing appointing ſuch Umpire, and alſo every ſuch Determination of ſuch Umpire, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners.

Proceedings to be entered in Books.

VIII. 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 Commiſſioners relative to the Execution of this Act; and the ſame ſhall be ſigned by the ſaid Commiſſioners, and all ſuch Entries being ſo ſigned ſhall be deemed Originals, and ſhall be deemed good Evidence in all Caſes touching any Thing done in purſuance of this Act, and ſhall be allowed to be read in Evidence in all Courts whatſoever, and otherwiſe, as Occaſion ſhall require.

Commiſſioners may appoint Treaſurer, Clerks, &c.

IX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any of their Meetings to be holden under this Act, to appoint ſuch Treaſurer, Clerks, Collectors, and other Officers as they ſhall think neceſſary for the better Execution of this Act, and to allow them reſpectively ſuch Salary or Remuneration out of the Monies to be raiſed by virtue of this Act, as they the ſaid Commiſſioners ſhall think proper, and from Time to Time to remove them, or any of them, as they the ſaid Commiſſioners ſhall ſee Occaſion, and in like Manner to appoint others in their Stead; and that all Treaſurers, Collectors, and other Officers who ſhall be intruſted with the Receipt or Collection of any Monies to be raiſed by virtue of this Act ſhall reſpectively give Security for the due Execution of their reſpective Offices to the Satisfaction of the ſaid Commiſſioners.

Treaſurers, Collectors, and other Officers to keep Accounts, &c.

X. And be it further enacted, That all ſuch Treaſurers, Collectors, and other Officers ſhall fairly enter in Books to be by them reſpectively kept for that Purpoſe, an Account of all Monies by them reſpectively received and expended, ſpecifying the Times when, and the Perſons from whom and to whom, and for what Purpoſes, ſuch Monies were reſpectively

tively received and paid; which Books, or true Copies thereof, to be ſigned by the ſaid Treaſurers, Collectors, or other Officers reſpectively, together with the Vouchers for ſuch Expenditures, and alſo all Books and Papers whatſoever relating to the Execution of this Act, ſhall be the Property of the ſaid Commiſſioners, and ſhall be delivered to the ſaid Commiſſioners at ſuch Time or Times, and as often as they the ſaid Commiſſioners ſhall require; and they the ſaid Commiſſioners are hereby empowered to paſs, allow and ſign ſuch Accounts, or ſuch Part or Parts thereof, as to them ſhall ſeem proper; and all ſuch Treaſurers, Collectors, and other Officers ſhall verify all ſuch Accounts upon Oath or Affirmation, if required by the ſaid Commiſſioners, (which Oath or Affirmation any One of the ſaid Commiſſioners is hereby empowered to adminiſter); and the ſame Accounts when ſo allowed, and alſo all ſuch Receipts and Vouchers, ſhall be kept by the ſaid Commiſſioners or their Clerk; and ſuch Accounts ſhall at all ſeaſonable Times be open for the Inſpection of any Owner of any of the Lands or Grounds ſubject to be taxed or drained by virtue of this Act.

Officers refuſing to account may be impriſoned, and Balances due from them may be levied by Diſtreſs.

XI. And be it further enacted, That in caſe any of the ſaid Treaſurers, Collectors or other Officers ſhall refuſe or neglect to account in Manner herein-before directed, to the Satisfaction of the ſaid Commiſſioners, according to the Directions of the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall be lawful, upon the Complaint of the ſaid Commiſſioners, for any One or more of the Juſtices of the Peace for the ſaid Counties of *York*, *Lincoln* or *Nottingham*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction in any of the Counties aforeſaid, there to remain without Bail or Mainprize until he or they ſhall have rendered a true and perfect Account to the ſaid Commiſſioners according to the Directions of this Act; and in caſe any of the ſaid Treaſurers, Collectors or other Officers ſhall refuſe or neglect to pay the Monies due upon the Balance or Balances of their reſpective Accounts, according to the Directions of the ſaid Commiſſioners, it ſhall be lawful, upon the Complaint of the ſaid Commiſſioners, for any One or more of ſuch Juſtices, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, ſuch Sum or Sums of Money as he or they ſhall have been ſo required to account for, as ſhall have been found or ſhall appear to be due uopn the Balance of his or their Account or Accounts; and for Want of ſufficient Diſtreſs it ſhall and may be lawful for any One or more of ſuch Juſtices, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction in any of the Counties aforeſaid, there to remain without Bail or Mainprize, until he or they ſhall have paid all ſuch Monies as ſhall appear to be remaining in his or their Hands on the Balance of his or their Account or Accounts to the ſaid Commiſſioners, or according to their Appointment, or ſhall have compounded for the ſame, and ſhall have paid ſuch Compoſition Money (which Compoſition they the ſaid Commiſſioners are hereby authorized and empowered to take and accept); or the ſaid Commiſſioners may bring and they are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions in any of His Majeſty's Courts of Record at *Weſtminſter*,

against such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, and against his or their Surety or Sureties, and also upon any Security or Securities which shall have been given or entered into by any such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, for Recovery of the Monies which shall be due from any such Treasurer or Treasurers, Collector or Collectors, Officer or Officers respectively; and where any Treasurer, Collector, or other Officer, or any other Person employed by the said Commissioners, shall neglect or refuse to deliver to the said Commissioners all Books, Vouchers, and Papers in his Custody, relating to any Proceedings or Accounts of the said Commissioners, it shall be lawful for any such Justice or Justices as aforesaid, upon Complaint of the said Commissioners, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit such Person to the Common Gaol or House of Correction in any of the Counties aforesaid, there to remain without Bail or Mainprize until he shall have delivered up to the said Commissioners all such Books, Papers, and Writings as aforesaid: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

XII. And whereas by the said recited Act of the Fifty-first Year of the Reign of His present Majesty, certain Commissioners therein named, and their Successors to be elected in Manner therein-after mentioned, were thereby appointed Commissioners for setting out, dividing, allotting, and inclosing the Lands and Grounds thereby directed to be set out, divided, and allotted, under and subject to the Rules, Regulations, and Provisions therein contained and referred; and the said Commissioners were thereby also empowered to sell such Parts of the Waste Lands thereby intended to be inclosed as might be requisite, in order to raise a sufficient Sum of Money to pay the Charges and Expences of obtaining and passing the said Act, and all Proceedings which had been or might be taken relative thereto, and also of dividing and allotting the said Common Waste Lands, and of draining and improving the same, and otherwise for carrying the several other Purposes of the said Act into Execution; and the said Commissioners were thereby authorized and required, previous to the making any Valuation or any Division and Allotment of the said Common and Waste Lands, by such Agents, Workmen and Labourers as should be requisite, to enlarge, make, deepen, or alter and improve any of the ancient Drains or Sewers then already made upon the said Common Wastes, or in, upon, through, or over any other Lands, (except such of the Lands as were called or known by the Name of the Participant Lands) within the said several Parishes of *Hatfield*, *Thorne*, and *Fishlake*, or any Part or Parts thereof, and to enlarge, raise, widen, deepen or otherwise build, alter, amend or improve any of the Sluices, Cloughs, Arches, Bridges, or other Works then already made thereon, and also to make or cause to be made all such Cuts, Drains, Dams, Sewers, Ditches, Outlets, Engines, Cloughs, Bridges or other Works as should be needful for the Purposes aforesaid, in, through, and upon any Part or Parts of the said Commons and Waste Lands and the said other Lands or Grounds (except as aforesaid) within the said Manor of *Haitefeld*, subject to such Restrictions and Regulations as in the said Act are mentioned: And whereas the said Commons and Waste Lands are adjoining to certain Parts of the Lands intended to be drained by virtue of this Act, and it would be

