ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxiii.

An Act for warping and otherwise improving certain Moors, Commons, Wastes, and other Lowlands and Grounds, in the Parishes of *Whitgift* and *Snaith*, in the West Riding of the County of *York*. [8th *July* 1820.]

WHEREAS there are in the several Parishes of *Whitgift* and *Snaith*, in the West Riding of the County of *York*, divers large Tracts of Moor Land, Commons, Wastes, and other Lowlands and Grounds, containing upwards of One thousand five hundred Acres of Land of little or no Value, and in their present State incapable of any Improvement; but if the same were warped and otherwise improved, it would be of great Benefit and Advantage to the Proprietors thereof, and also of great public Utility: And whereas *Ralph Creyke* the younger, of *Rawcliffe House*, in the said County of *York*, and *Frank Sotheron* of *Kirklington*, in the County of *Nottingham*, Esquires, are willing and desirous to erect, build, and make all such Sluices, Cloughs, Culverts, Banks, and other Works in the said several Parishes as shall be necessary for effectuating the Purposes aforesaid; but such beneficial Matters 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

Power to build Sluices, and other Works;

the same, That from and after the passing of this Act the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, to be appointed in Manner herein-after mentioned, shall and may, and they are hereby authorized and empowered to build, erect, and make all such Banks, Sluices, Dams, Cloughs, Culverts, Bridges, Roads, and other Works as shall be necessary for the warping and improving the said Moors or Moor Grounds; and for the Purposes aforesaid they the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, shall have full Power and Authority, by themselves or their Engineers, and each and every of their Servants, Agents, Workmen and others, to remove, alter, repair, support, and maintain, or cause to be removed, altered, repaired, supported, and maintained, all such Cuts, Drains, Dams, Banks, Aqueducts, Culverts, Outlets, Sluices, Gouts, Cloughs, Engines, Bridges, Tunnels, Roads, and other Works as the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, shall think necessary for the Purposes of this Act; and also to cut, alter, embank, deepen, and widen the present Course or Beds of the several Streams of Water, Becks, Brooks, Drains, or Watercourses within the Limits of this Act (except such Warping, Cloughs, Sluices, Drains, and other Works as are at the Time of passing this Act the private Property of any Person or Persons whomsoever); and also to erect such suitable Buildings for the Habitation of any Person or Persons to be appointed for superintending the said Works, and for depositing Stores or Materials belonging thereto, as the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, shall from Time to Time think necessary: Provided always, that nothing in this Act contained shall be construed to authorize or empower the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or any Person or Persons, to cut or dig any Lands or Grounds for the Purpose of making such Banks, Sluices, Dams, Cloughs, Culverts, Bridges, Roads and other Works, until full Payment and Satisfaction be made to the Owners and Proprietors of the same Lands and Grounds for the Value thereof in Manner herein-after mentioned.

and also to erect Buildings for depositing Stores, &c.

Not to take any Lands, &c. until Satisfaction made for the same.

First Meeting.

II. And be it further enacted, That the said *Ralph Creyke* and *Frank Sotheron*, shall and they are hereby required, within Two Calendar Months next after the passing of this Act, to cause Notice to be given in one of the Newspapers circulated in the Neighbourhood of the said Parishes, and also to be affixed on the Church Doors of each of the said Parishes, of the Time and Place of their First Meeting for executing the Powers of this Act, at least Ten Days before such Meeting; and that the said *Ralph Creyke* and *Frank Sotheron* shall and may at such Meeting, and from Time to Time afterwards, adjourn to meet at such Time and Place in one of the said Parishes, or within Five Miles thereof respectively, as shall be most convenient for executing the Purposes of this Act; and shall cause Ten Days Notice at least to be given in some one Newspaper printed or circulated in the Neighbourhood of the said Parishes, of every subsequent Meeting (Meetings by Adjournment which it shall and may be lawful for them from Time to Time to make only excepted).

