ANNO SECUNDO

# GULIELMI IV. REGIS.

## *Cap.* I.

An Act to alter and enlarge the Powers of Two Acts, passed in the Fourth and Sixth Years of the Reign of His Majesty King *George* the Third, for draining and improving certain Low Grounds and Cars in *Holderness* in the East Riding of the County of *York*. [23d *May* 1832.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for draining, preserving, and improving the Low Grounds and Cars lying and being in the Parishes, Townships, Hamlets, Lordships, Precincts, and Territories of* Sutton, Ganstead, Swine, Benningholme, Benningholme Grange, *and* Fairholme, North Skirlaugh, Rowton, Arnold, Long Riston, Leven, Heigholme, *and* Hallytreeholme, Brandesburton *and* Bursall, Eske, Tickton, Weel, Routh, Meaux, *and* Waghen *otherwise* Wawn, *in* Holderness *in the East Riding of the County of* York: And whereas an Act was passed in the Sixth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to render more effectual an Act made in the Fourth Year of His present Majesty, for draining, preserving, and improving the Low Grounds and Cars lying and being in the Parishes, Townships, Hamlets, Lordships, Precincts, and Territories of* Sutton, Ganstead, Swine, Benningholme, Benningholme Grange, *and* Fairholme, North Skirlaugh, Rowton, Arnold, Long Riston, Leven, Heigholme, *and* Hallytreeholme, Brandesburton *and* Bursall, Eske, Tickton,

4 G. 3. c. 47.

6 G. 3. c. 74.

Tickton, Weel, Routh, Meaux, *and* Waghen *otherwise* Wawn, *in* Holderness *in the East Riding of the County of* York: And whereas the said Low Grounds and Cars now are and for some Years past have been subject to be overflowed with Water, and some Parts thereof thereby rendered partially unfit for the Purposes of Agriculture, to the great Damage and Loss of the Owners and Occupiers thereof and of the Public: And whereas the Drainage of the said Low Grounds and Cars is capable of being made more complete and effectual by having separate Outfalls for the Waters coming from the High and Low Lands; that is to say, by banking in the High Land Water, and taking it to the present Outfall into the River *Hull* near to the Bridge at *Kingston-upon-Hull* called the *North Bridge*, and by taking the Low Land Water to an Outfall to be made into the River *Humber* through a certain Drain called the *Bilton Drain* (along with the Water from Lands in the Township of *Bilton* in *Holderness* aforesaid), to, through, and into a certain Clough called the *Bilton Clough*, lying between or in the Townships of *Sudcoates* otherwise *Southcoates* in *Holderness* aforesaid and *Marfleet* in *Holderness* aforesaid; but the 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 the said recited Acts, and all and every the Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained, (save and except such Part thereof as relates to any Exemption from Stamp Duties, and save and except such Part or Parts thereof as are altered, varied, or repealed,) shall be extended to this Act, and is and are hereby declared to be in full Force and Effect, and shall be as good, valid, and effectual for carrying the Purposes of this Act into execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act.

Powers of former Acts extended to this Act.

So much of recited Act of 4 G. 3. as enacts that Mortgages, &c. shall not be charged with Stamp Duty, repealed.

II. And whereas it is by the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Third enacted, that no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of or only signed by any Trustee or Trustees, Commissioner or Commissioners, for putting this Act in execution, or by any Justice or Justices of the Peace, or exhibited before them or any of them, touching or concerning or in the Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, Commissioner or Commissioners, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever: And whereas it is expedient that the same should be repealed; be it therefore further enacted, That the same shall be and is hereby declared to be repealed.

So much of recited Act of 6 Geo. 3. as enacts that Mortgages

III. And whereas it is by the said recited Act of the Sixth Year of the Reign of his Majesty King *George* the Third enacted, that all Mortgages to be made or granted as aforesaid shall be deemed Personal Estates, and shall and may be respectively assigned, transferred, and assignable from

Time to Time by Indorsement without Stamps; but all such Mortgages and Assignments thereof respectively shall be entered in a Book to be kept for that Purpose by the Treasurer or Treasurers, or Clerk or Clerks, to the said Trustees, who shall, at the Request of every Mortgagee or Assignee respectively, enter the same without demanding or receiving any other Fee or Reward than the Sum of Two Shillings and Sixpence for the same: Provided always, that no Fee or Reward shall be demanded or received for entering any Transfer that may be made at any Meeting to be held in pursuance of this Act: And whereas it is expedient that the same should be repealed; be it therefore further enacted, That the same shall be and is hereby declared to be repealed.

shall be Personal Estates assignable without Stamps, repealed.

IV. And be it further enacted, That for the more effectual Execution of this Act all the said Low Grounds and Cars, and the several Owners and Occupiers of the same in respect thereof, and all Works already made or to be made, by virtue of this Act, for the Purpose of draining or the Improvement of the said Low Grounds and Cars, and also all Banks, Sewers, Drains, Watercourses, Cloughs, Stocks, Engines, and other Works, Matters, and Things whatsoever within the said Low Grounds and Cars or belonging thereto, shall, from and after the First Meeting of the Commissioner herein-after appointed, be subject only to the Controul, Directions, Survey, Order, and Jurisdiction of the Commissioner herein named and appointed by virtue of this Act, and not to the Controul, Direction, Survey, Order, and Jurisdiction of any Commission of Sewers; any Law or Statute relating to Sewers, or any former Law or Statute, to the contrary notwithstanding: Provided always, that nothing herein contained shall extend or be construed to extend to take away the present Jurisdiction of the Commissioners of Sewers in and over the River *Hull*.

Lands, &c. to be drained to be taken out of the Jurisdiction of the Court of Sewers.

V. And be it further enacted, That from and immediately after the passing of this Act all the Powers and Authorities of the Trustees acting under or appointed by the Powers of the said recited Acts shall absolutely cease and determine, and *William Stickney* of *Ridgmont* in *Holderness* aforesaid, Gentleman, shall be and he is hereby appointed the Commissioner for carrying this Act and the said Two recited Acts into execution, subject to the Rules, Orders, and Directions herein-after contained, and also subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions contained in the said recited Acts as are not repugnant to or controuled by any of the Powers contained in this Act.

Appointment of a Commissioner.

VI. And be it further enacted, That the said *William Stickney*, and *Godfrey Park* of *Catwick* in *Holderness* aforesaid, Gentleman, and *Cornelius Collett* of *Beverley* in the said County of *York*, Gentleman, shall make and perfect the several Valuations of the said Low Lands and Grounds herein-after directed to be made; and the Decision of the Majority of them the said Commissioner and Valuers shall be binding.

Appointing Valuers.

VII. Provided always, and be it further enacted, That the said *William Stickney* shall continue to be and to act as a Commissioner from the Time he shall have taken the Oath or Affirmation hereby directed to be taken until the last *Thursday* in the Month of *June* which will be in the Year of

A fresh Election of a Commissioner to take place every Three Years.

of our Lord One thousand eight hundred and thirty-five, in case the Works of Drainage, and the Powers and Authorities vested in him by this Act, shall not then be fully perfected and executed, and the Proprietors for the Time being of the said Low Grounds and Cars shall then, at the Expiration of every Three Years, (that is to say,) on the last *Thursday* in the Month of *June*, until the Works of Drainage, and the Powers and Authorities vested in the Commissioner by this Act, shall be fully executed, meet at the Sessions Hall for the said East Riding of the County of *York* situate at *Beverley* in the said Riding, or at some other convenient House or Place, between the Hours of Twelve of the Clock at Noon and Two of the Clock in the Afternoon; and the same Proprietors, or the major Part of them who shall be then and there assembled, and being qualified to vote for a Commissioner as herein-after mentioned, shall then and there elect a discreet Person (not being a Proprietor or Person interested in the said Low Grounds and Cars) to be the Commissioner for putting in execution the said recited Acts and this Act, for the Three succeeding Years, and so *toties quoties*; and such Person so to be elected and chosen Commissioner as aforesaid shall from Time to Time be and continue the Commissioner for the Purposes of this and the said recited Acts, first taking and subscribing the Oath or Affirmation herein-after directed to be taken, and in like Manner as the same is directed to be taken by the Commissioner appointed by this Act, until another shall be chosen as aforesaid, and shall have the like Powers and Authorities, and be subject to the like Provisions, Regulations, Restrictions, and Directions, as the Commissioner appointed by this Act is now vested with or is subject to.

Commissioner may be re-elected if the Proprietors think fit.

VIII. Provided also, and be it further enacted, That it shall be lawful for the said Proprietors or the major Part of them, at every fresh Election of a Commissioner, to re-elect and choose the former Commissioner, if they shall think fit.

Proprietors may displace Commissioner if they see Cause, and appoint another in his Stead.

IX. And be it further enacted, That if at any Time or Times any Proprietor or Proprietors of any of the said Low Grounds and Cars shall be dissatisfied with the Conduct of the said Commissioner, it shall be lawful for any Five of such Proprietors, and entitled to vote in Person or by Proxy at Meetings of Proprietors as herein-after mentioned, to appoint a Meeting of the Proprietors to be held at the said Sessions Hall for the said East Riding at *Beverley* aforesaid, or at some other convenient House or Place, to take into consideration such Conduct, by giving Thirty Days Notice of such Meeting in One of the *York* and One of the *Hull* Newspapers, or in some other Newspapers usually published or circulated in the said East Riding; and the Proprietors so entitled to vote as aforesaid, or the major Part of them, who shall meet in pursuance of such Notice, shall and may, if they think fit, remove and displace such Commissioner whose Conduct shall be complained of, and, at a subsequent Meeting, appoint some other Person to be a Commissioner in his Stead; and every Commissioner so elected shall have the like Power and Authority to act in the Execution of the said recited Acts and this Act as the Commissioner in whose Place or Stead he shall be elected was invested with.

Commissioner displaced to account.

X. Provided always, and be it further enacted, That whenever any Commissioner shall be removed or displaced as aforesaid, or any other shall be chosen in his Room, as herein-before directed, such Commissioner shall

shall give and deliver unto the succeeding Commissioner, or unto the Proprietor or Proprietors who shall so displace him, the like Accounts, Books, Papers, Writings, and Receipts and Vouchers for Payments, and make such Payments, under the like Pains and Penalties, and in such Way, Manner, and Form, as is by this Act required, from the Clerk, Collector, Receiver, Treasurer, Surveyor, or any other Officer appointed by the said Commissioner, or as near thereunto as the Nature of the Case will admit.

Election of new Commissioner and Valuers on Death, Dismissal, or Refusal to act.