be of great Benefit and Advantage if certain Works of Drainage in reſpect to ſuch Commons and Waſte Lands, and in reſpect to the Lands of the ſaid Participants, were placed under the Management and Controul of the ſame Commiſſioners as herein-after mentioned; be it therefore enacted, That the ſaid Commiſſioners for executing this Act ſhall, and they are hereby authorized and required to build or cauſe to be built, in ſome convenient Place between the Head or Outfall of the *Keadby Drain*, and the Head or Outfall of the *South Soak Drain*, belonging to the Company of Proprietors of the *Stainforth* and *Keadby* Canal Navigation, to open and communicate with the River *Trent* at *Keadby* aforeſaid, a good and ſubſtantial Sluice or Clough, having a clear Waterway of Twenty Feet in Width at the leaſt, and ſhall make or cauſe to be made a new Cut or Drain from the ſaid Sluice on the North Side of the Bank adjoining to the ſaid *Keadby Drain*, in a direct Line to the High Road leading from *Crowle* to *Althorpe*, and thence extending along the North Side of the ſaid Road into Lands belonging to the Right Honourable the Earl *Manvers*, and there croſſing the ſaid Road, into the *Dirtneſs North River*, and ſhall make a ſufficient Dam acroſs the Eaſt End of the ſaid *Dirtneſs North River*, to prevent the Waters thereof from communicating with the *Dirtneſs South River* and *Keadby Drain*; which ſaid new Cut or Drain ſhall be made not leſs than Twenty Feet wide at the Bottom; and alſo ſhall widen and enlarge the *South Idle* or *Dirtneſs South River*, from its Junction with the *Keadby Drain* to or near to *Dirtneſs Bridges*, and there croſſing the Road, to communicate with the *North Idle*, and ſhall make a ſufficient Dam acroſs the North End of the ſaid *North Idle*, to prevent the Waters of the ſaid *North Idle* from communicating with the *Anchor Drain* and the ſaid *Dirtneſs North River*; and ſhall widen and enlarge the ſaid *North Idle* to the Drain called the *New Cut*, and ſhall make a ſufficient Dam acroſs the *North Idle*, a little South of the ſaid *New Cut*, to prevent the Waters of the South Part of the ſaid *North Idle* from communicating with the North Part of the ſaid *North Idle*; and ſhall alſo widen and enlarge the ſaid *New Cut*; which ſaid *South Idle* or *Dirtneſs South River*, *North Idle*, and *New Cut* reſpectively, ſhall be made not leſs than Twenty Feet wide at the Bottom; and alſo ſhall make or cauſe to be made a new Drain from the ſaid Drain called the *New Cut*, acroſs the *Low Bank*, in a Southerly Direction; and ſhall make a ſufficient Dam acroſs the *Low Bank Drain*, on the Weſt Side of the ſaid intended new Drain, to prevent the Waters of the ſaid *Low Bank Drain* from communicating with the ſaid new Drain, and ſhall continue the ſaid new Drain in a Southerly Direction for about Forty Chains in Length, and from thence in a Weſterly Direction to and over Part of *Hatfield Waſte*, and acroſs Part of the Commons within the Manor of *Haitefeld*, into a certain Drain called *Woodhouſe Sewer*, at or near to a Place called *Hollin Bridge*; and ſhall make a ſufficient Dam acroſs the ſaid *Woodhouſe Sewer*, on the Eaſt Side of its Junction with the ſaid new Drain, to turn the Waters of the ſaid *Woodhouſe Sewer* into the ſaid new Drain; and ſhall make or cauſe to be made the ſaid laſt-mentioned new Drain not leſs than Twenty Feet wide at the Bottom, from the ſaid *New Cut* to *Hatfield Waſte*, and from thence gradually decreaſing in Width, ſo as to be not leſs than Fifteen Feet wide at the Bottom at its Junction with the ſaid *Woodhouſe Sewer*; and alſo ſhall widen, deepen, and otherwiſe improve the ſaid *Woodhouſe Sewer*, and the Drain called *Weſtmoor Drain*, in ſuch Manner as the ſaid Commiſſioners ſhall think neceſſary; and alſo ſhall ſcour out, cleanſe, widen and enlarge, (if neceſſary) a certain Drain called the *Twelve Foot* or *Godney Drain*, from the

A new Sluice and Drain on the North of the Keadby Drain to be built, &c.

the *Dirtneſs North River*, at a Place called *Nettle Rails*, to the Angle Weſt of *Godney Bridge*, and near to the Courſe of the *Old River Dun*, and ſhall make or cauſe to be made a new Cut or Drain from thence, and continuing nearly parallel to the ſaid *South Soak Drain* of the *Stainforth* and *Keadby Canal*, to and under the *Boating Dyke*, at a Place called *Wike Gate*, in the Pariſh of *Thorne*; which laſt-mentioned new Cut or Drain ſhall be made not leſs than Six Feet wide at the Bottom, and which ſaid New Cuts or Drains reſpectively, ſhall be made of ſuch reſpective Depths as ſhall be ſufficient for the Drainage of the ſaid Commons and Waſte Lands intended to be drained by Means thereof.

Hatfield Waſte, &c. to be drained by the new Drain and Woodhouſe Sewer.

XIII. And be it further enacted, That ſuch Part of the ſaid *Hatfield Waſte*, and the Commons within the Manor of *Haitefeld* adjoining to and lying South of the ſaid *Woodhouſe Sewer*, and the ſaid intended new Drain, and alſo the Common called *Weſtmoor*, and other adjoining Lands within the ſaid Manor of *Haitefeld* lying North of *Woodhouſe Sewer*, and Weſt of the ſaid Bridge called *Hollin Bridge*, ſhall be drained by Means of the ſaid *Woodhouſe Sewer*, and the ſaid intended new Drain acroſs *Hatfield Waſte*, and the Improvements connected therewith, and by the preſent *Keadby* Drain and Sluice into the River *Trent* at *Keadby* aforeſaid, in ſuch Manner as the Commiſſioners acting in the Execution of the ſaid recited Act of the Fifty-firſt Year of the Reign of His preſent Majeſty ſhall think proper, but ſo as not to impede or obſtruct the Drainage hereby intended.

Reſidue of the Commons (except North of Meer Drain) to be drained by the new Drains from Wike Gate, and Dirtneſs North River.

XIV. And be it further enacted, That the Reſidue of the Commons and Waſte Grounds within the Manor of *Haitefeld* aforeſaid, lying South of the *South Soak Drain* of the *Stainforth* and *Keadby* Canal, except ſuch Parts thereof as lie on the North Side of the Drain, called the *Meer Drain*, and the Drain communicating therewith from *Hatfield North Ings*, ſhall be drained by Means of the preſent Drains belonging to the ſaid Participants and the ſaid intended new Drain from *Wike Gate* to the ſaid Place called *Nettle Rails*, and by the ſaid intended new Drain from the *Dirtneſs North River*, and the ſaid intended new Sluice into the River *Trent* at *Keadby* aforeſaid.

Commiſſioners of Act of 51 G. 3. may make Drains, &c. to communicate with the Participants Drains, and the new Drain to Nettle Rails, &c.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners acting in the Execution of the ſaid recited Act, to make any Drain or Drains or other Works within the Manor of *Haitefeld*, to communicate with the ſaid Drains of the ſaid Participants, and the ſaid intended new Drain to *Nettle Rails* as aforeſaid, in ſuch Manner as they ſhall think proper: Provided nevertheleſs, that the Lands lying on the North Side of the ſaid *Meer Drain*, and the ſaid Drain from *Hatfield North Ings* ſhall be drained by ſuch laſt-mentioned Drains into the *South Soak Drain* of the *Stainforth* and *Keadby* Canal, and the *Boating Dike* reſpectively.

Commiſſioners under Act of 51 G. 3. to pay 15,000*l.* to the Commiſſioners under this Act for Works of Drainage.

XVI. And be it further enacted, That in order to provide for the Payment of the Expences of the ſeveral Works to be made and executed by the ſaid Commiſſioners acting in the Execution of this Act, in reſpect to the ſaid Commons and Waſte Lands within the Manor of *Haitefeld* aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners acting in the Execution of the ſaid recited Act of the Fifty-firſt Year of the Reign of His preſent Majeſty, and they are hereby authorized and required by and

out of the Monies to arise by the Sale of the said Commons and Waste Lands, under and by virtue of the Powers contained in the said Act, to pay and make over the full and clear Sum of Fifteen thousand Pounds unto the Commissioners acting in the Execution of this Act, (whose Receipt or Receipts shall from Time to Time be a good Discharge for the same) by such Instalments as herein-after mentioned, (that is to say), the Sum of Three thousand Pounds at the End of One Calendar Month after the passing of this Act; the Sum of Two thousand Pounds at the End of Six Calendar Months; the Sum of Five thousand Pounds at the End of Twelve Calendar Months; and the remaining Sum of Five thousand Pounds, (being the last Instalment of the said Sum of Fifteen thousand Pounds), at the End of Eighteen Calendar Months after the passing of this Act.

The 15,000l. to be applied in making the Works necessary for the Drainage of the Commons, &c.