For appointing Persons to execute the Powers of this Act, in case of the

III. And be it further enacted, That if the said *Ralph Creyke* and *Frank Sotheron*, or either of them, or any Person or Persons to be appointed in their or either of their Stead, as hereafter mentioned, shall die, refuse, or neglect to take upon himself or themselves the Execution of the

Powers hereby vested in him or them for the Space of Six Calendar Months next after the passing of this Act, or after such his or their Appointment, shall, before the Execution of all the Powers and Authorities hereby respectively vested in them, die, refuse, neglect, or become incapable of acting as aforesaid, then and in every such Case it shall be lawful for the Survivor of them the said *Ralph Creyke* and *Frank Sotheron*, and he is hereby required, by Writing under his Hand, within Twenty-one Days next after such Death, Refusal, Neglect, or Incapacity as aforesaid, shall have been made known to him by Notice from any Proprietor or Person interested in the said Moors, Commons, Wastes, and other Lowlands and Grounds, to be left at the usual Place of Abode of such Survivor, to nominate and appoint some Person (not interested in the said Moors, Commons, Wastes, and other Lowlands and Grounds) in the Stead or Place of the said *Ralph Creyke* or *Frank Sotheron*, or such Person to be appointed as aforesaid, so dying, refusing, neglecting, or becoming incapacitated to act as aforesaid; and every Person so to be appointed in Manner aforesaid shall have the like Powers and Authorities for putting this Act in Execution in all respects whatsoever, as the Person in whose Place he shall have been so appointed was invested with by virtue of this Act; but in case any of the Persons herein-before authorized and empowered to make any such Appointment or Appointments respectively as aforesaid, shall neglect to make the same within the Time herein limited for that Purpose, then and so often as such Neglect shall happen, His Majesty's Justices of the Peace, on Application by any one of the Persons interested in the Moors, Commons, Wastes, and other Lowlands and Grounds, at the General Quarter Sessions of the Peace for the said West Riding, next after the Expiration of the Time herein-before allowed for such Appointments by such Persons as aforesaid, by an Order of Court, to appoint some fit, proper, and skilful Person (not interested in the said Moors, Commons, Wastes, and other Lowlands and Grounds) to act in the Execution of this Act, in the Room and Stead of such Person so dying, refusing, neglecting, or becoming incapacitated to act as aforesaid, and so from Time to Time as often as any such Event shall happen.

Death of Mr. Creyke or Mr. Sotheron.

IV. And be it further enacted, That all Orders, Proceedings, and Determinations of the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, at any of their Meetings to be held in pursuance of this Act, shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, and being so signed shall be deemed and taken for Originals; and all such Books shall and may be read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings, touching any Matter or Thing done in relation to or in pursuance of this Act.

Proceedings of Commissioners to be entered in a Book.

V. And be it further enacted, That the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

Books shall at all seasonable Times be open to the Inspection of the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or any Creditor or Creditors on the Rates hereby granted, without Fee or Reward; and the said *Ralph Creyke* and *Frank Sotheron*, or their Successors and Creditors, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Offices of Clerk and Treasurer not to be held by one Person.

VI. And be it further enacted, That it shall not be lawful for the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, to appoint the Person who may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purpose of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, their Clerk; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Officers to be appointed.

VII. And be it further enacted, That it shall be lawful for the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, from Time to Time to appoint a Clerk, Surveyor or Surveyors, Assessor or Assessors, Collector or Collectors of the Taxes hereby granted, and such other Officers as they shall think necessary, and from Time to Time to remove all or any of such Officers as the said *Ralph Creyke* and *Frank Sotheron*, and their Successors shall think fit, and appoint others in the Room of such as shall be so removed, or shall die or resign their Office, or be incapable of performing it; and shall take such Security for the due Execution of such respective Offices as they the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, shall think proper, and may by and out of the Monies to arise by virtue of this Act allow and pay to such Clerks, Surveyors, Assessors, Receivers, Collectors, and to such other Person or Persons as shall be aiding or assisting them in their respective Offices, or that shall in anyway be employed in the Execution of this Act, such Salaries, Rewards, and Allowances for their respective Attendance, Care, and Service, as to them the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, shall seem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, deliver to them, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how and to whom and for what Purposes the same and every Part thereof hath been disposed of, together with proper Vouchers

Officers to give Security.