XI. And be it further enacted, That as often as any Commissioner or Valuer appointed or to be appointed in pursuance of this Act shall die, be dismissed, become incapacitated or refuse to act, or shall be directly or indirectly benefited by or interested in any Contract which shall be made with any Person or Persons by the said Commissioner, it shall and may be lawful for the several Proprietors of the said Low Grounds or Cars, or the major Part of them, qualified to vote for a Commissioner as herein-after mentioned, assembled at some public Meeting to be held at the said Sessions Hall for the said East Riding or at some other convenient House or Place at *Beverley* aforesaid, of which Ten Days previous Notice shall be given by the Clerk to the said Commissioner, or in case of his Illness by any One or more of the said Proprietors, in One of the *York* and One of the *Hull* Newspapers, of such Death, Dismissal, Incapacity, or Refusal, or Benefit or Interest in such Contract as aforesaid, respectively shall happen and be known, or as soon after as conveniently may be, to elect One other Person to be a Commissioner or Valuer in the Stead of such Commissioner or Valuer so dying, dismissed, becoming incapable of acting, or refusing to act, or being benefited or interested in such Contract as aforesaid; and every Commissioner or Valuer so elected shall have the like Power and Authority to act in the Execution of this Act and the said recited Acts as the Commissioner or Valuer in whose Stead he shall be elected was invested with, and so *toties quoties*.

Appointing the First and other Meetings of the Commissioner.

XII. And be it further enacted, That the said Commissioner shall hold a Meeting at *Beverley* aforesaid within One Calendar Month next after the passing of this Act, or as soon after as conveniently may be, and proceed to the Execution of the Powers hereby reposed in him, and shall afterwards Once in every Year, (that is to say,) on the last *Thursday* in the Month of *June*, pursuant to Notice for that Purpose to be inserted by the Order of the said Commissioner in One of the *York* and One of the *Hull* Newspapers at least Seven Days before every such Meeting, hold a Meeting at some convenient House or Place in *Beverley* aforesaid, as the said Commissioner shall appoint, and shall and may from Time to Time adjourn himself to such Time and Place as he the said Commissioner shall think most convenient for the Purposes of this Act; and if such Commissioner shall not appear at any such Meeting, to act, or adjourn to any other Time and Place, then the Clerk to the said Commissioner shall adjourn such Meeting to and appoint the Commissioner to meet at the Place where the last Meeting was appointed to be held on that Day Fortnight next after the Day on which such last Meeting was appointed to be held, and shall cause like Notice thereof to be inserted in One of the *York* and One of the *Hull* Newspapers at least Ten Days before any such Meeting; and in case at any Time no Adjournment, Notice, or Appointment for a Meeting shall be made or given by the Clerk, then it

Regulating the Duration of Meetings of Meetings.

shall be lawful for the said Commissioner to cause Notice to be inserted in One of the *York* and One of the *Hull* Newspapers, appointing a Meeting of the said Commissioner where the last Meeting of the Commissioner was appointed to have been held, at such Time as he shall think proper, not less than Ten Days from the Time of giving such Notice.

For appointing a Clerk to the Commissioner.

XIII. And be it further enacted, That the said Commissioner shall have the Power and he is hereby authorized to appoint some fit and proper Person to be his Clerk, to assist him in the Execution of the said recited Acts and this Act, and such Clerk from Time to Time to remove, and to nominate and appoint some other fit and proper Person to succeed him in such Office, as to the said Commissioner shall seem fit; and every such Clerk shall be paid and allowed, out of the Monies which shall be raised for putting the said recited Acts and this Act into execution, such Sum or Sums of Money as herein-after is mentioned for his Trouble and Expences in the Assistance to be given by him as aforesaid.

Allowance to Commissioner, Valuer, and Clerk.

XIV. And be it further enacted, That out of the Money which shall be raised as herein-after is mentioned for defraying the Expences of obtaining, passing, and executing this Act there shall be paid to the said Commissioner, Valuers, and the Clerk respectively the Sum of Three Pounds and Three Shillings, and no more, for each Day they shall respectively actually attend and be employed as Commissioner, Valuers, or Clerk in the Execution of this Act, or shall necessarily travel from Home to attend any Sitting held for the Purposes of this Act, or when returning Home after having attended such Sitting, during the First Three Years next after the passing of this Act, and from and after the Expiration of the said Three Years, until the Powers, Provisions, and Purposes of this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings each, and no more, for each Day they shall respectively actually attend and be employed as Commissioner, Valuers, or Clerk as aforesaid, or in travelling to or returning Home from any such Sitting as aforesaid, in full Satisfaction for their Trouble and Expences in carrying this Act and the said recited Acts into execution; and that as well the said Commissioner, Valuers, and the said Clerk and Surveyor to the said Commissioner, as the said Proprietors and others who shall attend any of the Sittings of the said Commissioner to be held by virtue and in execution of this Act, shall in all Cases defray their own Expences respectively.

Surveyor's Allowance.

XV. And be it further enacted, That it shall be lawful for the said Commissioner to allow the Surveyor or Surveyors to be appointed in pursuance of this Act, as herein-before is directed, for his or their Time and Trouble, any Sum not exceeding One Shilling *per* Acre for surveying, measuring, mapping, and planning the said Low Grounds and Cars, and any other Lands or Grounds which he shall so survey, measure, map, or plan, for the Execution of this Act, or any Sum not exceeding Two Pounds and Two Shillings for each and every Day he shall be actually and wholly employed in carrying the said recited Acts and this Act into execution; which said Sums of One Shilling *per* Acre or Two Pounds and Two Shillings *per* Day shall be in full Satisfaction for the Time, Trouble, and all the travelling and other Expences of such Surveyor in and about the Execution of the said recited Acts and this Act.



XVI. And

Regulating the Duration of Meetings or Sittings.

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

Commissioner to make Orders, and appoint Officers, Surveyors, and Engineers.

XVII. And be it further enacted, That at any Meeting of the said Commissioner to be held in pursuance of this Act the said Commissioner shall and he is hereby empowered to make Orders and give Directions for the making, executing, and maintaining all Works which he shall judge requisite and necessary for making, perfecting, and completing the Drainage and Improvement of the said Low Grounds and Cars, and for other the Purposes hereby intended, and from Time to Time to appoint such Engineer and Engineers, Surveyor and Surveyors, Collector and Collectors, Treasurer and Treasurers, and all other Officers, Agents, and Servants whatsoever, as he the said Commissioner shall think necessary for all and every the Purposes intended by this Act, and from Time to Time

Time to change and displace all such Engineers, Surveyors, Collectors, Treasurers, Officers, Agents, and Servants when and as often as he shall see Cause; and all and every such Collector and Collectors, Treasurer and Treasurers, or other Officers or Agents, who shall be entrusted with the Receipt or Payment of any Money to be received or paid under or by virtue of this Act, or the Powers and Authorities herein contained, shall give good and sufficient Security to the said Commissioner for the due and faithful Execution of their several and respective Offices, and the Trusts in them reposed; and the said Commissioner shall and may, by and out of any Monies which shall come to his Hands by virtue of the said recited Acts and this Act, pay and allow, unto all such Engineers, Collectors, Treasurers, Officers, Agents, and Servants, such reasonable Sum and Sums of Money, Salaries, and Remunerations for their Trouble and Services respectively as he the said Commissioner shall order and appoint.

**Same Person not to be Clerk and Treasurer.**

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

**The gross Tax for the Works of Drainage to**

XIX. Provided always, and be it further enacted, That the first and every other gross Tax laid or assessed by the said Commissioner before the final Completion of the said intended Works, and before the second Valuation

Valuation or Arrangement for future Taxes shall be made and perfected, shall be paid into the Hands of the Treasurer to the said Commissioner for the Time being. Money to be paid into Treasurer's Hands.

XX. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner or Valuer in the Execution of this Act until he shall have taken and subscribed the following Oath, or, being One of the People called *Quakers*, an Affirmation in the Form following; (that is to say,) Commissioner and Valuers to take an Oath.

'I do swear, [*or, being one of the People called Quakers*, do solemnly Affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Powers reposed in me, and hear and determine all such Matters and Things as shall be brought before me as a Commissioner [*or, being a Valuer*, as a Valuer,] by virtue of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], without Favour or Affection, Prejudice or Malice, to any Person whomsoever. So help me GOD.'

'[*Or, being a Quaker, omit the Words* 'So help me God.']

Which Oath or Affirmation it shall be lawful for any One of His Majesty's Justices of the Peace for the said East Riding to administer, and he is hereby required to administer the same; and the Oath or Affirmation so taken and subscribed by such Commissioner and Valuers shall be written upon Parchment, and annexed to the Award herein-after directed to be made by the said Commissioner and Valuers.

XXI. And be it further enacted, That the Surveyor or Surveyors to be appointed as herein-before is mentioned shall, at the First Sitting of the said Commissioner, or before he or they shall proceed to act as such Surveyor or Surveyors, take and subscribe an Oath, or, being One of the People called *Quakers*, an Affirmation, in the Form following; (that is to say,) Surveyor to take an Oath.

'I do sincerely promise and swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I will act, in the Execution of the Powers, Authorities, and Trusts reposed in me as Surveyor by virtue of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*]; truly, impartially, and honestly, according to the best of my Skill, Judgment, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.' Surveyor's Oath.

[*Or, being a Quaker, omit the Words* 'So help me God.']

Which Oath or Affirmation the said Commissioner is hereby authorized to administer to the said Surveyor or Surveyors; and the Oath or Affirmation so taken and subscribed by such Surveyor or Surveyors shall be annexed to and enrolled with the Award of the said Commissioner.

XXII. And be it further enacted, That the said Commissioner shall be and he is hereby fully authorized and empowered from Time to Time to drain and cause to be drained, preserved, and improved, all the Lands and Grounds in and by this Act directed and intended to be drained, preserved, and improved, by all reasonable and expedient Ways and Commissioner to direct Works of Drainage.

Means whatsoever; and for that Purpose it shall be lawful for the said Commissioner, his Agents, Workmen, and Servants, and he and they is and are hereby authorized and empowered, from Time to Time to repair, amend, dress, scour, and cleanse all or any of the Cuts, Drains, Dams, Banks, Tunnels, Stocks, Shuttles, and other Works of Drainage already made and done or to be made and done in pursuance of the said recited Acts and this Act, and also from Time to Time to deepen, change, turn, alter, and vary all and every such Works of Drainage and Improvement of the said Lands and Grounds, or any of them, as Occasion shall be or require; and the said Commissioner shall and he is hereby authorized and empowered to make and do or cause to be made and done all such other Works of Drainage as shall be necessary for the draining, preserving, and improving all the Lands and Grounds which anciently have been drained by the existing Works, Cuts, and Drains, or are by this Act intended to be drained by the said intended new Works, Cuts, and Drains; and also to make, erect, build, rebuild, support, and maintain, or cause to be made, erected, built, rebuilt, supported, and maintained, One or more good and sufficient Clough or Cloughs, Sluice or Sluices, or other Works, Engines, and Devices, at, through, near, or into the Outfall Clough called *Bilton Clough*, lying between or in the said Townships of *Sudcoates* otherwise *Southcoates* and *Marfleet* in *Holderness* aforesaid, or One of them, for the draining, running off, issuing, and discharging the Waters from the said Low Lands and Grounds into the said River *Humber*, and preserving and improving the said Lands and Grounds; and also to embank the Waters from the High Lands, for the Purpose of taking the same to the present Outfall into the River *Hull* near to the Bridge at *Kingston-upon-Hull*; and also to dig, take, and carry away any Quantity or Quantities of Earth, Clay, Sand, Gravel, or Stone requisite and convenient for the Purpose of making and repairing any Banks, Dams, Mounds, Headings, Cloughs, Bridges, Pathways, Roads, and other Works, in, upon, or from the Lands and Grounds of any Person or Persons within the said Parishes and Places adjoining or lying near to any such Works, he the Commissioner doing as little Damage as may be in the Premises, and making reasonable Satisfaction to the Owner and Owners of such Lands and Grounds respectively, as herein-after is mentioned and provided.