XVII. And be it further enacted, That the said Sum of Fifteen thousand Pounds shall be applied by the said Commissioners acting in the Execution of this Act, in making, executing, and completing the said several Works necessary for the Drainage of the said Commons and Waste Lands within the Manor of *Haitefeld* aforesaid, in the Line and in Manner herein-before prescribed; and that all such Works when made, executed, and completed, shall be for ever thereafter kept, maintained, and supported by and at the Expence of the said Participants: Provided nevertheless, that nothing herein contained shall extend or be construed to extend so as to prevent the said Commissioners acting in the Execution of the said recited Act from making and completing any Works for the internal Drainage of the said Commons and other Lands within the Manor of *Haitefeld* aforesaid, under and by virtue of the Powers of the said Act, so that the said Commissioners do not impede, obstruct, or intermeddle with the Commissioners appointed or to be appointed under and by virtue of this Act in the Execution of this Act, or in the making or doing of any Work or Works of Drainage hereby directed or authorized to be done.

The Meer Drain, if enlarged, to be maintained by the Participants as heretofore.

XVIII. Provided always, and be it enacted, That if the said Commissioners acting in the Execution of the said recited Act, shall under the Powers thereof enlarge or otherwise improve the said Drain called the *Meer Drain* and the said Drain communicating therewith from *Hatfield North Ings*, then and in such Case so much of the said Drains or either of them as have heretofore been maintained and supported by the said Participants, shall from and after such Enlargement thereof, be for ever thereafter kept, maintained and supported by and at the Expence of the said Participants.

Two-third Parts of the First and Second Instalments of the 15,000l. shall be expended prior to any future Instalment being paid.

XIX. Provided always, and be it enacted, That from and after the Two First Instalments of the said Sum of Fifteen thousand Pounds shall be paid by the said Commissioners acting in the Execution of the said recited Act to the Commissioners acting in the Execution of this Act, it shall be certified and shewn to the said Commissioners of the said recited Act that Two-third Parts of such Instalments have been expended in the Works herein-before authorized to be made in respect to the Drainage of the said Commons and Waste Lands within the Manor of *Haitefeld* aforesaid, prior to any other Instalment of the said Sum of Fifteen thousand Pounds being advanced and paid, and so from Time to Time upon any subsequent In-

ſtalment thereof, until the Whole of the ſaid Sum of Fifteen thouſand Pounds ſhall have been advanced and paid (any Thing herein contained to the contrary notwithſtanding.)

Diverſion of North Idle through Wood Carr into Dirtneſs North River, &c.

XX. And be it further enacted, That the ſaid Commiſſioners acting in the Execution of this Act, ſhall and they are hereby authorized and empowered to make or cauſe to be made a new Drain of proper Dimenſions from the *North Idle*, near to the End of the ſaid Drain called the *New Cut*, in an eaſterly Direction acroſs the High Road called *Idle Bank*, and certain Lands called *Wood Carr*, belonging to the Truſtees of the decreed Lands, to a certain Drain called *Wood Carr Drain*; and to widen or otherwiſe improve the ſame *Wood Carr Drain* near to the *Dirtneſs South River*, and there to build Culverts of proper Dimenſions under the ſaid *Dirtneſs South River* and the Road called *Dirtneſs Bank*, ſo that the Waters of the ſaid South Part of the *North Idle* may be conveyed into the ſaid *Dirtneſs North River*; and alſo ſhall build or cauſe to be built in ſome convenient Place on the South Side of the Head or Outfall of the ſaid *Keadby Drain*, to open and communicate with the River *Trent* at *Keadby* aforeſaid, a good and ſubſtantial Sluice or Clough, having a clear Water-way of Twenty Feet in Width at the leaſt, and ſhall make or cauſe to be made a new Cut or Drain from the ſaid Sluice on the South Side of the Bank adjoining to the ſaid *Keadby Drain*, in a direct Line to or near to the High Road leading from *Crowle* to *Althorpe*, and to build Culverts of proper Dimenſions under the ſaid Road, and alſo under the River *Torne* and its Banks; and to continue the ſaid new Drain into the ſaid Drain called the *New Idle*, and alſo ſhall widen, deepen, and otherwiſe improve the ſaid *New Idle* and the ſeveral Drains connected therewith, as the ſame ſhall be thought neceſſary: and alſo ſhall make or cauſe to be made a good and ſufficient Bank along the South Side of the ſaid intended new Drain, Three Feet higher than the Higheſt Water Mark in the ſaid Drain, at which Height the ſaid Bank ſhall for ever thereafter be ſupported and maintained; and ſhall cauſe the ſaid Bank to be made Three Feet and an Half Wide at the Top, and the Slope on each Side thereof as Two Feet Horizontal to One Foot Perpendicular, and ſhall cauſe the Middle of the ſaid Bank to be puddled Three Feet in Width; and alſo ſhall make or cauſe to be made a back Ditch or Drain of proper Dimenſions from certain Lands belonging to the ſaid Participants, near to the River *Trent*, where the ſaid intended new Drain and Bank will croſs the preſent warping Drain belonging to *Henry Dalton* Eſquire, along the South Side of the ſaid Bank, to or near to the High Road leading from *Crowle* to *Althorpe* aforeſaid, to be uſed by the ſaid *Henry Dalton* for draining or warping his Lands in *Althorpe* aforeſaid; and ſhall make or cauſe to be made Two Tunnels of the Width of Two Feet Square each, in the Water-way, with proper Doors on the Side next to the ſaid Drain, and ſhall place the ſame in ſuch Parts of the ſaid Bank as the ſaid *Henry Dalton*, his Heirs or Aſſigns, ſhall direct, for the Purpoſe only of draining the adjoining Lands and Grounds in *Althorpe* aforeſaid.

The Tunnel at the Tunnel Pit to be removed when the laſt-mentioned Drain, Sluice, &c. are completed.

XXI. Provided always, and be it enacted, That when the ſaid intended new Drain and Sluice on the South Side of the ſaid *Keadby Drain* ſhall have been completed, and the ſaid Drain called the *New Idle* ſhall have been widened, deepened, and otherwiſe improved, up to a Place called *Tunnel Pit*, it ſhall be lawful for the ſaid Commiſſioners acting in the Execution

cution of this Act, and they are hereby authorized and required to remove or ſtop up a certain Tunnel placed under the River *Torne* at the ſaid *Tunnel Pit*.

Commiſſioners may improve other Drains, &c.

XXII. And be it further enacted, That they the ſaid Commiſſioners acting in the Execution of this Act, ſhall and may and they are hereby empowered from Time to Time to repair, heighten, widen, enlarge, fill up, change, remove, alter, and divert, or order or cauſe to be repaired, widened, enlarged, filled up, changed, removed, altered or diverted, all ſuch other Cuts, Drains, Ditches, Sewers, Sluices, Cloughs, Tunnels, Dams, Banks, Outlets, Engines and Works belonging to the ſaid Participants, within or near the Lands hereby directed to be drained or improved (except upon the ſaid Commons and Waſtes within the Manor of *Haitefeld* aforeſaid), as they the ſaid Commiſſioners ſhall from Time to Time think proper, for the better Improvement of the Drainage thereof; and alſo to make, dig, erect, and ſet up, ſupport and maintain, or order or cauſe to be made, digged, erected, ſet up, ſupported and maintained, all ſuch new Cuts, Drains, Ditches, Sewers, Sluices, Cloughs, Tunnels, Dams, Trenches, Paſſages, Banks, Bridges, Gates, Stiles, Outlets, Engines and other Works and Conveniences within, upon and through the ſaid Lands and Grounds, or any of them (except as aforeſaid) as they the ſaid Commiſſioners ſhall think neceſſary or convenient for effecting ſuch Improvement of the ſaid Drainage, and for other Purpoſes neceſſary, or expedient, or incident thereto; and to purchaſe any Houſe, Land or Ground, Tenements or Hereditaments, Cloughs or other Works or Things proper for accompliſhing any of the Purpoſes of this Act, and ſhall and may 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 which the ſame ſhall be made, or where the ſame can be moſt conveniently got 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 alſo 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 they the ſaid Commiſſioners 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, as ſhall be ſettled and aſcertained by a Jury in the Manner hereinafter mentioned, in caſe the ſaid Commiſſioners ſhall not be able to come to any Agreement for the ſame with ſuch Perſon or Perſons, Body Corporate or Collegiate.

Not to damage Houſes, &c. without Conſent of Owners.