Officers to account;

and

and Receipts for such Payments; and all such Officers and Persons shall and they are hereby required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, shall appoint to receive the same; and if such Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, all Books, Accounts, Papers, and Writings in their respective Custody or Power, any way relating to the Execution of this Act, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, to be applied towards the general Purposes of this Act; and if Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live and reside, such Justice may and he is hereby authorized and required, by a Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing or not appearing, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts (if produced) in such Manner as the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, might have done; and if upon the Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Affirmation, or Oaths or Affirmations of any credible Witness or Witnesses, which Oath or Affirmation the said Justice is hereby empowered to administer, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice shall and he is hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Money, and also such Penalties as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and Penalty, and the Charges of distraining, keeping, and selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose (except for some sufficient Excuse), or if appearing shall refuse or neglect to give or deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in their Custody or Power relating to the Execution of this Act, then and in either of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the Common Gaol of the County, Riding, or Place where he or they shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and shall have delivered

or be punished.

vered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his or their respective Hands, and such Penalty as aforesaid, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he or they shall have compounded with the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, for the same, and paid the Composition Money to them, or to such Person or Persons as they shall appoint to receive the same, (and which Composition they the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, are hereby empowered to make), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said *Ralph Creyke* and *Frank Sotheron*, or their Successors; provided always, that no Person who shall by virtue of this Act be committed for Want of sufficient Distress only, shall be detained in Prison for any longer Time than Six Calendar Months.

Clerk and Surveyor, &c. to take an Oath.

VIII. Provided always, That every Clerk, Surveyor, Assessor, and Collector, to be appointed as aforesaid, shall, before he shall proceed to do and execute any thing under this Act, take and subscribe the following Oath, or being one of the People called *Quakers*, the Affirmation following; (that is to say),

Surveyor and Assessor's Oath or Affirmation.

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do affirm], That I will according to the best of my Skill and Knowledge faithfully discharge the Trust reposed in me by virtue of my Office of Clerk [*or*, Surveyor, Assessor or Collector, *as the Case may be*] by virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*] without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever. So help me GOD.'
'[*or*, being one of the People called *Quakers*, omitting the Words 'So help me GOD.']

By whom to be administered.

Which Oath or Affirmation it shall be lawful for any one of His Majesty's Justices of the Peace for the said West Riding to administer, and he is hereby required to administer the same; and which Oath or Affirmation so taken and subscribed shall be deposited with the Clerk of the Peace for the said West Riding.

Map deposited with the Clerk of the Peace to remain with him for Inspection, &c.

IX. And whereas a Map or Plan describing the Lands and Grounds intended to be taken and used for the Purposes of this Act, and also the Moors or Moor Lands intended to be warped and improved by virtue of the same, with the Plots or Compartments by which they are intended to be so warped and improved in Succession, as herein-after mentioned, has been deposited with the Clerk of the Peace for the West Riding of the said County of *York*; be it therefore enacted, That the said Map or Plan so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner in the said Lands, shall have Liberty to inspect and peruse the same, and make Extracts from or take Copies thereof, at all seasonable Times, on Payment to such Clerk of the Peace of One Shilling for each Time of Inspection, and of Sixpence more for every Hour during which such Inspection, copying, or extracting shall continue; and the said Map or Plan, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be

and

and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk of the Peace for the said Riding for the Time being, upon Ten Days Notice to be given or left at his Office, shall be required from Time to Time to produce the said Map or Plan before any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, such Clerk producing the same having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance.

To make Bridges for Convenience of Occupiers.

X. And be it further enacted, That if by the making of any of the said intended Works herein-before directed to be made, the Passage of any Person or Persons, or of his, her, or their Cattle or Carriages, to or from the Lands or Grounds of such Person or Persons, shall be interrupted or prevented, the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, shall and they are hereby required, before such Works shall be made, to cause such Bridge or Bridges or other Conveniences to be erected and made as shall be necessary for the Passage of the Occupier or Occupiers of such Lands and Grounds respectively, and of his, her, and their Cattle and Carriages to and from the same.

In case of Neglect for Three Months to build Bridges, any Justice of the Peace for the West Riding may order the same to be done, and to order the Expences to be paid by the said Ralph Creyke and Frank Sotheron.

XI. And be it further enacted, That in case the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, shall for the Space of Three Calendar Months, neglect or refuse to erect or cause to be erected, such Bridge or Bridges, or other Conveniences, then it shall be lawful for any one or more of His Majesty's Justices of the Peace for the said West Riding, not interested in the Premises, who is or are hereby required, within a convenient and reasonable Time, to order the same to be erected and made, and to order the Expences attending the same to be paid out of any Money arising under or by virtue of this Act; and in case such Money shall not be forthwith paid by the said *Ralph Creyke* and *Frank Sotheron* or their Successors, then the same shall and may be recovered by an Action at Law in any of His Majesty's Courts at *Westminster*, in which Action no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed: Provided always, that the Ascent to every such Bridge so to be made as aforesaid, shall not be more than One Foot in Thirteen Feet, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Bridge.