To make Cloughs and other Works.

Saving the Rights of Jos. Smyth Windham Esq.

XXIII. And whereas inasmuch as certain Lands situate in *Waghen* otherwise *Wawn* aforesaid, heretofore called or known by the Names of *Stone Carr*, the *Ings*, and *Fish House*, and containing together Eight hundred and four Acres or thereabouts, and formerly belonging to *John Windham Bowyer* Esquire, and now to *Joseph Smyth Wyndham* Esquire, and now called or known by the Names of the *Stone Carrs*, the *Ings* or *Sixties*, and *Fish House*, were in a State of Drainage previous to the passing of the said Two several herein-before recited Acts, and still remain so, and have therefore been continually exempted from the Payment of all Rates or Assessments taxed or assessed under or by virtue of the same Acts; be it therefore further enacted, That nothing in this Act contained shall extend to or be deemed or construed to affect, charge, or in any Manner relate to the said Lands or any Part thereof, but the same shall always be and continue exonerated and exempted from all Rates, Assessments, and Payments whatsoever to be rated, assessed, or imposed under or by virtue of the Provisions herein contained.

XXIV. Pro-

The Lands called Stone Carrs, the Ings, and Fish House, not to be impaired or affected.

XXIV. Provided always, and be it further enacted, That in case from any Alteration or Improvement in the Mode of Drainage of the aforesaid Low Grounds and Cars, or in the present Mode of carrying off the Water therefrom, the present Drainage of the said Lands heretofore called *Stone Carrs*, the *Ings*, and *Fish House*, or any Part thereof, shall be impaired or prejudicially affected, then and in such Case the Commissioner for the Time being of this Act shall and he is hereby required and directed to make or cause to be made anew Cut, Drains, or Watercourse from the Drain usually called the *Sixties Drain*, through or by *Crofts Bridge*, and to make all other necessary Cuts or Drains to the projected Main Drain, so as to drain the said Lands in as effectual and perfect a Manner as the same are at present drained.

The Proprietor of the said Lands to make use of any Drains that may be made on the Lands.

XXV. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors for the Time being of the said Lands heretofore called *Stone Carrs*, the *Ings*, and *Fish House*, in the Event of such Alteration or Improvement as aforesaid being so made, to make use of any Cut or Drain, Cuts or Drains, now existing or to be hereafter made adjoining or near to the said Lands or any Part thereof, and to make and place Tunnels, Shuttles, and other Works in and through the Banks of the said Cut and Cuts, Drain and Drains, that shall by such Proprietor or Proprietors be deemed necessary for the Purpose of carrying off Water from the said Lands or any Part thereof, in such Manner as he, she, or they shall think fit.

Respecting the Lands in Bilton, and the Drainage thereof.

XXVI. And whereas inasmuch as by the Course to be pursued by the said intended new Drainage, and for making the Clough and Outfall therein, a Part of the Drain, with the Clough and Outfall, now belonging to the Honourable *Marmaduke Langley*, and used for issuing the Waters from Lands in the Township of *Bilton* into the River *Humber*, will be taken and occupied for the Purposes of the said Drainage, it is expedient that the issuing of the Waters from the said Township of *Bilton* into the River *Humber* should be provided for, and that the said *Marmaduke Langley*, his Heirs and Assigns, should be protected from any Loss, Injury, or Damages which may arise or be sustained by reason of the Insufficiency of the intended new Works of Drainage, as also by Obstructions or Impediments which may be occasioned by the passing of the Waters from the said *Bilton Drain* during the Progress of the Works to be made and carried on under the Authority of this Act; be it therefore further enacted, That at all Times after the passing of this Act and the making of the said intended new Drainage all the Waters of the said Township of *Bilton* shall, without Costs or Charge, and without Interruption, pass by the Drain now conveying such Waters, or by some new or other Drain to be made for that Purpose, into and along the said intended new Drain, and through the Clough and Outfall thereof, into the River *Humber*; and the said Commissioner hereby appointed and his Successors shall and they are hereby required to make and place, and for ever hereafter well and effectually maintain, in the Bank of the said intended new Drain at the Confluence of the said *Bilton Drain*, a proper and efficient Clough, of sufficient Capacity and Waterway, and with a Stopgate or Stopgates, as well to admit the free Passage of the Water flowing from the said Township of *Bilton* into the said intended new Drain as also to prevent the repassing

and

and overflowering of the Waters from the said intended new Drain into and over the said Township of *Bilton*, and the Lands there, or any Part thereof; and if any Damage shall be sustained, either during the Progress of the Works, or after the Completion of the same, by the Owner or Owners, Occupier or Occupiers of any Lands or Grounds in the said Township of *Bilton*, by reason of the Insufficiency of the said Clough, Banks, or other Works of Drainage, such Damage shall from Time to Time be ascertained in like Manner, and be recoverable under the same Rules, Orders, and Regulations, as are herein-after contained respecting the Purchase of Lands by the said Commissioner from the Proprietors thereof.

Lands in Southcoats and Marfleet to be protected from Overflow.

XXVII. And be it further enacted, That the said Commissioner shall and he is hereby required, from Time to Time and at all Times hereafter, to make, maintain, and keep the Banks of the said Drain, from a certain Place called *Gold Dyke Stock*, in the Township of *Sutton* aforesaid, to the Outfall Clough next unto the River *Humber*, of sufficient Height, Width, and Strength to prevent the overflowing of the Waters from the said intended new Drain into and over the said Townships of *Bilton*, *Sudcoates* otherwise *Southcoates*, and *Marfleet*.

Commissioner may agree with Proprietors of Lands to be used for the Purposes of this Act.

XXVIII. And be it further enacted, That the said Commissioner shall and he is hereby invested with full Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which he the said Commissioner shall judge necessary or expedient to be cut, digged, pulled down, or otherwise made use of, for the Purpose of or which may be liable to be damaged in the Execution of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damage they may sustain for any eventual Injury that may arise to their Property by the Execution of any of the Powers contained in this Act, and also to settle, ascertain, and determine in what Proportion and Manner the Sum or Sums so agreed on for such Purchase or Recompence shall be paid to the several Persons interested in the aforesaid 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 whomsoever, 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, and to and for all Femes Covert who are or shall be seised, entitled, or interested in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey, assign, and surrender unto the said Commissioner, or to such Person or Persons as he shall appoint, any Lands, Tenements, or Hereditaments for the Purpose aforesaid, or to agree with the said Commissioner for any Recompence to be made for the Damage which may from Time to Time be done to any such Lands, Tenements, or Hereditaments in carrying this Act into execution; and all such Contracts, Sales, Conveyances, Agreements, Assignments, Surrenders, and Assurances shall be good, valid, and effectual in the 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 do in the Premises 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 Fourteen Days after Notice in Writing, signed by the said Commissioner, and given to the Principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective last known Place or 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 Commissioner, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioner is hereby empowered from Time to Time to issue out his Warrant or Warrants under his Hand and Seal to the Sheriff of the County, Riding, or Place wherein the Matter in question shall be, or if such Sheriff shall be immediately interested in such Matter, then to One of the Coroners of such County, Riding, or Place, commanding such Sheriff or Coroner to impannel, summon, and return a Jury for the Purposes herein-after mentioned; and the said Sheriff or Coroner is hereby required accordingly to impannel, summon, and return Twenty-four Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before Two or more of His Majesty's Justices of the Peace for the East Riding of the County of *York* at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve Men may be sworn to examine touching the Matters in question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said Justices are hereby empowered and required, by Warrant or Warrants under their Hands and Seals, from Time to Time as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the said Justices may, on Application in Writing of the Parties, order and authorize the said Jury or any Six or more of them to view the Place or Places or Matters in controversy; which Jury, upon their Oaths, (which Oaths, as also the Oath or Oaths to such Person or Persons as shall be called upon to give Evidence as aforesaid, the said Justices are hereby empowered and required to administer,) shall require of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and to settle, ascertain, and determine in what Proportion and Manner the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises; and the said Justices shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Jury or Juries; which said Verdict, and the Judgment thereupon pronounced by the said Justices, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties, Bodies Politic, Corporate, and Collegiate, and all other Persons whomsoever.

but in case of Difference a Jury to determine.

Sheriff or Coroner to summon a Jury.

Penalty on Sheriff or Coroner for neglecting so to do; and on Jurymen and Witnesses.

XXIX. Provided always, and be it further enacted, That if any Sheriff or Under Sheriff or Coroner shall make default in the Premises, every such Sheriff, Under Sheriff, or Coroner shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid on such Jury shall not appear (except for some reasonable Excuse to be allowed), or appearing shall refuse to be sworn, or being sworn shall refuse to give or shall not give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or to affirm, or to be examined and give Evidence, every Person so offending respectively, having no reasonable Excuse to be allowed by the said Justices, shall for every such Offence forfeit and pay such Sum or Sums of Money as the said Justices shall appoint, not exceedtng the Sum of Five Pounds upon any One Person for any One Offence.

Verdicts and Judgments to be recorded, &c.

XXX. And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgments which shall be made and given in relation to any such Lands, Tenements, and Hereditaments as aforesaid, (such Verdicts and Judgments being signed by the said Justices who shall be present at the taking of such Inquest,) shall be delivered to the Clerk of the Peace for the Riding or Place wherein such Lands, Tenements, or Hereditaments are situate, who is hereby required to receive and to give his Receipt to the said Justices for the same, and shall lodge and deposit the said Originals amongst the Records of the Court of Quarter Sessions of or for such Riding or Place; and the same or a true Copy thereof shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have full Liberty to inspect the same, and take Copies thereof, at all seasonable Hours, upon paying for such Inspection the Sum of One Shilling, and for every such Copy not exceeding One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words.

Directing how the Expences of Juries and Witnesses shall be paid.

XXXI. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on behalf of the said Commissioner, before the summoning of any such Jury, for or in respect of any such Lands, Tenements, Hereditaments, or Recompence for Damages as aforesaid, all the Expences of such Jury and Witnesses attending in consequence thereof, and of the taking such Inquest, shall be paid by the said Commissioner out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more or a less Sum than what shall have been so previously offered by or on behalf of the said Commissioner, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, Hereditaments, and Premises in question, and shall and may in that Case be deducted out of the Sum to be paid to them by the said Commissioner.

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

XXXII. And be it further enacted, That upon Payment or legal Tender, or upon Payment into the Bank of *England*, as herein-after mentioned, of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any such Lands or other Hereditaments, or as a

Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of any such Lands or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation, such Payments being made respectively within One Calendar Month after the same shall be so agreed for, determined, or assessed as aforesaid, it shall be lawful for the said Commissioner, and his Agents, Workmen, and Servants, immediately to enter upon such Lands and Hereditaments respectively, and then and thereupon such Lands and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in the said Commissioner, to and for the Purposes of this Act, until the Power of the said Commissioner shall, as herein-after mentioned, cease, and then and from thenceforth the same shall be vested in the Trustees to be appointed as herein-after mentioned. Purchase Money.