XXIII. Provided always, and be it further enacted, That nothing herein contained ſhall empower the Commiſſioners acting in the Execution of this Act, or any other Perſon or Perſons acting by or under their Authority, to take, uſe, injure or damage, for the Purpoſes of this Act, any

any Houſe or Building, or any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a Houſe, without the Conſent in Writing of the Owners or Proprietors thereof, ſave and except One Cottage or Tenement at a Place called *The Pilfrey*, in the Pariſh of *Belton*, in the County of *Lincoln*, belonging to Meſſieurs *John Gee* and *Timothy Richardſon*, and now in the Occupation of *William Jackſon*, together with ſo much of the Out-buildings, Yard, Garden or Orchard adjoining thereto, as the ſaid Commiſſioners ſhall think neceſſary to be taken or uſed for the Purpoſes of this Act, and which it ſhall be lawful for the ſaid Commiſſioners to take and make uſe of for the Purpoſes of the ſaid Drainage, making reaſonable Satisfaction to the Owners thereof; provided nevertheleſs, that in the Event of the ſaid Commiſſioners and the Owners of the ſaid Premiſes not agreeing as to the ſaid Compenſation, the ſaid Commiſſioners ſhall have Power ſo to deviate from the Line of Drainage herein-before preſcribed, as ſhall avoid the ſaid Houſe and Garden; provided alſo, that a Carriage Bridge ſhall be made over the ſaid Drain for the Uſe of the ſaid Owners or Occupiers.

Superintendant of the Works of Drainage to be appointed by the Participants.

XXIV. Provided always, and be it further enacted, That the Drains, Culverts, Outlets, Sluices, Cloughs, Bridges, Tunnels, and other Works authorized to be made by virtue of this Act, ſhall be made, done, and executed under the Superintendance of ſuch Perſon or Perſons as the ſaid Participants or the major Part of them in Value, (ſuch Value to be aſcertained by the Land Tax Aſſeſſment) preſent by themſelves or their Agents at a Meeting to be held at *Doncaſter*, within Twenty-one Days next after Notice given by the ſaid Commiſſioners in the *Doncaſter Gazette*, or in ſome other Newſpaper circulated in the ſaid Counties of *York*, *Lincoln* and *Nottingham*, ſhall by Writing under their Hands nominate and appoint.

Contracts when above 500l. to be agreed for at a public Meeting.

XXV. And be it further enacted, That the ſaid Commiſſioners acting in the Execution of this Act, in the making of all or any Contracts for the Execution of any Works to be made and done under and by virtue of this Act, where any ſuch Contract ſhall exceed the Sum of Five hundred Pounds ſhall and they are hereby required to give or cauſe to be given Ten Days Notice at leaſt, in the *Doncaſter Gazette*, or ſome other Newſpaper circulated in the ſaid Counties of *York*, *Lincoln*, and *Nottingham*, of the Time and Place of Meeting for the Purpoſe of making ſuch Contracts.

Commiſſioners to aſſeſs the Lands of the Participants in order to raiſe Money for executing Works of Drainage.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners acting in the Execution of this Act, and they are hereby authorized and required from Time to Time, until the ſaid intended Drainage and all the Works neceſſary or proper for that Purpoſe ſhall be perfected, to aſſeſs, tax, and charge all and ſingular the ſaid Lands and Grounds of the ſaid Participants, with ſuch Sum and Sums of Money as they the ſaid Commiſſioners ſhall from Time to Time find neceſſary and requiſite for defraying the Charges and Expences of obtaining this Act and carrying the ſame into Execution, and for enabling the ſaid Commiſſioners to complete the Works relating thereto, and to carry into Execution the ſeveral Powers hereby given to them for thoſe Purpoſes, and to aſſeſs, rate, and charge every Participant or Owner of the ſaid Lands and Grounds by an equal Acre Rate or otherwiſe, with ſuch Share

and Part of the ſame Expences, according and in Proportion to the Benefit which each ſuch Participant ſhall receive, and as the ſaid Commiſſioners ſhall deem juſt and reaſonable; and all ſuch Sum and Sums of Money ſo to be charged and aſſeſſed upon every ſuch Participant 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 Commiſſioners ſhall order, direct, or appoint, they the ſaid Commiſſioners 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 Counties of *York*, *Lincoln*, and *Nottingham*.

Exemptions from Aſſeſſments.

XXVII. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend, ſo as to authorize the ſaid Commiſſioners acting in the Execution of this Act to rate or aſſeſs any Perſon or Perſons intereſted in the ſaid Commons and Waſte Lands within the Manor of *Haitefeld* aforeſaid, in reſpect of ſuch Commons or Waſte Lands or any other Lands and Grounds, not being Participants Lands, or any of the ſaid Participants in reſpect of their Lands and Grounds lying on the North Side of the *Stainforth* and *Keadby Canal*, or to tax or charge the Impropriator for the Time being of the Rectories and Pariſh Churches of *Hatfield* and *Thorne* aforeſaid, for or in reſpect of his Tithes and Glebe ariſing and being within the ſaid Rectories or either of them.

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

XXVIII. And to the End that the ſaid Taxes may be the more eaſily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the ſaid Lands and Grounds which ſhall be 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 Commiſſioners acting in the Execution of this Act to receive the ſame, and 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 ſhall be acquitted and diſcharged of ſo much Money as the ſaid Rate or Tax ſo paid by him or her ſhall amount to, as fully and effectually as if the ſame had been actually paid to his or her Landlord or Landlords.

Power of Diſtreſs in caſe of Non-payment of Taxes.

XXIX. And be it further enacted, That if any Perſon or Perſons ſhall refuſe or omit or neglect to pay all or any Part of the Rates and Taxes to which he, ſhe, and they are hereby made liable, for the Space of One Calendar Month next after the Days or Times to be limited and appointed for the Payment of the ſame reſpectively, then and in every ſuch Caſe it ſhall be lawful for the Treaſurer, Collector, or Receiver of the ſaid Commiſſioners acting in the Execution of this Act, or any other Perſon or Perſons empowered or appointed by them, or by virtue of any Warrant or Precept under the Hands and Seals of the ſaid Commiſſioners; (which Warrant or Precept ſuch Commiſſioners are hereby authorized and re-

quired from Time to Time to grant and make as Occaſion ſhall require, and whether aſſembled at a Meeting or not) to enter into and upon all or any Part of the Lands and Grounds hereby directed or authorized to be taxed and charged as aforeſaid, for which ſuch Rates and Taxes ſhall be due and owing or payable, and to levy the Sum or Sums of Money due and payable for ſuch Rates or Taxes, by Diſtreſs of any Goods, Chattels and Effects which ſhall or may be found thereon; and where no ſufficient Diſtreſs can be found on ſuch Lands whereon to levy the Tax or Taxes which ſhall be then in Arrear in reſpect thereof by virtue of this Act, it ſhall be lawful for the Treaſurer, Collector, or Receiver of the ſaid Commiſſioners, or any other Perſon or Perſons authorized and empowered by them, by virtue of any Warrant or Precept under their Hands and Seals, (which ſaid Warrant or Precept ſuch Commiſſioners are 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 Perſon or Perſons ſo occupying any Lands 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, and 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 Occupier or Occupiers of the ſame, or leaving at his, her, 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 Commiſſioners, or to the Perſon or Perſons making ſuch Diſtreſs, within the ſaid Five Days after the making of ſuch Diſtreſs, the Perſon or Perſons ſo making ſuch Diſtreſs ſhall and may, with the Conſtable of the Pariſh where ſuch Diſtreſs ſhall be made, (which ſaid Conſtable is hereby directed, upon being thereunto required, to aſſiſt therein) cauſe the Goods, Chattels and Effects ſo diſtrained, to be appraiſed by Two indifferent Perſons upon Oath, (which Oath the ſaid Conſtable is hereby required and empowered to adminiſter), and ſuch Two Perſons are hereby required to appraiſe the ſame according to the beſt of their Judgment; and after Appraiſement, it ſhall be lawful for ſuch Perſon or Perſons making ſuch Diſtreſs to ſell or cauſe to be ſold, the Goods, Chattels and Effects ſo diſtrained, for the beſt Price that can reaſonably be had or gotten for the ſame, for and towards Satisfaction of the Monies for which ſuch Diſtreſs and Sale ſhall be ſo made, and the Coſts, Charges, and Expences of taking, keeping, appraiſing and ſelling the ſame, rendering the Overplus of the Monies ariſing from any ſuch Sale (if any) on Demand, to the Perſon or Perſons entitled thereto.

Taxes to be impoſed upon Lands of Participants,

XXX. And be it further enacted, That the Rates and Taxes hereby impoſed or authorized to be impoſed upon the ſaid Participants of the Level of *Hatfield Chace* and Parts adjacent, ſhall be over and above any

Scot

Scot Rate or Tax now or heretofore impoſed upon or made payable by them, for or in reſpect of any of the Lands and Grounds belonging to the ſaid Participants, and comprifed within the Limits of this Act. to be above the Scots now charged.