Limiting the Ascent to such Bridges.

Power to enter Lands to make the Works, &c. making Satisfaction to Parties injured, &c.

XII. And be it further enacted, That the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, shall have full Power and Authority for themselves, their Agents and Workmen, to enter upon any Lands of any Person or Persons within the Limits of this Act, in the said respective Parishes of *Whitgift* and *Snaith* (save and except any Yard, Garden, Orchard, Croft, Paddock, or Avenue immediately adjoining to any Mansion House) adjoining to any of the Banks, Sluices, Dams, Cloughs, Culverts, Bridges, Roads, or other Works, which they the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, are hereby authorized and directed to make or do, and to take and dig Earth therefrom, and to do such other Acts as may be necessary to carry into Effect the Purposes of this Act, making Satisfaction to the Party or Parties injured thereby; and for that Purpose the said *Ralph Creyke* and *Frank Sotheron* and their Successors, are hereby empowered to agree with the Proprietors of and Persons interested

terested in any Lands, Tenements, or Hereditaments which they shall judge necessary to be dug, cut, taken, used, or entered upon for making any Banks, Sluices, Dams, Cloughs, Culverts, Bridges, Roads, or other Works hereby directed and authorized to be made or done for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors or Persons interested, for the Damages they may sustain thereby; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with them for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, or Hereditaments, by the Means aforesaid; and all such Contracts, Sales, Conveyances, or Agreements, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in pursuance of this Act.

Bodies Politic, &c. may contract for Sale of Lands, or Compensation for Damages.

Persons neglecting, &c. to treat with the said Ralph Creyke and Frank Sotheron.

XIII. Provided always, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Twenty-one Days after Notice in Writing given to the Principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their Place or reputed Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or by reason of Absence shall be prevented from treating, then and in every such Case, the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, may and they are hereby authorized and empowered, Ten Days at least before any General Quarter Sessions of the Peace to be holden for the West Riding of the County of *York*, to give or cause to be given to the Party or Parties whose Lands, Tenements, or Hereditaments shall have been taken or used, or shall be intended to be taken or used, or shall have sustained such Damage or Injury, or to leave or cause to be left at his, her, or their usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting that the Value of such Lands, Tenements, or Hereditaments, and the Amount of the Injury or Damage sustained, will be adjusted and

may apply to the Sessions in certain Cases to ascertain the Value of Lands and Amount of Damages by a Jury, &c.

settled by a Jury at the said Sessions; and the Justices at their said Sessions, or any Adjournment thereof, shall charge and they are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some Jury of Twelve honest and substantial Men, to be then and there impannelled and returned by the Sheriff of the County where such Lands, Tenements, and Hereditaments shall be situated, (as the Case may require), and to cause them to be sworn well and truly upon their Oaths, to assess the Value of such Lands, Tenements, or Hereditaments, and the Recompence to be given for the same, or for any Damage or Injury sustained as aforesaid, to the respective Persons, Body or Bodies Politic, Corporate, or Collegiate, having any Interest therein, or to the Owner or Owners thereof, according to their respective Interests, to which said Juries the said *Ralph Creyke* and *Frank Sotheron* and their Heirs, and all Persons interested, shall have their lawful Challenges when they come to be sworn; and the Clerk of the Peace for such Riding is hereby empowered and required, upon Application made to him by any of the Parties interested, by Subpœna or Subpœnas under his Hand, to call before the Justices at such Sessions, or any Adjournment thereof, any Person or Persons as a Witness or Witnesses who shall be thought proper to be examined touching or concerning the Premises; and the said Jury upon their Oaths (which Oath, and the Oath to be taken by the Person who shall appear or be summoned to be examined or give Evidence as aforesaid the said Justices at their said Sessions are hereby empowered and required to administer), shall ascertain and award the Recompence to be given for such Lands, Tenements, or Hereditaments, or any Damage or Injury which shall have been done as aforesaid to the respective Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Owner or Owners thereof; and the said Justices shall and may give Judgment according to the Verdict of the said Jury, and the Judgment thereupon declared and pronounced by the said Justices shall finally bind and be conclusive to and upon the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, and all Persons and Parties interested in the said Lands, Tenements, and Hereditaments; and such Judgment shall be entered and kept among the Records of the Quarter Sessions of such Riding, and the same, or a true Copy thereof, being signed by the Clerk of the Peace for such Riding, shall be deemed and taken to be good Evidence in all Courts of Law or Equity, and all Persons may have recourse thereto, or take Copies or Extracts therefrom, on paying the usual Fees as in Cases of the like Nature.