XXXIII. And be it further enacted, That if any Money shall be contracted and agreed or adjudged and awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant-General of the Court of Exchequer, to be placed to his Account *ex parte* "The Commissioner of the *Holderness* Drainage;" 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, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, 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 and being settled therewith or the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Wills, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, and used for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto made as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends Application of Purchase Money amounting to £200 and upwards.

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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When less than 200*l.* and exceeding 20*l.*

XXXIV. And be it further enacted, That if any Money so contracted and agreed or adjudged and awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy or Lunacy, to be signified in Writing under their Common Seal or respective Hands, as the Case may require, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, 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 named by the Person or Persons making such Option, and approved by the said Commissioner, (such Nomination and Approbation to be signified by Writing under the Common Seal or the Hands of the said nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Cases shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When not exceeding 20*l.*

XXXV. And be it further enacted, That where such Money so contracted and agreed or adjudged and awarded to be paid as last before mentioned shall not exceed the Sum of 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 Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioner shall think fit, or in Cases of Infancy or Lunancy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XXXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioner acting in the Execution of this Act, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said

Commissioner

Commissioner to order the said Sum or Sums so awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them,] subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest to the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

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

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

XXXVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Party entitled to any Lands, Tenements, or Hereditaments to be taken or used, or in respect of which any Compensation or Satisfaction shall be payable, under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of

obtaining such Order, to be paid by the said Commissioner out of the Monies to be received by virtue of this Act, and the said Commissioner shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Conveyances to be enrolled in the Register Office.

XXXIX. And be it further enacted, That all and every Grants, Bargains, Sales, Conveyances, Assignments, and Surrenders, made or to be made in pursuance of this Act, whereby any Estate or Title in or to any Lands, Tenements, or Hereditaments shall pass to or become vested in the said Commissioner, or to or in any Person or Persons in Trust for them, shall be enrolled in the Register Office appointed for the registering of Deeds, Wills, and Conveyances of or affecting the Title of Lands and Hereditaments in the East Riding of the said County of *York*, which Enrolment shall and may be seen and inspected and Copies taken by any Person or Persons whomsoever, during the Hours and after the Rates and Prices used and accustomed in the said Office; a Copy of which said Enrolment, certified by and under the Hand of the Registrar for the said East Riding, or his Deputy, shall be received and admitted as Evidence thereof in any of His Majesty's Courts of Law or Equity.

Empowering the Commissioner to dispose of any Lands not wanted for the Purposes of this Act,

XL. And whereas some Part or Parts of the Lands, Tenements, and Hereditaments to be purchased by the said Commissioner under or by virtue of the Powers and Authorities of this Act may happen to be more than may be necessary to be made use of for the Purposes of this Act, and it may be expedient, in certain Cases, for the avoiding the Charge and Expence of making Bridges or otherwise, that the said Commissioner should purchase and should be authorized to purchase greater Quantities of Land than what may be absolutely necessary to be dug, cut, covered, or occupied by the Works of Drainage hereby directed to be made; be it therefore further enacted, That in all Cases where in the Judgment of the said Commissioner it shall be deemed expedient it shall be lawful for the said Commissioner, under the several Powers and Authorities hereinbefore contained, to contract for and purchase any Parcel or Parcels, Quantity or Quantities of Land in, through, or over which the Cuts or Drains hereby directed and intended to be made shall go or pass, or which shall or may be separated and divided or be liable to be separated and divided by the said Cuts and Drains; and all and every the Powers and Authorities herein-before contained, enabling the said Commissioner to purchase, acquire, and receive Conveyances of Lands, Tenements, and Hereditaments, shall extend and be construed to extend to all the Cases hereby intended; and it shall be lawful for the said Commissioner to sell and dispose of all such Lands, Pieces and Parcels of Land, and Hereditaments, to such Person or Persons as shall be willing to contract for and purchase the same, and to make and execute, sign, seal, and deliver, good, valid, and effectual Grants, Bargains, Sales, Releases, Surrenders, and other Conveyances and Assurances in the Law of all or any Part or Parts of such Lands, Tenements, and Hereditaments, to such Person and Persons as shall contract for and purchase the same as aforesaid, and to give good, valid, and sufficient Receipts, Acquittances, and Discharges to all and every such Purchaser and Purchasers, for the several and respective Sums so to be contracted and agreed for as and for the Purchase Money of the same Hereditaments and Premises; and in the meantime and until such Sale or Sales he the said Commissioner shall and may let

and demise the same Lands, Tenements, and Hereditaments to any Tenant and Tenants, for such Rent or Rents, Sum or Sums of Money, as to him the said Commissioner shall seem reasonable and proper; and all Monies to be received by the said Commissioner for the Sale and Purchase of the same Lands and Tenements, and for the Rents and Occupation thereof, shall be applied by him the said Commissioner to and for the Purposes of this Act.

Commissioner, before he re-sells any Lands, to make the first Offer to the Persons whose Lands adjoin.

XLI. Provided always, and be it further enacted, That the said Commissioner, before he shall sell and dispose of such Lands, Tenements, or Hereditaments, shall first offer to sell the same to the Person or Persons, Body or Bodies, whose Lands or Hereditaments shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold; and in case such Person or Persons, Body or Bodies, shall refuse or decline to purchase the same, any Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Cancery, or before One of His Majesty's Justices of the Peace for the said East Riding of the County of *York*, by some Person or Persons no way interested in the said Lands, Tenements, or Hereditaments, stating that such Offer was made by, or on behalf of the said Commissioner, and that such Offer was refused or declined by the Person or Persons, Body or Bodies, to whom the same was so made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or declined by the Person or Persons, Body or Bodies, to whom it was made, as the Case may be; and in case such Person or Persons, Body or Bodies, shall be desirous of purchasing the same, and he, she, or they, and the said Commissioner, shall differ or not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Commissioner in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Commissioner, *mutatis mutandis*.

Banks to be kept as Commissioner shall direct.

XLII. And be it further enacted, That all and every the Banks of the several Cuts and Drains made or to be made under or by virtue of the Powers and Authorities of the said recited Acts and this Act, and which are or shall be by the said Commissioner denominated Main Drains, shall from Time to Time for ever hereafter be kept up, supported, and maintained of such Length, Breadth, and Dimensions as the said Commissioner shall order and direct, and shall not upon any Account or Pretence whatsoever be dug, cut, ploughed, or broken by any Person or Persons whomsoever, (except for the erecting and placing of any necessary Fence or Fences of Posts, Rails, Plank, or other Surface Fencing, and for the placing such Tunnels, Shuttles, and other Works as may be deemed necessary by the Proprietor or Proprietors for the Time being of the said Lands called *Stone Carrs*, the *Ings* or *Sixties*, and *Fish House*, for the Purpose of draining and discharging the Waters from the said Lands into the said Main Drains,) save only by the said Commissioner, his Agents, Servants, and Workmen, or by or under the Authority of any Order or Orders of the said Commissioner; and the said Commissioner is hereby authorized, empowered, and required to order and license Tunnels, Shuttles, and other Works to be placed in and through the same Banks, when and where the same

same shall be necessary, for the Purpose of draining and discharging the Waters from the adjoining Lands into the said Main Drains, and the same Tunnels, Shuttles, and other Works to take up, remove, alter, and vary, or cause to be taken up, removed, altered, and varied, from Time to Time as the said Commissioner shall see Cause, and also to make, erect, and place all necessary and sufficient Gates in and through any Fence or Fences to be set and placed upon or over the said Banks by the Owners or Occupiers of any of the adjoining Lands and Grounds, for the Purpose of admitting the said Commissioner, his Agents and Servants, to pass and repass upon the Banks of the said Main Drains at all Times, and with Horses or Carriages, for all or any of the Purposes of this Act.

Outring and Division Ditches and Drains to be kept as Commissioner shall direct.

XLIII. And be it further enacted, That all the Outring and Division Drains, Dikes, and Ditches within the Lands and Grounds hereby intended to be drained and improved, and all and singular Drains, Sewers, Streams, and Watercourses whatsoever within all and every of the Parishes, Townships, and Places aforesaid, shall, from Time to Time and at all Times for ever hereafter, be made, kept, and maintained of such Width, Depth, and Capacity, and such Bridges, Stocks, Tunnels, and Shuttles be placed in and over the same, and also in and through the Banks of the said Drains, Dikes, and Sewers, as the said Commissioner shall from Time to Time order, direct, and appoint, by the Owner and Owners, Occupier and Occupiers of the several Lands and Grounds adjoining thereto, or other Person or Persons who of Right ought to make, keep, maintain, and do the same; and in case any such Owner or Owners, Occupier or Occupiers, or other Person or Persons, shall neglect or refuse to make, keep, or maintain such his, her, or their Outring and Division Drains, Dikes, and Ditches, Sewers, Drains, Streams, or Watercourses, or which or such Part or Parts thereof as he, she, or they ought by Right to make, keep, or maintain, of such Width, Depth, and Capacity, and to place in or over the same respectively, or in or through the Banks thereof, such Bridges, Stocks, Tunnels, or Shuttles as the said Commissioner shall order and direct as aforesaid, for the Space of Fourteen Days next after Notice of such Order and Direction, in Writing under the Hand of the said Commissioner or of the Clerk for the Time being to the said Commissioner, shall be given to or left at the Dwelling House or last known Place of Abode of such Owner or Owners, Occupier or Occupiers, or such other Person or Persons as aforesaid, then it shall be lawful for the said Commissioner, with Workmen, Cattle, and Carriages, when the same shall be necessary, to enter into and upon the Lands and Grounds of every such Owner or Occupier or other Person as aforesaid, and cause all and every the said Outring or Division Drains, Dikes, Ditches, Sewers, Drains, Watercourses, Bridges, Stocks, Tunnels, and Shuttles to be made, completed, and done according to the true Intent and Meaning of such Order, Direction, and Notice as aforesaid, and by any Warrant or Warrants under the Hand and Seal of the said Commissioner to authorize and empower the Clerk, Collector, or Treasurer to the said Commissioner, or any other Person or Persons, to levy the Money paid and expended in and about the making, doing, and completing thereof, together with the Charges of levying and recovering thereof, by Distress and Sale of the Goods and Chattels of such Owner or Owners, Occupier or Occupiers, or other Person or Persons as aforesaid, wheresoever the same shall or may be found, returning the Overplus of such Monies, if any shall remain

Penalty on neglecting to obey such Directions.

remain after all the Charges of such levying, Distress, and Sale are deducted, to the Owner or Owners of such Goods and Chattels.

Drains and Ditches to be weeded, &c.