XXXI. Provided always, and be it further enacted, That in caſe any of the ſaid Lands and Grounds to be taxed by virtue of this Act ſhall at any Time or Times hereafter be untenanted or unoccupied, ſo that no further Diſtreſs can be found for levying the ſaid Rates and Taxes, then the Lands and Grounds chargeable therewith ſhall always remain a Security for Payment thereof; and all Goods and Chattels which ſhall at any Time thereafter be found thereon ſhall and may be diſtrained, removed, impounded, kept, appraiſed and ſold in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied. Grounds unoccupied are to remain a Security for the Tax, and Diſtreſs may be taken at any Time afterwards.

XXXII. And whereas it may ſometimes happen that ſome of the ſaid Lands and Grounds may be untenanted or unoccupied for a conſiderable Time, and that no Diſtreſs can be taken thereon for levying the ſaid Rates or Taxes; therefore, for enforcing the Payment thereof in all ſuch Caſes, be it further enacted, That where any of the ſaid Rates or Taxes ſhall be in Arrear and unpaid by the Space of Three Calendar Months together, and no ſufficient Diſtreſs can be found upon the Lands and Grounds charged therewith, then and in every ſuch Caſe the ſaid Commiſſioners acting in the Execution of this Act, ſhall at any of their Meetings have full Power and Authority to let ſo much of the ſaid Lands and Grounds upon which any ſuch Rate or Tax ſhall be ſo in Arrear, as they ſhall judge ſufficient, for ſuch Term or Terms of Years, not exceeding Seven Years at each letting, at ſuch Rent or Rents, and upon ſuch Terms and Conditions, as to them ſhall ſeem meet, and to apply the Rent or Rents ariſing therefrom in Payment and Diſcharge of all ſuch Taxes and Rates, and of ſuch other Charges and Expences as they the ſaid Commiſſioners ſhall incur or be liable to in conſequence of all or any of ſuch laſt-mentioned Proceedings. Lands may be let for Payment of Taxes.

XXXIII. And be it further enacted, That the Monies ariſing from the Taxes to be raiſed by virtue of this Act, ſhall be paid and applied by the ſaid Commiſſioners acting in the Execution of this Act, in the Firſt Place in defraying the Charges and Expences of obtaining and paſſing this Act, and of making the neceſſary Surveys, Plans, Valuations, and Reports incident or preparatory thereto, and in the Payment of all ſuch Monies as ſhall be advanced by any Perſon or Perſons whomſoever, for the Purpoſe of defraying ſuch Charges and Expences, with lawful Intereſt for the ſame, and in making, executing, and completing the ſeveral 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. Applications of Taxes.

XXXIV. And be it further enacted, That the ſaid Commiſſioners acting in the Execution of this Act ſhall and they are hereby authorized and required, as ſoon as conveniently may be after the ſaid Drainage and Works hereby directed and authorized to be made ſhall be perfected and completed, and they the ſaid Commiſſioners ſhall have ſettled and adjuſted, by Survey or otherwiſe, the Lands and Grounds of the ſaid Participants to be When the Drainage is completed, the Commiſſioners to make an Award.

be rated and taxed by virtue of this Act, by an Award or Inſtrument in Writing, to be ſigned and ſealed by them the ſaid Commiſſioners, ſpecifying ſuch Lands and Grounds, to tax, charge, and aſſeſs, by the Acre or otherwiſe, as they ſhall think moſt equitable, the ſaid Lands and Grounds of each and every ſuch Participant or Participants, with his, her, or their reſpective Quota or Proportion of the whole Expence attending the ſaid Drainage to that Time; and in caſe the Quota or Proportion of any ſuch Participant ſo to be taxed and aſſeſſed by the ſaid Commiſſioners as aforeſaid, ſhall exceed what ſuch Participant ſhall have been taxed or aſſeſſed at and paid, or ſhall have been raiſed by Mortgage of his Lands by virtue or in purſuance of the Powers and Authorities hereby given to the ſaid Commiſſioners, then ſuch Participant ſhall within Fourteen Days after Notice ſhall be given to him by the ſaid Commiſſioners, in Writing under their Hands, of ſuch Exceſs (by Advertiſement in the *Doncaſter Gazette*, or ſome other Newſpaper circulated in the ſaid Counties of *York*, *Lincoln*, and *Nottingham*) pay the ſame Exceſs to the Treaſurer of the ſaid Commiſſioners for the Time being (which Notice to the ſeveral Participants ſo taxed, charged, and aſſeſſed as aforeſaid, ſhall be deemed ſufficient to all Intents and Purpoſes); and in caſe of Neglect or Default in Payment of ſuch Exceſs as aforeſaid, the ſaid Commiſſioners ſhall and may and they are hereby authorized and required to recover the ſame by ſuch and the like Ways and Means as any other Taxes or Aſſeſſments are herein-before directed to be recovered, or as near thereunto as the Nature or Circumſtances of the Caſe will admit; and the ſaid Commiſſioners ſhall pay and apply or order to be paid and applied ſuch Exceſs, when paid or raiſed as aforeſaid, in or towards paying and refunding to ſuch others of the ſaid Participants, ſuch Sum and Sums of Money as they ſhall have reſpectively paid, or have had raiſed upon their reſpective Eſtates by or in purſuance of the Methods herein preſcribed, over and above what their reſpective Quotas and Proportions to be taxed and aſſeſſed by the ſaid Commiſſioners as aforeſaid ſhall amount unto.

Award to be lodged among the Records of the Court of Quarter Seſſions and the Court of Sewers.

XXXV. And be it further enacted, That Two Parts of the ſaid Award or Inſtrument in Writing ſhall be made, containing the Taxation of the ſaid Lands and Grounds, and the Quota to be borne by the reſpective Participants, and ſhall be engroſſed on Parchment, and ſigned and ſealed as aforeſaid, and One Part thereof ſhall be lodged for ſafe Cuſtody among the Records of the Court of Quarter Seſſions with the Clerk of the Peace for the Weſt Riding of the ſaid County of *York*, or his Deputy, and the other Part thereof among the Records of the Court of Sewers for the Level of *Hatfield Chace* and Parts adjacent, with the Clerk of the ſaid Court of Sewers, who ſhall reſpectively give to the ſaid Commiſſioners a Receipt for the ſame when they ſhall be ſo lodged, and which ſaid Award ſhall be allowed as Evidence in all Courts of Law and Equity; and the ſaid Clerk of the Peace and his Deputy and the ſaid Clerk of Sewers reſpectively ſhall permit and ſuffer any Perſon whomſoever at all reaſonable Times to peruſe and inſpect the ſaid Award, paying for every ſuch Peruſal and Inſpection, One Shilling and no more; and the ſaid Award of the ſaid Commiſſioners ſhall be a Rule and Precedent or Proportion for all future Taxations to be made and raiſed upon the Lands and Grounds of the ſaid Participants for ſupporting the ſaid Works of Drainage, and a true Copy of which Award, or any Part thereof, under the Hand of the ſaid Clerk of the Peace, or his Deputy, or the ſaid Clerk of Sewers, ſhall be allowed as Evidence in all Courts of Law and Equity.

XXXVI. And

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

XXXVI. And be it further enacted, That if any of the Proprietors or Persons interested in the said Lands and Grounds by this Act directed to be drained, or the Person or Persons by them employed to solicit and obtain this Act, shall *bona fide* advance any Money for or towards defraying the Charges and Expences thereof, or preparatory and incident thereto, and of carrying the same into Execution, or shall have already advanced any Money for those Purposes, such Person or Persons shall, out of the First Monies which shall be raised by virtue of this Act, be repaid, with Interest after the Rate of Five Pounds *per Centum per Annum*, from the respective Times of advancing thereof.

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

XXXVII. 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 Drainage, shall from Time to Time as often as the same shall amount to the Sum of One hundred Pounds be paid to and deposited in the Hands of the Treasurer or Treasurers to be appointed by virtue of this Act; and no such Monies deposited or paid into the Hands of such Treasurer or Treasurers, shall be issued or paid by him or them without an Order in Writing under the Hands of the said Commissioners, specifying the Person or Persons to whom the same are respectively payable.

Persons paying Taxes in advance, to be allowed Interest.

XXXVIII. Provided also, and be it further enacted, That if any Person or Persons shall be willing to pay all or any Part of the Taxes hereby authorized to be laid, in advance for One Year, or for Three or more Years, then the said Commissioners acting in the Execution of this Act, are hereby authorized and empowered to receive the same, and to allow the Person or Persons so paying or advancing the same, Discount or Interest at the Rate of Five Pounds *per Centum per Annum*, from the Time or Times of such Payment or Payments, to the Time or Times when the Tax or Taxes respectively so paid in advance, would have become payable according to the Provisions herein-before contained; and the Receipt and Receipts for the said Sums so paid in advance shall be a Discharge to such Person or Persons for his or her Tax or Taxes when the same shall be rated and become payable.