Witnesses to be summoned.

Justices to give Judgment.

XIV. And be it further enacted, That in all Cases where any Verdict shall be given for any greater Sum or Recompence than shall have been offered by or on Behalf of the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, before Notice of the intended Application to be made to the said Sessions for or in respect of any of the Matters aforesaid, then all the Expences of such Application (including the Charges of Witnesses) shall be paid by the said *Ralph Creyke* and *Frank Sotheron*, or their Successors; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on Behalf of the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, or Hereditaments upon or in respect of which

Expences of Jury and Witnesses by whom to be paid.

Justices to settle Expences.

which such Application shall have been made; all which Expences shall be regulated, settled, and allowed by the Justices in Sessions before whom the Matter shall be heard and determined: Provided always, that in all Cases where any Person by reason of Absence shall have been prevented from treating, such Costs and Expences shall be paid and borne by the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, out of the Monies to arise by virtue of this Act: Provided nevertheless, that until Payment shall be made of the Sum or Sums of Money so agreed, contracted for, awarded or assessed as aforesaid, to the Party or Parties respectively entitled, thereto as aforesaid, or to their Agent or Agents, or until the same shall be deposited in the Bank of *England* (as the Case may be) in manner by this Act directed, it shall not be lawful for the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or any Person acting under their Authority, to dig or cut into any such Lands or Grounds for the Purpose of making the Works hereby authorized to be made, or any of them, without leave of the respective Owners or Occupiers thereof in Writing under their respective Hands.

Power to enter and take Possession of Lands, &c. on Payment or Tender of the Purchase Money.

XV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Compensation for Damages to the Proprietor or Proprietors of such Lands, Tenements, or Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within Three Calendar Months next after the same shall be so agreed for or assessed, or upon Payment of the said Sum or Sums of Money within the said Three Calendar Months into the Bank of *England*, as herein-after directed for the Use of the Person or Persons entitled thereto (but not before), it shall and may be lawful to and for the said *Ralph Creyke* and *Frank Sotheron* and their Successors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and Hereditaments respectively; and then and thereupon such Lands, Tenements, and Hereditaments, 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 and become the Property of the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, to and for the Purposes of this Act; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein; provided nevertheless, that before such Payment as aforesaid it shall not be lawful for the said *Ralph Creyke* and *Frank Sotheron* and their Successors, or any Person acting under their Authority, to dig or cut the Lands, Tenements, or Hereditaments of the Person or Persons entitled to such Payment, for the Purpose of this Act, without the Leave and Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises for the Purposes of this Act before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, every Person or Persons

so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

Application of Compensation when amounting to 200l. or more.

XVI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, to be purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied then the same shall be laid out or invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Purchase shall be made the said Money shall by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest 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, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

When less than 200l. and above 20l.

XVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments

ments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under 20*l*.

XVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, in such Manner as the said *Ralph Creyke* and *Frank Sotheron* or their Successors shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Petition.

XIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used under or by virtue of the Powers of this Act for the Purposes aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said *Ralph Creyke* and *Frank Sotheron*, or their Successors; or in case 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 *Ralph Creyke* and *Frank Sotheron*, or their Successors, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, 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 High Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or

Sums

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, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying therein 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 into the Bank of *England* as aforesaid.

In case of disputed Titles.

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

Power to tax, charge, and assess the Lands, &c.

XXI. And be it further enacted, That for and in consideration of the great Charges and Expences that the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, will necessarily be obliged to incur and defray in making the said Banks, Sluices, Dams, Cloughs, Culverts, Bridges, Roads and other Works, and also in doing and performing the several other Matters and Things necessary to be done for the Purposes of carrying this Act into Execution, it shall and may be lawful to and for the said *Ralph Creyke* and *Frank Sotheron* and their Successors, to tax, charge, and assess all the Lands and Grounds which may be found capable of being warped under the Powers of this Act, and mentioned and described in the Map or Plan herein-before mentioned, with the Sum of Twenty-one Pounds *per* Acre, to be raised and levied in the Proportions and Manner herein-after mentioned.