XLIV. And be it further enacted, That all and singular the Outring and Division Drains, Dikes, and Ditches within the said Lands and Grounds, whether high or low, and the Banks thereof, and all and singular the said Sewers, Drains, Streams, and Watercourses within all the said Parishes, Townships, and Places respectively, and all the Bridges, Stocks, Tunnels, and Shuttles thereunto belonging and appertaining, shall from Time to Time be dressed, scoured, weeded, repaired, amended, and cleansed from all Obstructions, Impediments, and Annoyances whatsoever, by the Owner or Owners, Occupier or Occupiers of the Lands and Grounds adjoining thereto, or such other Person or Persons who of Right ought to do the same, when and so often as the said Commissioner, on his View, shall adjudge and determine the same to be necessary; and in case any such Owner or Owners, Occupier or Occupiers, or other Person or Persons shall refuse or neglect to dress, scour, weed, repair, amend, and cleanse from Obstructions, Impediments, and Annoyances any such his, her, or their Outring and Division Drains, Dikes, and Ditches, and the Banks thereof, Sewers, Drains, Streams, Watercourses, Bridges, Stocks, Tunnels, or Shuttles, for the Space of Five Days next after he, she, or they shall be thereunto required to do the same by any Note or Notice in Writing under the Hand of the said Commissioner, and given to such Owner or Owners, Occupier or Occupiers, or other Person or Persons, or left at his, her, or their usual or last known Place of Abode, it shall be lawful for the said Commissioner, with Workmen, Cattle, and Carriages, when and where the same shall be necessary for the Purposes herein mentioned, to enter into and upon the Lands and Grounds of such Owner and Owners, Occupier and Occupiers, and other Person and Persons, and make and do and cause to be made and done all such dressing, scouring, weeding, repairing, amending, and cleansing, and by Warrant or Warrants under the Hand and Seal of the said Commissioner to authorize and empower the Clerk or Collector to the said Commissioner, or any other Person or Persons whomsoever, to levy the Costs, Charges, and Expences of the making and doing thereof by Sale of the Goods and Chattels of such Owner or Owners, Occupier or Occupiers, or other Person or Persons, in like Manner as the said Commissioner is authorized to do in the Case or Cases last mentioned.

For determining what shall be a Drain, Sewer, &c.

XLV. And be it further enacted, That in case any Doubt or Dispute shall happen to arise as to what shall be deemed an Outring or Division Drain, Dike, or Ditch, Sewer, Drain, Stream, or Watercourse, then and in every such Case whatsoever the said Commissioner on View of the Premises shall adjudge and determine to be an Outring or Division Drain, Dike, or Ditch, Sewer, Drain, Stream, or Watercourse, shall be deemed and taken to be an Outring or Division Drain, Dike, or Ditch, Sewer, Drain, Stream, or Watercourse, within the Intent and Meaning of this Act.

Obstructions and Annoyances to be removed.

XLVI. And be it further enacted, That the said Commissioner upon his own View shall have full Power and Authority, and he is hereby authorized and empowered, to remove and cause to be removed all

Obstructions, Annoyances, and Impediments which may from Time to Time take place in the said Cuts, Drains, and other Works.

For punishing Persons destroying or damaging the Work.

XLVII. And be it further enacted, That all and every Person and Persons who shall at any Time or Times hereafter wilfully or maliciously cut, throw down, burn, or otherwise destroy any Bank, Mill, Engine, Floodgate, Clough, Sluice, Dam, or other Work, Engine, or Device whatsoever, set up, erected, or built by or by the Order and Direction of the said Commissioner, or stop, dam, spoil, or damage any Drain, Watercourse, Door, Bridge, Sluice, Shuttle, Tunnel, Stock, or other Works, or cause, commit, or occasion any Obstruction, Impediment, Hindrance, Nuisance, or Annoyance therein, or in any of the Cuts and Drains already made or to be made by virtue of this Act, shall be adjudged and deemed to be guilty of Felony; and all and every Person and Persons so offending, and being thereof lawfully convicted in and before some competent Court, shall be subject and liable to the like Penalty and Punishment as Persons guilty of Simple Larceny are by the Laws now in being subject and liable to.

Persons giving false Evidence to be deemed guilty of Perjury.

XLVIII. And be it further enacted, That all and every Person and Persons who in any Examination upon Oath or Affirmation to be taken by virtue of this Act shall give false Evidence before the said Commissioner or any Justice or Justices of the Peace, or other Person authorized to take Examinations upon Oath, touching any Matter or Thing relating to the Execution of this Act, shall be deemed guilty of Perjury, and being thereof lawfully convicted shall be subject and liable to such Pains, Punishments, and Disqualifications as by the Laws and Statutes of this Realm Persons convicted of wilful and corrupt Perjury are subject and liable to.

Commissioner, with Surveyors, &c. to enter on Lands and ascertain what shall be deemed Low Land;

and to cause Maps, Plans, and Schedules to be made;

XLIX. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby authorized and required, as soon as conveniently may be after the passing of this Act, with their Surveyors, Engineers, Clerks, Servants, Horses, and Carriages, to enter into and upon all the Lands and Grounds within the said several Parishes, Townships, and Places, save and except the said Lands heretofore called *Stone Carrs*, the *Ings*, and *Fish House*, and now called or known by the Names of the *Stone Carrs*, the *Ings* or *Sixties*, and *Fish House*, and to take Levels, Surveys, Admeasurements, and other Remarks and Distinctions thereof, and by such and all other lawful and expedient Ways and Means to adjudge, determine, and appoint what Lands and Grounds within the same several Parishes, Townships, and Places respectively shall and ought to be deemed and taken to be Low Lands, and to contribute to the Charges and Expences of the said Drainage and other Purposes intended by this Act; and to cause a full and complete Map or Plan of all the same Low Lands and Grounds to be made, expressing the Names of the several Owners, and Quantities in Acres, Roods, and Perches, of all the same several Low Lands and Grounds in every such Parish, Township, and Place respectively, and to be signed by the said Commissioner and the Surveyor appointed and employed by him for that Purpose; and also to cause Schedules to be made, expressing and showing in Words and Figures the Names of the several Owners of the said Low Lands and Grounds, and the Quantity of Acres, Roods, and Perches of such Low

Lands and Grounds of such several and respective Owners within each of the said several Parishes, Townships, and Places severally and respectively, and to cause such Schedules to be fairly written upon Parchment, and signed by the said Commissioner; which said Map or Plan and Schedules herein-before directed to be made shall be lodged with the Clerk for the Time being to the said Commissioner; and also to cause a Duplicate of such Map or Plan and Schedules, signed as aforesaid, to be lodged and deposited in the Office of the Clerk of the Peace in and for the said East Riding of the said County of *York*, with the Clerk of the Peace or his Deputy there, who is hereby required to receive and deposit the same; and which said Maps or Plans and Schedules, lodged and deposited as aforesaid, shall and may be inspected and perused at all seasonable Hours by any of the Owners or Occupiers of the said Low Lands and Grounds, upon paying the Sum of One Shilling for every such Inspection or Perusal; and in case any Person, Body Corporate, Collegiate, or Ecclesiastic, or other Person or Persons whomsoever, Owner or Owners of any Lands, Grounds, and Hereditaments within the said several and respective Parishes, Townships, or Places, shall think themselves, himself, or herself aggrieved by their, his, or her Lands or Grounds being comprised in the said Schedules, and adjudged to be Low Lands or Grounds, which have not been subject to be annoyed or damaged by Water, and which ought to be adjudged and deemed High Lands, it shall and may be lawful for such Body and Bodies Corporate, Collegiate, or Ecclesiastic, Person and Persons, to make their, his, or her Appeal or Appeals to the Court of General or Quarter Sessions of the Peace in and for the said East Riding which shall be first held within Four Calendar Months next after the depositing of such Schedules, and Notice of such Schedules having been made and deposited having been Three Times inserted in One of the *York* and One of the *Hull* Newspapers, causing Ten Days Notice in Writing of such intended Appeal to be given to the said Commissioner or to the Clerk of the said Commissioner; which said Court is hereby authorized and required to hear and determine the several Questions in the Nature of an Appeal, whether the same Lands or Grounds are or ought to be adjudged or deemed High or Low Lands, and to award such Costs between the Parties as to the said Court shall seem reasonable, in case the Judgment, Determination, and Appointment of the said Commissioner shall appear to be unjust and oppressive, or the several Appeals shall appear to be frivolous and vexatious; and the Decisions of the said Court shall in all such Cases be final and conclusive against all such Parties, Bodies Corporate, Collegiate, and Ecclesiastic, and all Persons whomsoever, and shall be enrolled and recorded by the Clerk of the Peace for the said East Riding in and among the Records of the said Court; a true Copy of which Record, certified under the Hand of the said Clerk of the Peace or his Deputy, and attested by the Oath of One credible Witness, shall be allowed and admitted as Evidence in all Courts whatsoever.

and be lodged with the Clerk to the said Commissioner.

L. And be it further enacted, That after the Expiration of the Term or Time herein-before granted and allowed for the making of the said Appeals, and after striking out of the said Maps or Plans and Schedules all such Lands and Grounds as shall on such Appeals be adjudged and determined to be High Lands and Grounds, he the said Commissioner shall and may proceed to assess, tax, and charge all and singular the said Low

After the Expiration of the Time limited for Appeals, Commissioner to lay a gross Tax;

and proportion the same on the different Owners;

Low Lands and Grounds, and the Owners and Occupiers thereof, with such gross Sum and Sums of Money as he the said Commissioner shall from Time to Time find necessary and requisite for defraying the Charges and Expences incident to and attending the obtaining and passing of this Act, and carrying the same into execution, and to assess, rate, and charge every Owner and Occupier of the said Low Lands and Grounds by an Acre Rate, according to the last Rate or Assessment laid on the said Low Lands and Grounds, with such Share, Part, and Proportion of such gross Sum and Sums as shall be in proportion to the Number of Acres which each such Owner or Occupier hath or is reputed to have of and in the said Low Lands and Grounds; and the Share, Part, and Proportion of such gross Sum so to be charged and assessed upon every such Owner or Occupier in manner aforesaid shall be paid to the Clerk, Collector, or Receiver for the Time being to the said Commissioner, at such Time and Times as he the said Commissioner shall order, direct, or appoint, he the said Commissioner causing Twenty-one Days Notice in Writing under the Hand of the Clerk, Collector, or Receiver to the said Commissioner, of such Tax or Assessment, and the Time and Times so to be ordered, directed, and appointed for Payment thereof, to be given to or left with some Inmate at the usual or last known Place of Abode of every such Owner or Occupier of the said Low Lands and Grounds; and in case any such Owner or Occupier of any such Lands and Grounds shall refuse or neglect to pay his, her, or their Part, Share, or Proportion of such gross Sum or Sums of Money so to be taxed, charged, and assessed upon him, her, or them as aforesaid, on the Day and Time so to be ordered, directed, and appointed for Payment thereof, such Notice having been given to him, her, or them as aforesaid, or in case such Notice shall not have been duly given, then within the Space of Twenty-one Days from the giving and delivering of such Notice as aforesaid, it shall be lawful for the said Commissioner to authorize and empower the Clerk, Collector, or Receiver for the Time being, or any other Person or Persons, by Warrant or Warrants under the Hand and Seal of the said Commissioner, to levy the Sum and Sums of Money so taxed, charged, and assessed by Distress and Sale of any Goods and Chattels to be found upon the said Low Lands and Grounds, or upon any other Lands and Grounds of such respective Owner or Occupier within any of the said Parishes, Townships, and Places respectively, in such Manner as is herein-after directed and authorized with respect to any Tax to be taxed, charged, assessed, and levied in pursuance of this Act.

causing 21 Days Notice of such Tax to be given.