Commissioners may enter upon, and agree for the Purchase of Lands or Satisfaction for Damages, &c.

XXXIX. And be it further enacted, That the Commissioners acting in the Execution of this Act shall have full Power and Authority to enter upon any Lands of any Person or Persons within the Limits of this Act, adjoining or near to any of the Banks, Sluices, Cuts, Drains, Dams, Tunnels, Outlets, Headings or other Works which they the said Commissioners are hereby authorized and directed to make or do, and to take and dig Earth therefrom, and to do such other Acts as may be necessary to carry into Effect the Purposes of this Act, making Satisfaction to the Party or Parties injured thereby; and for that Purpose the said Commissioners are hereby empowered to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which they the said Commissioners shall judge necessary to be dug, cut, taken, used, or entered upon for making any Banks, Sluices, Cuts, Drains, Dams, Tunnels, Outlets, Headings or other Works hereby directed and authorized to be made or done, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors or Persons interested for the Damages they may sustain thereby; and also to settle

and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, or Hereditaments by the Means aforesaid; and all such Contracts, Sales, Conveyances or Agreements, shall be valid and effectual in Law to all Intents and Purposes whatsoever; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Twenty-one Days after Notice in Writing given to the Principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their Place or reputed Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by Reaion of Ablence shall be prevented from treating, then and in every such Case the said Commissioners may and they are hereby authorized and empowered, Ten Days at least before any General Quarter Sessions of the Peace to be holden for the County, Riding, or Place where such Lands, Tenements, or Hereditaments shall have been taken or used, or such Damage done, to give or cause to be given to the Party or Parties whose Lands, Tenements, or Hereditaments shall have been taken or used, or shall have sustained such Damage or Injury, to leave or cause to be left at his, her, or their last usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing purporting that the Value of such Lands, Tenements or Hereditaments, and the Amount of the Injury or Damage sustained, will be adjusted and settled by a Jury at the said Sessions; and the Justices at their said Sessions, or any Adjournment thereof, shall charge and they are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then and there empannelled and returned by the Sheriff of the County where such Lands, Tenements, or Hereditaments shall be situated, (as the Case may require,) and to cause them to be sworn well and truly upon their Oaths, to assess the Value of such Lands, Tenements, or Hereditaments, and the Recompence to be given for the same, or for any Damage or Injury sustained as aforesaid, to the respective Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having any Interest therein,

or to the Owner or Owners thereof, according to their respective Interests, to which said Juries the said Commissioners, and all Parties interested, shall have their lawful Challenges when they come to be sworn; and the Clerk of the Peace for such County, Riding, or Place, is hereby empowered and required, upon Application made to him by any of the Parties interested, by Subpœna or Summons under his Hand, to call before the Justices at such Sessions, or any Adjournment thereof, any Person or Persons who shall be thought proper to be examined touching or concerning the Premises; and the said Jury upon their Oaths (which Oath, and also the Oaths to be taken by the Person who shall appear or be summoned to be examined or give Evidence as aforesaid, the said Justices at their said Sessions are hereby empowered and required to administer), shall ascertain and award the Recompence to be given for such Lands, Tenements or Hereditaments, or any Damage or Injury which shall have been done as aforesaid, to the respective Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Owner or Owners thereof; and the said Justices shall and may give Judgment according to the Verdict of the said Jury; and the Judgment thereupon declared and pronounced by the said Justices shall finally bind and shall be conclusive to the said Commissioners and all Persons and Parties interested in the said Lands, Tenements and Hereditaments, and shall be entered and kept among the Records of the Quarter Sessions of such County, Riding, or Place, and the same or a true Copy thereof, being signed by the Clerk of the Peace for such County, Riding, or Place, shall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Persons may have Recourse thereto, or take Copies or Extracts therefrom, on paying the usual Fees paid in Cases of the like Nature.

Expence of the Jury and Witnesses by whom to be paid, &c.

XL. And be it further enacted, That in all Cases where any Verdict shall be given for any greater Sum or Recompence than shall have been offered by or on Behalf of the said Commissioners acting in the Execution of this Act, before Notice of the intended Application to be made to the said Sessions for or in respect of any of the Matters aforesaid, that then all the Expences of such Application (including the Charges of Witnesses) shall be paid by the said Commissioners out of the Rates and Taxes to be raised by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on Behalf of the said Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements or Hereditaments upon or in respect of which such Application shall have been made; all which Expences shall be regulated, settled, and allowed by the Justices in Sessions before whom the Matter shall be heard and determined: Provided always, that in all Cases where any Person shall by Reason of Absence have been prevented from treating, such Costs and Expences shall be paid and borne by the said Commissioners out of the Monies to be raised or received under or by virtue of this Act; provided nevertheless, that until Payment shall be made of the Sum or Sums of Money so agreed, contracted for, awarded, or assessed as aforesaid, to the Party or Parties respectively entitled thereto as aforesaid, or to their Agent or Agents, or until the same shall be deposited in the Bank of *England* (as the Case may be) in Manner by this Act directed, it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to dig or cut into such Lands or Grounds for the Purpose of

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making the Works of Drainage hereby authorized to be made, or any of them, without Leave of the respective Owners or Occupiers thereof in Writing under their respective Hands.

Conveyance by Lords of Manors of Lands taken from Commons to be sufficient.

XLI. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use Part of any Commons or Waste Grounds (not being within the Manor of *Haitefeld*) for the Purposes of this Act, the Conveyance thereof by the Lord or Lady of the Manor wherein the same shall be situate, unto any Three or more of the said Participants, or any Persons in Trust for them, shall be a good and sufficient Conveyance for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Grounds had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Commissioners acting in the Execution of this Act to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received, and applied for such general or public Purposes within such Parishes respectively, as a Vestry of every such Parish to be convened by such Churchwardens for that Purpose shall direct: Provided nevertheless, that nothing herein contained shall extend or be construed to extend, so as to authorize or empower the said Commissioners to make any Compensation whatever for any Part of the Commons or Waste Lands within the Manor of *Haitefeld* aforesaid, which shall or may be made use of for the Purposes of this Act.

Application of Compensation when exceeding 200*l.*

XLII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity 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 the High Court of Chancery, to be placed to his Account there *ex parte*, 'The Commissioners for draining and 'improving Lands within the Level of *Hatfield Chace* and Parts adjacent, 'in the Counties of *York*, *Lincoln*, and *Nottingham*,' 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 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 and settled to for

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and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Messuages, Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200l. and exceeding 20l.

XLIII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under 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 Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Commissioners acting in the 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 be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 20l.

XLIV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken or used for the Purposes of this Act, as the said Commissioners 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 cannot be found, Purchase Money to be paid into the Bank.

XLV. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners 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 Commissioners 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 Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

XLVI. 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 Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest, in any Lands, Tenements or Hereditaments, to be purchased in pursuance 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 or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable

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

tion entitled to any Lands, Tenements or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the like Uſes in purſuance thereof reſpectively, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Commiſſioners acting in the Execution of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Expences of Purchaſes to be paid by the Commiſſioners.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall ſet or make uſe of any Net or Nets, or any other Engine or Device for catching of Fiſh, or for any other Purpoſe whatſoever, in or againſt any of the Dikes, Ditches, Drains or Tunnels, made, ſupported or maintained under the Authority of this Act, or do any other Act whatſoever, whereby any of ſuch Dikes, Ditches, Drains, or Tunnels, ſhall or may be impeded or obſtructed, any Perſon offending in either of the Caſes aforeſaid, and being thereof convicted before Two Juſtices of the Peace for the County or Place where the Offence ſhall be committed (which ſaid Juſtices are hereby authorized and required to hear and determine the Matter, on the Oath of One or more credible Witneſs or Witneſſes, or on the Confeſſion of the Party or Parties ſo offending) ſhall for every ſuch Offence forfeit and pay any Sum of Money not exceeding Five Pounds, as the ſaid Juſtices ſhall reſpectively order and direct, One Moiety of which Penalty ſhall be paid to the Perſon who ſhall inform or ſue for the ſame, and the other Moiety thereof ſhall be paid to the ſaid Commiſſioners acting in the Execution of this Act, and ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands and Seals of the ſaid Juſtices; and in Default of ſuch Payment or Diſtreſs, the Perſon ſo offending ſhall be committed by ſuch Juſtices to the Houſe of Correction for the County or Place where the Offence was committed, there to be kept to hard Labour for ſuch Time as the ſaid Juſtices ſhall reſpectively order and direct, not exceeding Two Calendar Months, at the Diſcretion of the ſaid Juſtices.