How Taxes shall be raised on the Lands.

XXII. And whereas the Lands and Grounds at present thought capable of being warped and improved according to the said Map or Plan have been

been divided by *Joseph Thackray*, Gentleman, into Five Plots or Compartments, and which are intended to be warped and improved in regular Rotation, agreeably and according to the Numbers described on the said Map or Plan herein-before mentioned or referred to; therefore be it further enacted, That nothing herein contained shall authorize and empower the said *Ralph Creyke* and *Frank Sotheron* or their Successors, to raise the said respective Sums of Money, otherwise than by the Instalments or Proportions herein-after mentioned; (that is to say), from the Owners or Proprietors of the Lands or Grounds comprised in the First Plot or Compartment the Sum of Five Pounds *per* Acre, within One Calendar Month from the passing of this Act; the Sum of Five Pounds *per* Acre from the Proprietors of the Second Plot or Compartment at the End of Twelve Calendar Months from the passing of this Act, and so on with each succeeding Plot or Compartment in Rotation in numerical Order, each Payment of the First Instalment of Five Pounds *per* Acre to be payable and paid at the End of every succeeding Twelve Calendar Months; the further Sum of Three Pounds *per* Acre from the Owners or Proprietors of each Plot or Compartment as soon as the said *Ralph Creyke* and *Frank Sotheron* or their Successors shall commence the Embankment thereof, and the further Sum of Seven Pounds *per* Acre as soon as the Warping of such Plot or Compartment shall be finished the First Time; the further Sum of Two Pounds *per* Acre as soon as the Warping of each Plot or Compartment shall commence a Second Time, which shall be begun within Eight Years from the finishing thereof the First Time, and the remaining Sum of Four Pounds *per* Acre as soon as the Warping shall be satisfactorily completed and finished, and so on with all other succeeding Plots or Compartments: Provided always, that in case it shall during the Progress of the Works to be done by virtue of this Act be found more convenient to improve and warp the Plots or Compartments in any other Rotation than in the Manner herein-before mentioned, then it shall and may be lawful for the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, to vary the Numbers as they shall think proper and most advantageous to the general Object of this Act.

Proprietors to become Participators on giving Notice.

XXIII. And whereas some of the Proprietors of the Lands and Grounds to be improved and warped as aforesaid may be desirous of becoming Participators with and to join the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, in the Works to be completed under and by virtue of this Act; be it therefore further enacted, That it shall and may be lawful for any one or more of the said Owners or Proprietors (upon giving Notice to the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, within One Calendar Month, to be computed from the Day of passing this Act, of such his, her, or their Desire or Intention) to become Participators, upon the Terms and under the Conditions herein-after mentioned; (that is to say), that such Proprietor giving such Notice shall be considered as a Participator in the Business and Acts to be performed and done in pursuance and by virtue of this Act, according to the Number of Acres, in proportion to the whole Number to be improved, which he, she, or they may respectively have; and that he, she, or they shall be liable to all the Expences attendant upon the Completion of the Works to be made or done under and by virtue of this Act, and shall be entitled to and receive his, her, and their proportionate Share of the Surplus which shall remain after all the Expences are fully paid and satisfied, out of the Taxes to be

raised by virtue of this Act, according to the same Ratio or Number of Acres; the said *Ralph Creyke* and *Frank Sotheron*, and their Successors, being considered liable, in like Manner, for the Number of Acres belonging to the said other Proprietors as shall not give such Notice as aforesaid: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower such Proprietors giving Notice as aforesaid, to call for or demand any Sum or Sums of Money out of the Money to be raised under or by virtue of this Act, until the Whole of the said Works shall have been completed (except such Sum or Sums of Money as he, she, or they shall actually advance by way of Loan for the Purposes of this Act); nor shall any thing herein contained be construed to authorize or empower such Proprietors to interfere or intermeddle with the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, in the Conduct and Management of the said Works, or any thing relating thereto.

Adjoining Lands may be warped on giving Notice and entering into an Agreement.