Taxes how to be recovered.

Commissioner and Valuers to make a Valuation of the Lands intended to be drained.

LI. And be it further enacted, That as soon as conveniently may be after the making and completing the said Surveys and Schedules the said Commissioner and Valuers shall and they are hereby required to make a true and perfect Valuation of all the said Low Lands and Grounds in their present State, which Valuation so to be made shall be reduced into Writing, and signed by the said Commissioner and Valuers who shall make such Valuation, and shall be made use of by the said Commissioner and Trustees herein-after mentioned for the Purposes of this Act, and may be inspected by any of the Persons interested in any such Lands and Grounds at any Meeting of the Commissioner to be held in pursuance of this Act, without Fee or Reward.

LII. And

When the Drainage is completed, Commissioner and Valuers to make a Second Valuation.

LII. And be it further enacted, That when and as soon as in the Judgment of the said Commissioner the said intended Drainage, and all the Works necessary for effecting the same, shall be perfected and completed, then the said Commissioner and Valuers shall and they are hereby required again to view and make a Second Valuation of all the said Lands and Grounds to be drained and improved by virtue of this Act, in their then State, which Second Valuation shall also be reduced into Writing, and signed by the said Commissioner and Valuers, and shall be made use of as such by the said Commissioner and Valuers for the Purposes mentioned in this Act; and the said respective Valuations when so made may be inspected by any of the Persons interested in any of such Lands and Grounds, at any subsequent Meeting of the said Commissioner, without Fee or Reward.

After Second Valuation, Lands to be taxed according to their actual Improvement.

LIII. And be it further enacted, That when and so soon as such Second Valuation of the said Low Lands and Grounds shall have been made and perfected, so as that the real Improvement of the Lands and Grounds belonging to each Owner and Proprietor thereof by means of the said Drainage may be fully ascertained by a Reference to and comparative View of such respective Valuations, the said Commissioner and Valuers shall, by some Instrument in Writing under their Hands, express, show, and set forth the Names of all and every the Owners and Proprietors or reputed Owners and Proprietors of all and every Part of the said Low Lands and Grounds in all and every the said Parishes, Townships, and Places respectively, and the Quantity or Number of Acres, Roods, and Perches of or belonging to every such Owner or Proprietor or reputed Owner or Proprietor within every such Parish, Township, and Place respectively, with the improved Value of such Lands and Grounds respectively; and shall also in and by the same Instrument proceed to assess, tax, and charge the Lands and Grounds of all and every such Owners and Proprietors, according and in proportion to such improved Value, with his, her, or their respective Quota or Portion of the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act and carrying the same into execution, up to the Time of making, executing, and completing such Instrument and Taxation; and in case the Quota or Portion of any such Owner or Proprietor so to be assessed and taxed by the said Commissioner and Valuers as aforesaid shall exceed the Sum with which such Owner or Proprietor shall have been assessed and taxed by virtue and in pursuance of the Powers and Authorities herein-before given to the said Commissioner and Valuers, then such Proprietor or Person so interested as aforesaid shall, within Twenty-one Days after Notice in Writing under the Hand of the said Commissioner of such Excess shall be given to him or her, or left with some Inmate at his or her usual or last known Place of Abode, or the usual Dwelling of the Occupier or Occupiers thereof in case the usual Dwelling or last known Place of Abode of such Owner or Proprietor shall not be within any of the said Parishes, Townships, or Places, pay the same Excess to the Clerk, Receiver, or Collector to the said Commissioner, or such other Person as he shall appoint to receive the same; and in case of Neglect or Default in Payment of such Excess the said Commissioner shall and may and he is hereby authorized and required to recover and enforce the Payment thereof by such Ways and Means as any other Assessments or Taxes are herein directed to be recovered, or as near

near thereunto as the Nature or Circumstances of the Case will admit; and the said Commissioner shall pay and apply, or cause to be paid and applied, such Excess, when paid or raised as aforesaid, in or towards paying and refunding to such others of the Proprietors or Persons interested as aforesaid such Sum and Sums of Money as they shall have respectively paid or have had raised upon their respective Lands by or in pursuance of this Act, over and above what their respective Quotas and Proportions, to be assessed and taxed by the said Commissioner and Valuers as aforesaid, shall amount unto, as the said Commissioner shall direct; and in case the Monies which shall be raised for and as such Excess shall not be sufficient to refund to the said Owners, Proprietors, and Persons interested as aforesaid, or any of them, what they shall have overpaid as aforesaid, then and in such Case such Deficiency shall be made good to them out of the next Assessments and Taxes which shall be made by virtue of this Act.

One Copy of Instrument and Map to be lodged with the Clerk of the Peace, and the other kept by the Commissioner.

LIV. And be it further enacted, That the said Commissioner and Valuers shall cause Two Parts of the said Instrument in Writing to be fairly written on Parchment, and signed by them the said Commissioner and Valuers, and shall also cause a true and correct Copy of the Map or Plan herein-before mentioned, signed by the said Commissioner and Valuers, and the Surveyor employed by them, (after the necessary Corrections and Alterations have been made therein by or in consequence of the Decision of any Appeal or Appeals allowed by this Act, in case any such Appeal shall be brought,) to be annexed to each Part of such Instrument; one of which said Parts, with such Map or Plan annexed, shall be lodged among the Records of the Court of Quarter Sessions of the Peace for the said East Riding; and the Clerk of the Peace for the same Riding, or his Deputy, is hereby required to receive and deposit the same accordingly, and to give to the said Commissioner and Valuer a Receipt for the same, taking as a Fee for his Trouble therein Six Shillings and Eight-pence, and no more; and a Copy of such Instrument, or any Part or Parts thereof, to be signed by the Clerk of the Peace for the said Riding or his Deputy, purporting the Truth of such Copy, shall be admitted and allowed as Evidence in all Courts whatsoever; and the Clerk of the Peace for the said Riding, or his Deputy, shall be entitled to receive for every such Copy which shall be made and certified as aforesaid at his Office after the Rate of Sixpence for each One hundred Words which shall be contained therein; and the said Clerk of the Peace and his Deputy shall permit any Person whomsoever, at any reasonable Time or Times, to inspect and peruse the said Instrument, and Map or Plan thereunto annexed, so to be lodged at his Office, paying for every such Inspection and Perusal the Sum of One Shilling; and the other Part of the said Instrument, with One other such Map or Plan annexed thereto, shall be kept by the said Commissioner or his Clerk for the Time being, and be lodged and deposited, together with the said Two Valuations and Schedules, in a Box to be provided for that Purpose, and may be inspected by any of the said Owners and Proprietors at any of the subsequent Meetings of the said Commissioner, without Fee or Reward; and the said Instrument, so made and signed by the said Commissioner and Valuer, shall remain and be a Rule and Precedent of Proportion for all future Taxes and Assessments to be laid, taxed, and assessed by virtue of this Act; and in case of any Loss of or Damage or Accident to either of

the said Parts of the said Instrument, and Plan thereto annexed, the said Commissioner and Valuers shall forthwith cause a Copy or Duplicate of the remaining Instrument and Plan to be made and signed by them, and deposited in the Place or Stead of the Instrument and Plan so lost or damaged, and shall so continue to make and renew such Copy and Duplicate and Copies and Duplicates thereof when and as often as the Case shall require; which said Copies and Duplicates shall from Time to Time have the same Force, Authority, and Effect, for all the Purposes of this Act, as the original Parts of the said Instrument and Map or Plan would have had if the same had remained and continued in existence; which said Duplicates shall remain with the said Commissioner or Trustees, as the Case may be; and the Clerk for the Time being to the said Commissioner shall permit and suffer all Persons whomsoever interested in the said Low Lands and Grounds, at all seasonable Hours, to inspect the said Instrument and Map or Plan lodged and deposited with him as aforesaid, such Person paying for such Inspection One Shilling, and shall also make and deliver a Copy or Copies of any Part or Parts of the said Instrument, charging after the Rate of Sixpence for every One hundred Words in such Copy or Copies.

After Second Assessment made, Power of Commissioner to cease, and Trustees to be appointed.

LV. And be it further enacted, That from and after such last-mentioned Assessment, Taxation, and Charge, according to the actual improved Value of the Lands and Grounds belonging to each Owner and Proprietor, shall be made and completed, the Commissioner hereby appointed, and his Successor for the Time being, as the Case may be, shall cease to be a Commissioner for putting the said recited Acts and this Act into execution, and the Owners and Proprietors of the said Lands and Grounds shall and may appoint Trustees for the Purpose of carrying the said recited Acts and this Act into execution, such Trustees to be appointed in like Manner and under the Rules and Regulations contained in the said recited Acts; and such Trustees when so appointed, and having taken the Oath prescribed by the first-recited Act, shall be Trustees for the Purpose of carrying the Powers and Provisions contained in the said recited Acts and this Act into full Execution and Effect.

Power to repair the Banks on the East Side of the River Hull and other Banks.

LVI. And be it further enacted, That if the said Commissioner or Trustees shall at any Time or Times be apprehensive that any sudden Breach or Goole may be made in any Part of the East Bank of the River *Hull* between *Mickley Bank* and the Bridge at *Kingston-upon-Hull*, or in the Bank called *Mickley Bank*, or the Bank called *Black Bank*, in *Brandesburton*, or in any other of the Outring or Barrier Banks of the said Low Grounds and Cars, or if the same Banks, or any of them, or any Part thereof, shall, in the Judgment of the said Commissioner or Trustees, require immediate Reparation and Amendment, it shall be lawful for the said Commissioner, or for the said Trustees, or any Five or more of them, to cause the same Banks to be repaired, and by Warrant or Warrants under the Hand and Seal of the said Commissioner, or under the Hands and Seals of any Five or more of the said Trustees, to cause the Charges and Expences of such Repairs (the same not having been paid within Fourteen Days after Demand thereof made) to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who of Right ought to have kept and maintained the said Banks, or such Part thereof so repaired, in good and perfect Repair and Condition, rendering the

Overplus

Overplus of such Sale, after deducting the Charges and Expences of taking and selling the said Distresses, to such Person or Persons on whom such Distress shall have been made, on Demand.

Trustees to make further Assessments for defraying the Expences of Drainage, &c.

LVII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby required, from Time to Time, annually or otherwise, after such Instrument of the said Commissioner and Valuers shall be signed as aforesaid, further to assess, tax, and charge all and every the Owner and Owners, Occupier and Occupiers of and Persons interested in all and every the said Lands and Grounds, proportionably, according to the Tenor of the said Instrument, with such further Sum and Sums of Money as the said Trustees shall from Time to Time judge necessary for defraying the Charges and Expences of repairing and maintaining the Works of Drainage and Improvment which shall be then made, or of making and repairing such new Works as shall from Time to Time be found necessary or expedient for the better draining, preserving, and improving the said Lands and Grounds, and for Payment of Salaries to Officers, and all other Charges and Expences incident to or attending the Execution of the several Purposes of this Act, and to direct and appoint the Payment thereof to the Clerk, Collector, Treasurer, or Receiver, to the said Trustees, at such Time or Times as they shall think proper; and in case any such Owner, Occupier, or Person interested shall refuse or neglect to pay any such Tax or Assessment at the Time or Times so to be directed or appointed as aforesaid, Twenty-one Days Notice thereof in Writing under the Hands of any Five of the said Trustees, or the Clerk, Collector, Treasurer, or Receiver to the said Trustees, having been first given to such Owner, Occupier, or Persons interested, or left at his, her, or their usual or last known Place of Abode, then and in every such Case it shall be lawful for the said Trustees to cause the same to be levied and recovered by such and the like Ways and Means as they are hereby respectively empowered to recover and raise any of the Assessments or Taxes by virtue of this Act.