Penalty on ſetting Nets in the Drains, &c.

XLIX. And be it further enacted, That if any Perſon ſhall drive any Wain, Cart, Waggon or Carriage, along any Part of any Bank erected, ſupported or maintained under the Authority of this Act, or ſhall fodder or drive or cauſe to be foddered or driven any Cattle or Stock upon any Part of ſuch Bank, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds.

Penalty on driving Carriages, or foddering Cattle, on the Banks.

L. And be it further enacted, That, if the Owner or Owners, Occupier or Occupiers of any of the Lands or Grounds within the Limits of this Act, to which any Drove-way, Outring Dyke, Diviſion Dyke, or other Dyke or Dykes whatſoever, (not being within the Townſhips of *Crowle*, *Belton* or *Keadby*), doth or ſhall belong, ſhall neglect or refuſe ſufficiently to ſcour, cleanſe, open, widen or repair the ſame, or to make ſuch Dyke of a ſufficient Depth for the Conveyance of the Water, after Ten Days Notice in Writing given to him, her or them, or left at his, her, or their uſual or laſt Place of Abode from Time to Time for that Purpoſe by the ſaid Commiſſioners

Penalty on neglecting to ſcour out Ditches.

Commiſſioners acting in the Execution of this Act, ſpecifying the Depth that ſuch Dyke ſhall be of (and which Depth the ſaid Commiſſioners are hereby authorized and required to ſpecify and ſet out in ſuch Notice at their Diſcretion) he, ſhe, or they ſhall for every ſuch Neglect or Refuſal forfeit and pay to the ſaid Commiſſioners any Sum not exceeding Forty Shillings for every Rod ſo neglected to be ſcoured, cleanſed, opened, deepened and widened as aforeſaid, and it ſhall be lawful from Time to Time for ſuch Commiſſioners to cauſe ſuch Dyke or Dykes, at the Expence or Charge of ſuch Owner or Owners, Occupier or Occupiers, to be ſcoured, cleanſed, opened, repaired, deepened and widened in a ſufficient Manner, at the Diſcretion of ſuch Commiſſioners, and alſo where any Way or Ways ſhall have been made over any Dyke or Dykes without a ſufficient Tunnel, to cauſe ſuch Way or Ways to be taken up, and ſuch Dyke or Dykes to be made of a proper Width and Depth, (ſuch Width and Depth not being leſs than the Width and Depth of the Dyke in which ſuch Tunnel ſhall be placed,) with a ſufficient Tunnel therein, at the Diſcretion of ſuch Commiſſioners, at the Expence and Charges of ſuch Owner or Owners, Occupier or Occupiers, and by Warrant or Precept under the Hands and Seals of the ſaid Commiſſioners to levy ſuch Penalty, and alſo ſuch Charges and Expences upon ſuch Owner or Owners, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods, Chattels and Stock, wherever the ſame ſhall be found; and all ſuch Penalties ſhall be applied for the Purpoſes of this Act; and if any Perſon or Perſons, after ſuch Dyke or Dykes, Tunnel or Tunnels, ſhall have been ſo ſcoured, cleanſed, opened, widened, repaired, and deepened by ſuch Commiſſioners, ſhall again fill, ſtop up, or in any Manner obſtruct any ſuch Dyke or Dykes, Tunnel or Tunnels, or cauſe, procure, permit, or ſuffer the ſame to be in any Manner filled, ſtopped up, or obſtructed, for the Space of Fourteen Days, any ſuch Perſon ſo offending and being thereof convicted before any Two Juſtices of the Peace for the County, Riding, or Place where the Offence ſhall be committed, upon the Oath of any One Witneſs, or by the Confeſſion of the Party or Parties, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, to be applied for the Purpoſes of this Act, and levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle of all and every ſuch Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Juſtices, and in Default of ſuch Payment or Diſtreſs 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 Six Calendar Months, at the Diſcretion of the ſaid Juſtices.

Puniſhment for deſtroying Works.

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

ment, such Court may in its Discretion award such Sentence as the Law directs in Cases of Petit Larceny.

Penalty for damaging Sluices, &c.

LII. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully damage or dam up or obstruct any such Sluice, Bank, Tunnel, Bridge, or any Cut, Drain, Watercourse, Doors, Dams, or other Work or Works already made or erected, or which shall at any Time or Times hereafter be making or erecting, or be 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 Commissioners acting in the Execution of this Act, or any of their Officers, or any Servants, Workmen, or Labourers employed by the said Commissioners, or any of their Officers, or their Superintendant, or other Person to be employed by 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 Two or more Justices of the Peace for the County, Riding, or Place wherein such Offence shall be committed (which Justices are hereby required to hear and determine the Matter), on the Oath of One or more credible Witnesses, shall forfeit any Sum not exceeding Ten Pounds to the said Commissioners, to be applied by them for the Purposes of this Act, and in Default of Payment thereof, the Person or Persons so offending shall be sent to the House of Correction of the County, Riding or Place, where such Offence shall be committed, there to be kept to hard Labour for such Time as such Justices shall order and direct, not exceeding Three Calendar Months.

For borrowing Money, &c.

LIII. And be it further enacted, That it shall and may be lawful to and for all and every Participant and Participants whose Lands or Grounds shall be drained and improved in pursuance of this Act, and to and for the Husbands, Guardians, Trustees, Committees or Attornies of or for any of the said Participants, being under Coverture, Minors, or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them, and to and for any of the said Participants, being Tenants for Life, or in Tail, or for Years, not being at Rack Rent, or any other Contingencies, and to and for every of them respectively for the Time being, by and with the Consent of the said Commissioners acting in the Execution of this Act, in Writing under their Hands and Seals, from Time to Time to charge the several Lands and Grounds which shall be so drained or improved, or any Part thereof, with any Sum or Sums of Money, at the Discretion of the said Commissioners, 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 Commissioners 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 as aforesaid, and of obtaining this Act, and executing the same; and for securing the Re-payment 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 or 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, or otherwise it shall and may be lawful to and for the said Commissioners, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of such of the said Participants, being Tenants in Tail, or for Life or Lives, or upon any other Contingencies, who shall respectively pay and discharge his, her, and their proportionable Part of the Charges and Expences aforesaid, to authorize and empower such Participants, any or every of them, making such Request, to charge and subject the Lands and Grounds so to be drained or improved to such Participants respectively, with any Sum or Sums of Money as the said Commissioners shall think just and reasonable, not exceeding Five Pounds *per* Acre, with Interest for the same as aforesaid; which Sum or Sums of Money so to be charged as aforesaid, shall be payable within One Year next after the Decease of every such Tenant in Tail, or for Life or Lives, or Years, or other Contingency respectively, with the Interest thereof, to be computed from his, her, or their respective Decease, unto such Person or Persons as such respective Tenants for Life, or in Tail, or other Contingency, shall respectively by Deed or Will, duly executed and attested, direct and appoint, and in Default thereof, to his, her, or their Executors or Administrators; and every such Grant, Lease, Mortgage, Appointment and Devise, or Charge by Deed or Will as aforesaid, shall be good, valid, and effectual in the Law for the Purposes thereby intended, and all and every Person and Persons to whom any such Grant, Mortgage, or Demise shall be made by virtue of this Act, as a Security for any Sum or Sums of Money, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest of, in, and to the same, unto any Person or Persons whomsoever, who may again in like Manner assign the same, and so often as the Case shall happen; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Courses and Expedients in Law or Equity, for recovering and obtaining the Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest to be thereby secured, or any Part thereof, as is or are used, taken and pursued in all Cases of the like Nature.

For keeping down the Interest.

LIV. And be it further enacted, That the said Participants or Proprietors of the Lands and Grounds so to be charged with any Sum or Sums

of Money, ſhall duly pay and keep down the Intereſt during their reſpective Lives; and that no Perſon becoming poſſeſſed of ſuch Lands and Grounds afterwards ſhall be liable to pay any Arrear of Intereſt further than One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall have commenced, but that all Arrears above One Year before the Death of any ſuch Participant, ſhall be paid by the Executors or Adminiſtrators of ſuch Perſon ſo dying, in a Courſe of Adminiſtration.

Commiſſioners to lay their Accounts before Two Juſtices Once in every Year.

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

When Works completed, Powers of Commiſſioners under Act to ceaſe.