XXIV. And be it further enacted, That if any of the Owners or Proprietors of Lowlands and Grounds in any Township, Parish, or Place contiguous to or adjoining to the Lands and Grounds intended to be warped and improved by this Act, shall by any Writing signed by him, her, or them, signifying his, her, or their Desire to have their Lands or Grounds included or comprized within the Provisions of this Act, and to take the Benefit thereof, it shall and may be lawful to and for the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, to consent to such Application or Applications, upon the Person or Persons making the same undertaking and agreeing in and by the same Writing, or some other Writing or Writings, to be signed by him, her, or them, to pay such Sum or Sums in gross as shall be agreed upon by them and the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, and shall conform to all such Rules, Orders and Regulations as are in and by this Act contained or referred to with respect to the Lands and Grounds to be warped and improved under the same, or upon such other Terms as shall or may be agreed upon between them and the Person or Persons making such Application as aforesaid.

In case of Difference of Opinions as to the Warping, the Sessions to appoint an Umpire.

XXV. And be it further enacted, That in case any Difference of Opinion shall arise between the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, and any of the said Proprietors or Persons interested as aforesaid, as to whether any of the said Lands and Grounds be properly and effectually warped, it shall and may be lawful for the Justices of the Peace assembled at any General Quarter Sessions of the Peace in and for the West Riding of the County of *York* (on Application being made to them by the Party complaining), to nominate and appoint some one skilful and indifferent Person, not interested in the Premises, to view and examine the same, and to report and deliver his Opinion in Writing to the Party making Application as aforesaid, within Ten Days from the Time of such Viewing and Examination, and whose Determination shall be final, binding, and conclusive on all Parties: Provided always, that Ten Days Notice previous to every such Application to the Quarter Sessions shall be given by the Person or Persons respectively making the same to the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, of such his, her, or their Intentions; and that the Costs, Charges, and Expences attending each and every such Application and Determination, shall be paid by the Person or Persons making such Application as aforesaid.

XXVI. And,

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

XXVI. And, to the End that the said Acre Rate or Sum or Sums of Money may be the more easily collected, be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds which shall be rated or charged by virtue of this Act, shall pay, and they are hereby authorized and required to pay, all and every such Sum and Sums of Money as shall be rated or charged upon or for or in respect of their respective Lands and Grounds in their several Occupations, to the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or to any other Person or Persons appointed by them to receive the same, and to deduct and retain out of his, her, or their Rent and Rents all such Sum and Sums of Money as he, she, or they shall respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier paying such Rate or Charge shall be acquitted and discharged of so much Money as the said Rate or Charge so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his or her Landlord or Landlords.

Power to distrain in case of Non-payment of Taxes.

XXVII. And be it further enacted, That if any Person or Persons shall refuse, omit, or neglect to pay all or any Part of the Rates or Charges to which he, she, or they are hereby made liable, for the Space of Three Calendar Months next after the Days and Times limited and appointed for Payment of the same respectively, then and in every such Case it shall and may be lawful for the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or any other Person or Persons empowered or appointed by them, or by virtue of any Warrant or Precept under the Hand and Seal of any One of His Majesty's Justices of the Peace for the said West Riding, (which Warrant or Precept they are hereby authorized and required from Time to Time to grant and make as Occasion shall require) to enter into and upon all or any Part of the Lands and Grounds hereby directed or authorized to be taxed and charged as aforesaid, and to levy the Sum or Sums of Money due or payable for such Rates or Charges, by Distress of the Goods, Chattels, or Effects which shall or may be found thereon; and where no sufficient Distress can be found on such Lands whereon to levy the said Rate or Charges which shall be then in Arrear in respect thereof by virtue of this Act, it shall be lawful for the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, or any other Person or Persons authorized and empowered by them, by virtue of any Warrant or Precept under their Hands and Seals (which said Warrant or Precept such Justice is hereby empowered and required from Time to Time to make as Occasion shall require) to levy all and every the said Rates or Charges which shall be then in Arrear, by Distress of any Goods and Chattels of the Proprietors of such Lands or Grounds, or of the Person or Persons occupying any Lands chargeable with any such Rates or Charges, whensoever and wheresoever such Goods and Chattels shall be found; and it shall be lawful for the Person or Persons distraining any Goods, Chattels, or Effects for any such Rates and Charges, to impound and keep the same on the Premises where such Distress shall be made, or to take, lead, drive, carry away and impound the same elsewhere, for the Space of Five Days, including the Day on which such Goods, Chattels, and Effects shall be taken, at the proper Costs and Charges