For compelling Payment of Rates.

LVIII. And be it further enacted, That in case any Owner or Owners, Occupier or Occupiers of any Lands or Grounds taxed or assessed by virtue of this Act shall refuse or neglect to pay any Tax or Assessment, or any Part thereof, charged upon him, her, or them respectively, for and in respect of such Lands or Grounds, at or upon the respective Days or Times of Payment to be appointed by the said Commissioner or Trustees for Payment of such Taxes and Assessments respectively, Fourteen Days Notice in Writing of the Amount of such respective Tax or Assessment, and of the Day or Time so appointed for the Payment thereof, under the Hand of the said Commissioner, or under the Hands of any Five of the said Trustees, or of the Clerk, Collector, Receiver, or Treasurer to the said Commissioner or Trustees, having been given to such respective Owner or Owners, Occupier or Occupiers of the Lands so taxed and assessed, or left with some Inmate at his, her, or their usual or last known Place or Places of Abode, or in case such Notice shall not have been so given, then, in case any such Owner or Owners, Occupier or Occupiers shall refuse or neglect to pay any such Tax or Assessment, or any Part thereof, within or for the Space of Twenty-one Days next after the Delivery of such Notice as aforesaid, it shall be lawful for the Clerk, Receiver, Collector, or Treasurer for the Time being, or any other

other Person or Persons, by virtue of any Warrant under the Hand of the said Commissioner or of any Five of the Trustees, from Time to Time, and by One or more Distress or Distresses, as the Case may require, to levy and raise every such Sum and Sums of Money so taxed and assessed, or such Part thereof as shall be unpaid, by Distress and Sale of any Goods or Chattels of such Owner and Owners, Occupier and Occupiers, which shall be found upon the Lands or Grounds in respect of which such Tax or Assessment shall have been made or imposed, or elsewhere in the said County of *York*, and the Goods and Chattels so distrained to keep for Five Days, at the Costs and Charges of such Owner or Owners, Occupier or Occupiers, leaving Notice in Writing of the Cause of such Distress at his or her, or their Dwelling House, or some conspicious Part of the said Lands; and if such Owner or Owners, Occupier or Occupiers shall not pay the Sum and Sums of Money so taxed and distressed, together with Interest thereon from the Day or Time when the same ought to have been paid, within the said Space of Five Days, then the Goods and Chattels so distrained shall be appraised by Two or more of the Inhabitants of the Parish, Township, or Place where such Distress shall be taken, or by other sufficient Persons, duly sworn by the Constable of such Township, Parish, or Place, as is usual in Cases of Distress for Rent, in order to be sold by the said Clerk, Receiver, Collector, or Treasurer, or other Person or Persons, who is and are hereby authorized to sell the same, for Payment of the Money so taxed and assessed; and the Overplus arising by such Sale (if any be), after deducting the Sum or Sums so taxed and assessed, and the Interest thereon, and the Charges of taking, keeping, appraising, and selling the said Distresses, shall be returned to such Owner or Owners, Occupier or Occupiers, on Demand.

Tenants to deduct Rates paid by them out of their Rents.

LIX. And be it further enacted, That the several and respective Tenants of the said Lands and Grounds to be drained and improved as aforesaid, who, or whose Landlords, shall be taxed and assessed by virtue of this Act, are hereby required and authorized to pay such Sum or Sums of Money as shall be so taxed and assessed, and to deduct the same out of his, her, or their Rent; and every Tenant and Tenants who shall make such Payment shall be acquitted and discharged for so much Money as such Tax or Assessment shall amount unto as if the same had been actually paid unto the Person or Persons to whom his, her, or their Rent was due and payable, except where a Lease of Three or more Years shall be unexpired immediately before the passing of this Act, and in such Case the Proportion of such Tax or Assessment which the Tenant ought to bear and pay in consideration of the Benefit he or she receives by such Lease shall be adjusted and awarded by the said Commissioner; and in case any such Payment so to be made by any such Tenant as aforesaid shall exceed the Rent which shall be then in arrear and unpaid, then and in such Case it shall be lawful for such Tenants to hold, possess, and enjoy the Lands and Tenements which he, she, or they shall so occupy at and under the same Rent and Conditions as he, she, or they shall hold the same at the Time of making such Payment, and retain in his, her, or their Hand or Hands such Rents until he, she, or they shall be thereby fully paid such Sum or Sums of Money as he, she, or they shall have so paid and advanced, with lawful

Interest for the same from the Time or respective Times of advancing thereof, and until he, she, or they shall be reimbursed and paid the same by his, her, or their Landlord or Landlords: Provided always, that in all Cases of beneficial Leases the Lessee or Lessees shall be liable only for the Payment of the Taxes or Assessments made for the Repairs of the said Works of Drainage.

Unoccupied Lands to remain a Security for Assessments.

LX. Provided also, and be it further enacted, That in case no sufficient Distress can be found on the Lands to be drained or improved by virtue of this Act, by reason of their being unoccupied or untenanted, or otherwise, whereon to levy any Tax or Assessment or any Part thereof, then and in such Case the Lands and Grounds charged with such Tax or Assessment shall remain a Security for Payment thereof; and the said Commissioner or Trustees, or their Clerk, Receiver, Collector, or Treasurer for the Time being, shall, after Default of Payment for Twenty-one Days, such Notice having first been given to such Owner or Owners, his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, as is herein-before directed, for Payment of Taxes and Assessments to be charged upon any Owner or Owners, Occupier and Occupiers of Land as aforesaid, and they are hereby authorized and empowered, to enter into and upon, and to have, hold, possess, and enjoy the said Lands, Grounds, and Premises so charged, or to let the same from Year to Year at the best Rent, and to take the Rents and Profits thereof, until such Taxes and Assessments and all Arrears thereof, and all Expences occasioned by the Nonpayment thereof, shall be fully paid and satisfied, and the Residue thereof (if any) shall be paid into the Hands of the Clerk, Receiver, Collector, or Treasurer to the said Commissioner or Trustees, and shall be by him paid to the Owner or Owners of such Lands, or his or their Agent or Agents, when demanded.

Enabling Tenants for Life to borrow Money.

LXI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Sole or Aggregate, Rectors, Vicars, Tenants in Tail or for Life, or Tenants *pour autre vie*, or for Years determinable on Lives, Governors, Guardians, Trustees, and Feoffees in Trust, Attornies, Committees, Executors, Administrators, and all other Persons whomsoever acting as Trustees, Attornies, or Governors for any Charity, or for any Infant, Lunatic, Idiot, Minor, Issue unborn, Persons beyond Seas, or otherwise incapable of acting for themselves, Husbands, Femes Covert, and all and every other Person and Persons under any legal Disability whatsoever, possessed of or interested in any of the Lands and Grounds hereby intended to be drained and improved, from Time to Time, by any Deed or Writing under their Hands and Seals, with the Consent and Approbation of the said Commissioner, testified by Writing under his Hand and Seal, to charge and encumber such Part or Parts of the said Lands and Grounds intended to be drained and improved by virtue of this Act as he, she, or they shall respectively be entitled to as aforesaid with such Sum or Sums of Money as shall be by him, her, or them respectively paid in pursuance of this Act to the said Commissioner, and with Interest for the same from the Time or respective Times of Payment thereof, and for securing the Repayment of such Sum and Sums of Money, with In-

terest for the same, to grant, charge, mortgage, lease, surrender, or demise or otherwise subject the said Lands and Grounds, or any Part or Parts thereof, unto such Person or Persons as shall advance and lend the same respectively; for any Term or Number of Years; so that in every such Grant, Charge, Mortgage, Lease, Surrender, or Demise there be contained a Proviso or Condition for avoiding the same on full Payment and Satisfaction of the Sum and Sums of Money, and Interest therein and thereby mentioned to be secured; and so that in every such Grant, Charge, Mortgage, Lease, Surrender, or Demise there be contained a Proviso or Condition that the Person or Persons entitled to the Remainder, Reversion, or future Possession of the same Lands and Grounds shall not be liable to or chargeable with any further or greater Arrear of Interest than for One Year next preceding the Time that the Title to such Possession shall have commenced; and so that the whole Sum so to be charged as aforesaid by any such Rector, Vicar, or other Incumbent be fully paid and satisfied within the Term of Twenty Years from the borrowing of the said Sum, by even and equal yearly Portions, by the said Rector, Vicar, or other Incumbent; and every Grant, Charge, Mortgage, Lease, Surrender, or Demise so to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Enabling the Trustees to make Bye Laws.

LXII. And be it further enacted, That the said Trustees shall and may from Time to Time have full Power and Authority to make such Bye Laws, Rules, and Orders touching or concerning the Cuts, Drains, Sewers, Banks, Cloughs, Engines, Dams, Tunnels, Shuttles, Bridges, and other Works, Matters, and Things aforesaid, so as the same be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *Great Britain*, or to the Provisions of the said recited Acts or this Act, and to print or cause the same to be printed, and to impose such reasonable Fines or Forfeitures on every Person not conforming to such Bye Laws, Rules, or Orders, as the said Trustees shall think fit, not exceeding in any One Case the Sum of Five Pounds; which said Fines or Forfeitures shall be levied and recovered by such Ways and Means as the said Trustees shall direct; such Bye Laws, Rules, and Orders being first ratified and confirmed by the Majority of Votes of the Proprietors of the Lands and Grounds hereby directed to be drained and improved who shall be assembled at any Meeting (such Votes to be constituted in the same Manner and in respect of the same Quantity of Property as is herein-before directed with respect to the electing of a Commissioner) to be held for that Purpose within any of the Parishes, Townships, or Places aforesaid, of which Fourteen Days previous Notice shall be given on the respective Doors of all the said Parish Churches, and also in all the public Newspapers printed and published at the said Town of *Kingston upon Hull*, and with the Approbation and Consent of the Majority of Votes of such Proprietors who shall be assembled at any Meeting of Proprietors to be holden as aforesaid; which said Bye Laws, being reduced into Writing, and signed by the said Trustees, and being ratified and confirmed as aforesaid, shall be binding upon and be observed by all Parties whom they may concern, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same in levying any Penalty or Forfeiture as aforesaid thereby incurred, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; but

Bye Laws to be published.

but no such Bye Laws shall be valid until a printed Copy thereof shall be published, by affixing such Copy on the outer Door of the several Parish Churches aforesaid; and whenever it is intended or proposed to repeal all or any of the said Bye Laws, the like Form and Notice shall be given as herein-before mentioned; but no such Bye Law shall be made, or repealed or altered, except at a Meeting where the Proprietors of the major Part in Quantity of the said Lands shall be present either in Person or by Proxy.