LVI. And be it further enacted, That when the ſaid Drainage and all and every the Works authorized to be made by virtue of this Act, ſhall have been perfected and completed, and when all and every the Rates or Taxes ſhall have been raiſed and levied, and the ſaid Award or Inſtrument in Writing ſhall have been depoſited as aforeſaid, then and from thenceforth all and every the Powers and Authorities by this Act given or granted to or veſted in the ſaid Commiſſioners acting in the Execution of this Act ſhall ceaſe and determine, and all and every the ſaid Lands and Grounds rated or taxed by virtue of this Act ſhall from thenceforth remain ſubject and liable to the maintaining and ſupporting the Works made by virtue of this Act, under the Controul, Direction, Survey, and Order of the Commiſſioners of Sewers for the Level of *Hatfield Chace*, and Parts adjacent.

Juriſdiction of the Court of Sewers not to be affected.

LVII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to leſſen, prejudice, alter, or affect the Juriſdiction or any of the Rights, Privileges, Powers, or Authorities of or belonging to the Commiſſioners of Sewers for the Level of *Hatfield Chace* and Parts adjacent in the Counties of *York*, *Lincoln* and *Nottingham*, with reſpect to ſuch of the preſent Drains, Sewers and other Works as are not intended to be altered, enlarged or otherwiſe improved by virtue of this Act, but that the ſame and every of them ſhall remain and continue in the ſaid Commiſſioners of Sewers, as fully and effectually to all Intents and Purpoſes as if this Act had not been paſſed; and alſo that all the new Cuts, Drains, Sewers, Ditches, Banks, Bridges, Sluices, Cloughs, Culverts, Tunnels and other Works hereafter to be made, by virtue of the Powers given by this Act, ſhall when made be under and ſubject to the Control, Directions, Survey and Order of the ſaid Commiſſioners of Sewers, any Thing herein or in any former Law or Statute to the contrary notwithſtanding.

LVIII. And

Costs of obtaining the Act, to be paid by the Participants and Commoners in equal Moieties.

LVIII. And be it further enacted, That One Moiety or equal Half Part of the Costs, Charges, and Expences of obtaining and passing this Act, shall be paid and borne by the said Participants, and the other Moiety or equal Half Part thereof by the several Persons interested in the said Commons and Waste Lands within the said Manor of *Haitefeld*, and that such last-mentioned Moiety shall be raised and paid by the said Commissioners acting in the Execution of the said recited Act, by and out of the Monies arising from the Sale of the said Commons and Waste Lands thereby authorized to be sold.

Proprietors of Lands in Keadby, Crowle, and Pilfreys, may make Drains into New Drains.

LIX. And be it further enacted, That it shall be lawful for the Owners or Proprietors of or Persons interested in any Lands in *Keadby* or *Crowle*, or *The Pilfreys* within the Township of *Belton*, lying between the *South Soak* Drain of the *Stainforth* and *Keadby* Canal, and the said intended New Drain to be made on the North Side of the said *Keadby* Drain, at any Time or Times hereafter, to make any Drain or Drains into or through the Bank of the said intended New Drain, and also to build, erect or place, in or upon such Bank, or upon any Ground near or adjoining thereto, such Cloughs, Sluices or Tunnels for draining the said Lands as they shall think proper, but so as not to impede or obstruct the Drainage hereby intended, or prejudice or damage the Bank of the said intended New Drain.

Participants to make good Damages occasioned by Defects in the Banks, &c.

LX. And be it further enacted, That in case of any Defect or Deficiency in the said Banks, Drains, Sluices, or other Works hereby directed and authorized to be made, after the same respectively shall have been completed; and if the said Participants shall refuse or neglect to repair the said Banks, Drains, Sluices and other Works within a reasonable Time, after Notice in Writing to be given for that Purpose, and delivered to their Expenditor for the Time being, or left at his usual Place of Abode, then and in such Case the said Participants, their several and respective Heirs and Assigns, shall be answerable for any Damage to arise to the Lands or Grounds of any Person or Persons, or to any Crop or Crops, Stock or Effects thereon, in consequence of such Defect or Deficiency in the said Banks, Drains, Sluices or other Works, the same to be recovered by Action in any of His Majesty's Courts at *Westminster*, notwithstanding any Thing herein contained to the contrary; and that for this Purpose, only the said Participants may after the Completion of the several Works herein-before directed, be sued and impleaded in and by the Name of "The Participants of the Level of *Hatfield Chace* and Parts adjacent, "in the Counties of *York*, *Lincoln*, and *Nottingham*," and that such Name or Description shall be of the same Effect and Avail to all Intents and Purposes as if the said Participants had been described in such Action or Actions by their respective proper Personal Names and Additions or Descriptions, and that Process issuing out of any of His Majesty's Courts of Law or Equity against the said Participants shall and may be served upon the Expenditor for the Time being employed by and under the said Participants, and that the same shall be deemed and taken to be good and lawful Service upon the said Participants.

The Stainforth and Keadby Canal Act not to be affected.

LXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to prejudice or affect, or to repeal or alter any of the Powers or Authorities given and granted

granted to the Company of Proprietors of the *Stainforth* and *Keadby* Canal Navigation, in and by an Act of Parliament passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from the River* Dunn *Navigation Cut, at or near* Stainforth *in the West Riding of the County of* York, *to join and communicate with the River* Trent *at or near* Keadby *in the County of* Lincoln, or any subsequent Act or Acts made and passed relating to the said Navigation, or in any respect to impede, obstruct, prejudice, affect, injure, or damage the said Canal, and the Soak or Side Drains thereof, or any of them.

Manner of proceeding for Conviction of Offenders.

LXII. And for the more easy and speedy Conviction of any Offender or 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*),

Form of Conviction.

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

Justices may administer Oath.

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

Persons giving false Evidence, to be deemed guilty of Perjury.

LXIV. 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 any Commissioner or Commissioners appointed or to be appointed by virtue of this Act, 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.

Commissioners may sue and be sued in the Name of their Clerk or Treasurer.

LXV. And be it further enacted, That the said Commissioners acting in the Execution of this Act, may and shall in all Cases sue and be sued in the Name of their Clerk or Treasurer, and that no Action which shall be brought or commenced, or Indictment or Appeal which shall be preferred or prosecuted by or against the said Commissioners, by virtue or on Account of this Act, in the Name of such Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Commissioners, but the Clerk or Treasurer for the Time being shall always be deemed Plaintiff, Prosecutor, or Defendant in any such Action, Indict-

ment, Suit or Appeal, as the Caſe may be: Provided always, that every ſuch Clerk or Treaſurer in whoſe Name any Action, Indictment, Suit, or Appeal ſhall be commenced, preferred, proſecuted, or defended in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceeding he ſhall be put to or become chargeable with by Reaſon of his being made Plaintiff, Defendant, or Appellant therein.

Recovery of Forfeitures.

LXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not herein otherwiſe directed) ſhall upon Proof of the Offences reſpectively, before any Juſtice of the Peace for the County, Riding, Diviſion, or Place where the Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of any credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered to adminiſter), and in caſe of Nonpayment thereof forthwith by the Offender or Offenders, be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ſo offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered and required to grant for ſuch Purpoſe) and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Coſts and Charges attending ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods or Chattels; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures, and all ſuch Coſts and Charges ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Gaol for the County, Riding, Diviſion, or Place, wherein the Offence ſhall be committed, there to remain without Bail or Mainprize for ſuch Time as ſuch Juſtice ſhall direct, not exceeding Two Calendar Months nor leſs than Ten Days, unleſs ſuch Penalties, Forfeitures, and Fines, and all ſuch Coſts and Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied, and ſuch Penalties, Forfeitures, and Fines when levied (the Application whereof is not herein particularly directed) ſhall from Time to Time be paid to the Treaſurer or Clerk of the ſaid Commiſſioners acting in the Execution of this Act, and be applied for the Purpoſes of this Act.

Diſtreſs not unlawful for want of Form.

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

LXVIII. And

Persons aggrieved may appeal to the Quarter Sessions.

LXVIII. And be it further enacted, That if any Person or Persons thinking himself, herself, or themselves aggrieved by any Order, Judgment, or Determination of the said Commissioners acting in the Execution of this Act, or of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the County, Riding, Division, or Place in which the Cause of Appeal shall arise, (first giving Twenty-one Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons against whom such Appeal is intended to be made, or to the Clerk to the said Commissioners, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, Riding, or Place, in the Sum of Fifty Pounds, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon), and the said Justices shall in a summary Way either hear and determine the said Appeal at such next General or Quarter Sessions, or if they think proper adjourn the Hearing thereof; and the said Justices may if they see Cause order and award such Satisfaction and Costs to be made and paid to either Party injured, as they shall judge reasonable.

Plaintiff not to recover after Tender of Amends.

LXIX. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons 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 last or usual Place of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of good and sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Cause by Law; or in case no Tender shall have been made, it shall and may be lawful to and for the Defendant or 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.

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

Public Act. LXXI. 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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