Orders and Proceedings to be entered in Books.

LXIII. And be it further enacted, That all Orders and Proceedings of the said Commissioner and Trustees at their respective Meetings shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the said Commissioner or Trustees assembled at such Meetings, and being so signed shall be deemed and taken to be Originals; and all Bye Laws to be made as aforesaid shall be entered and written in such Book or Books, and be signed by the said Commissioner or Trustees; and the Clerk attending the said Commissioner or Trustees, or some other credible Person, shall set his Name as a Witness thereto; and the said Bye Laws, so signed and attested, shall be deemed and taken to be original Bye Laws; and all and every such Book and Books, Proceedings, Bye Laws, Rules, and Orders, shall and may be read in Evidence in all Cases of Suits, Actions, Appeals, or other Proceedings touching any thing done or to be done in pursuance or execution of this Act; and which Book and Books shall and may be inspected and perused at all reasonable Times, paying the Sum of One Shilling for every such Inspection or Perusal; and Copies thereof or of any Part thereof may be taken by any Person or Persons interested therein, paying to the said Clerk the Sum of One Shilling for every One hundred Words, and so in proportion for any greater Number of Words.

Arrears of Assessments under the recited Acts to be received by the Commissioner under this Act.

LXIV. And be it further enacted, That all Rates, Taxes, and Assessments taxed, charged, or imposed under or by virtue of the said recited Acts, which shall at the Time of the passing of this Act be in arrear and unpaid, shall immediately after the passing of this Act be paid to and received by the Commissioner hereby appointed, or to his Collector, Treasurer, Receiver, Agent, or other Officer, and shall be applied towards the general Purposes of this Act; and the said Commissioner hereby appointed is hereby authorized, empowered, and required to compel and enforce the Payment of all such last-mentioned Rates, Taxes, and Assessments which shall be so in arrear and unpaid as aforesaid by Distress and Sale of any Goods and Chattels of the several Owners and Occupiers of the several Lands and Grounds whereon or in respect of which such Rates, Taxes, and Assessments shall have been taxed, assessed, and imposed, in the same Manner and Form as any Distress and Sale under or by virtue of this Act is directed to be made, levied, and recovered.

Commissioner and Valuers to enter upon Lands in all the said Parishes for the Purposes of this Act.

LXV. And be it further enacted, That the said Commissioner and Valuers, with the Engineers, Collectors, Receivers, Treasurers, Surveyors, Superintendents, and other Officers acting or employed under or by virtue of the said recited Acts and this Act, shall have full Power and Authority, from Time to Time and at all seasonable Times, either on Horseback or on Foot, to go and travel, pass and repass, as well into and over all the said Lands and Grounds hereby intended to be drained, as

also into and over the High Lands adjoining thereto, when and so often as Occasion shall require, for the due and proper Execution of this Act, doing as little Damage as may be, and making Compensation for such Damage as shall be done to or upon all or any Lands not drained by virtue or under the Authority of this Act.

**Accounts to be made up annually.**

LXVI. And be it further enacted, That Once in every Year, that is to say in the Month of *June*, Inspection shall be had by the said Commissioner of the Receipts and Disbursements of such Money as shall be collected, received, or disbursed by virtue of this Act up to the Thirty-first Day of *May* then last past; and all Accounts relating to the same, whether of the said Commissioner or any other Person, shall then, or within Thirty Days after, be adjusted and made up by the said Commissioner; at which Time the Collector or Collectors, Treasurer or Treasurers, Receiver or Receivers of the said Rates and Sums of Money to be raised as aforesaid is and are hereby required to attend with their separate and distinct Books of Account of the Receipts and Disbursements before mentioned, and with all Vouchers for the same; and upon Consideration and Examination thereof upon Oath the said Commissioner is hereby required to allow and pass the said Accounts of such Collector and Collectors, Treasurer and Treasurers, Receiver and Receivers, or such Part or Parts thereof as to them shall seem just and reasonable; and such Account or Accounts, or such Part or Parts thereof as shall be so allowed by the said Commissioner under his Hand, and all other Accounts relating to the Execution of this Act, shall be fairly entered in Two or more Books to be kept for that Purpose, one of which said Books shall be lodged and deposited with the Clerk to the said Commissioner, and the other or others of such Books shall be lodged with the said Commissioner; and the said Book so to be lodged and deposited with the said Clerk shall and may be inspected and perused at all seasonable Hours by and at the Request of any Person or Persons taxed and assessed by virtue of this Act, paying for such Inspection and Perusal the Sum of One Shilling and no more.

**Proprietors to have a Vote at Meetings in Person or by Proxy.**

LXVII. Provided also, and be it further enacted, That all Bodies Corporate and Politic, and all and every other Person and Persons, who shall severally or jointly be seised or possessed, in his, her, or their own Right, or in the Right of his or their Wife or Wives, or as Tenants in Tail or for Life, Trustees, Devisees, Feoffees, Guardians, or Committees, of a Freehold, Copyhold, or Customary Estate of Inheritance, containing at least Thirty Acres of Land, or for Life, or of an Estate for some long Term of Years determinable on One or more Life or Lives, or holding any Lease under the Crown, or under any Archbishop, Bishop, Dean and Chapter, Church, Hospital, College, or Corporation, of any Part of the said Low Grounds and Cars, excepting in respect of such Lands as are held at Rack Rent, and no other, shall be deemed a Proprietor or Proprietors, for the Purpose of giving Notice of and voting at any Meeting of the Proprietors to be held by virtue of this Act, and shall have One Vote in every public Meeting to be held by the Proprietors aforesaid, which Vote may be given by the said respective Bodies Corporate and Politic, and Persons, either by themselves or by their Proxy or Proxies duly constituted under the Seal of the respective Bodies Corporate and Politic, and under the Hand

Hand or Hands of all other Proprietors; and such Vote or Votes by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Bodies Corporate and Politic, and other Person and Persons, who shall be so seised or possessed as aforesaid of more than Thirty Acres of Land in the said Low Grounds and Cars, shall for every Two hundred Acres more than Thirty Acres of such Land have Liberty and Power, by him, her, or themselves, or by his, her, or their Proxy or Proxies regularly constituted as aforesaid, to give One Vote, not exceeding in the whole Six Votes, for each such Body Corporate or Politic, or other Person or Persons respectively.

For every Two hundred Acres to have an additional Vote, not exceeding Six Votes.

LXVIII. Provided always, and be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Minor, such Lunatic shall or may vote at such Meeting by his or her Committee, or by any of such Committee if more than One, and such Minor shall and may vote by his or her Guardian, or by any such Guardians if more than One; and before any Proxy shall be permitted to vote he shall produce and deliver (and if the Proprietors present or the major Part of them shall require it shall leave) with the Clerk the Instrument or Writing appointing the Person proposing to vote to be a Proxy.

Proxies to produce their Appointments before they vote.

LXIX. And be it further enacted, That if at any Meeting of the Owners or Proprietors of the said Lands and Grounds to be held in pursuance of this Act, for the Purpose of electing a Commissioner or Valuers, Ten of such Owners or Proprietors shall not be present in Person, and there shall not be present, either as Principals or Proxies or as both Principals and Proxies, Persons entitled to Twenty-one Votes, then such Meeting shall be adjourned to that Day Seven-night, to be held where such Meeting was appointed to be held, and so *toties quoties* until Ten Owners or Proprietors shall be present in Person, and until there shall be present, either as Principals or Proxies or as both Principals and Proxies, Persons entitled to Twenty-one Votes.

Meetings to be adjourned in case Ten Proprietors are not present.

LXX. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice of the Peace, in pursuance of the said recited Acts and this Act, to be paid as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioner or any Person acting by or under his Authority, and such Sum of Money shall not be paid by the said Commissioner to the Party or Parties entitled to receive the same within Fourteen Days after Demand in Writing shall have been made of the said Commissioner, in pursuance of the Directions or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioner by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, (unless such Treasurer shall pay such Sum out of any Money in his Hands received in pursuance of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by such Justice, which Warrant any

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

any such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioner or the Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of the said recited Acts and this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

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

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

Justices may proceed by Summons for the Recovery of Penalties.

LXXII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace it shall be lawful for the Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof or Admission of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Proceedings not to be quashed for Want of Form.

LXXIII. And be it further enacted, That no Order, Conviction, or other Proceeding to be made or had by or before any Justice or Justices of the Peace, nor any Bye Law, Rule, Order, or other Proceeding to be made or had by or before the said Commissioner, by virtue of the Powers granted by this Act, shall be quashed or vacated for Want of Form only.

Form of Conviction.

LXXIV. And be it further enacted, That all and every Justice or 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; (that is to say,)

'BE it remembered, That on the Day of *A.B.* is
' convicted before of His Majesty's Justices [*or* Justice] of
' the Peace for the East Riding of the County of *York* by virtue of an
' Act

'Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act, specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*]. Given under our Hands and Seals [*or* my Hand and Seal], the Day and Year aforesaid.'

Recovery and Application of Penalties and Forfeitures.

LXXV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by the said recited Acts or this Act, or incurred under the Provisions or Directions thereof (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace for the said East Riding of the County of *York*, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and in case such Penalties or Forfeitures shall not be forthwith paid it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said East Riding of the County of *York*, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress (such Day or Days not being more than Seven Days from the taking of any such Security, and which Security any such Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied (if a Warrant of Distress should be issued), such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to any Common Gaol or House of Correction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law; and such Penalties and Forfeitures when received shall be paid by the Commissioner or Trustees receiving the same to the Collector, Treasurer, or Receiver, to be applied for the general Purposes of the Drainage.

LXXVI. And

Allowing Appeal to the Quarter Sessions.

LXXVI. And be it further enacted, That each and every Person who shall think himself, herself, or themselves aggrieved by the Order, Conviction, or Judgment of any Justice or Justices of the Peace on account of any Offence committed or supposed to be committed against this Act, or any Bye Law, Rule, or Order to be made as aforesaid, or any Penalties to be levied by virtue thereof, may appeal to the Justices of the Peace for the said East Riding, against any such Order, Conviction, Judgment, or Penalty, at the next General Quarter Sessions of the Peace to be held for the said East Riding within Four Calendar Months next after the Cause of such Appeal shall happen, the Person or Persons so respectively appealing first entering into a Recognizance with Two sufficient Sureties to the Satisfaction of the said Justices, conditioned to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said Justices in the said General or Quarter Sessions, in case such Order and Judgment shall be affirmed; and the said Justices in their said General or Quarter Sessions are hereby authorized and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removable, by any Writ of Certiorari or otherwise, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Limitation of Actions.

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

Not to recover but for special Damages.

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

*ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Saving the Rights of Lords of Manors.

LXXIX. And be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, prejudice, or affect the Rights of any Lord or Lords of the several and respective Manors within the Parishes, Townships, and Places aforesaid, or the Rights and Royalties of the Lord of the Seigniory of *Holderness* aforesaid, so as in the Exercise of such Rights and Royalties they or any of them shall not obstruct or hinder the Execution of this Act.

Public Act.

LXXX. 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.

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