Charges of the Person or Persons liable to pay such Rates and Charges, delivering to the Owner or Owners of the same, or leaving at his, her, or their usual Place of Abode or Residence, Notice in Writing of such Distress being made, and of the Cause thereof, and of the Place or Places where such Distress is intended to be, or shall be led, driven, taken away, impounded, and kept; and in case the Sum or Sums of Money for which any such Distress shall be made, and all Interest, Costs, Charges, and Expences attending such Distress shall not be paid and discharged, or the Distress legally replevied within Five Days, the said *Ralph Creyke* and *Frank Sotheron* or their Successors, or to the Person or Persons making such Distress, shall and may, with the Constable of the Parish where such Distress shall be made, (which said Constable is hereby directed upon being thereunto required to assist therein) cause the Goods, Chattels, and Effects so distrained, to be appraised by Two indifferent Persons upon Oath (which Oath any One Justice of the Peace of the County or Place where the same shall happen, is hereby required and empowered to administer), and such Two Persons are hereby required to appraise the same according to the best of their Judgment; and after Appraisement it shall be lawful for such Person or Persons making such Distress to sell or cause to be sold the Goods, Chattels, and Effects so distrained for the best Price that can be reasonably had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be made, and the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of the Monies arising from any such Sale (if any) on Demand, to the Person or Persons entitled thereto, or otherwise it shall and may be lawful to and for the said *Ralph Creyke* and *Frank Sotheron*, or their Successors acting in the Execution of this Act, or any other Person or Persons empowered or appointed by them by virtue of any Warrant or Precept under the Hands and Seals of the said *Ralph Creyke* and *Frank Sotheron*, or their Successors (which Warrant they are hereby authorized and empowered from Time to Time to grant or make as Occasion shall require), to enter into and upon such of the Lands or Grounds hereby made liable and charged as aforesaid, and so in Arrear, and continue and keep the Possession thereof, for the Term of Twenty-one Years from the Day of such Entry, and use or occupy the same, or otherwise let the same to such Person or Persons as shall be willing to become the Occupiers thereof.

Power to raise Money on Mortgage.

XXVIII. And whereas some of the Owners and Proprietors of the Lands and Grounds to be warped and improved by virtue of this Act, may have Occasion to borrow Money to defray their respective Shares and Proportions of the Charges and Expences incident to and attending such Warping and Improvement, but cannot by reason of some Settlement, Incapacity, or Impediment make effectual Securities for Money so to be borrowed; be it therefore enacted, That it shall and may be lawful to and for all or any of the said Owners or Proprietors, being Tenants for Life or in Tail, and also for the Husbands, Guardians, Committees, Trustees, or Attornies of or for such of the said Owners or Proprietors as shall be under Coverture, Minors, Lunatics, or beyond the Seas or otherwise incapable of acting for themselves, or the said *Ralph Creyke* and *Frank Sotheron*, or their Successors (in case the said Proprietors shall neglect or refuse)

refuse), by Writing under their Hands and Seals, from Time to Time to charge the said Lands and Grounds so warped and improved by virtue of this Act, with such Sum or Sums of Money as will fully defray their respective Shares and Proportions of the Charges and Expences incident to and attending such Warping and Improvement; and for securing the Repayment of such Sum or Sums of Money, with Interest the Person or Persons borrowing the same respectively may, by Indenture or other Deed under his, her, or their Hand and Seal, or Hands and Seals, and attested by Two or more credible Witnesses, grant, mortgage, lease, and demise such Lands or Grounds as aforesaid for any Term or Number of Years, or otherwise, unto or in Trust for such Person or Persons as shall advance and lend such Money; so that every such Grant, Mortgage, Demise or Security, shall be made with a Proviso or Condition to cease and be void, or with an express Trust to be assigned, surrendered, or re-conveyed, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and do also contain a Covenant to pay and keep down the Interest of the thereby secured Money during his, her, or their respective Lives; and that no Person afterwards becoming possessed of any such Lands or Grounds shall be liable to any further or larger Arrear of Interest than for One Year preceeding the Time that the Title of such Possession shall have commenced; and that every Grant, Mortgage, Lease or Demise so to be made, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Tenants in Tail or for Life, or other Person or Persons as aforesaid; any Law or Usage, Settlement, Will, Trust, Use, Remainder or Limitation, to the contrary notwithstanding.

Penalty on Persons damaging Works.

XXIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously stop, dam up, or damage any Banks, Sluices, Dams, Cloughs, Culverts, Bridges, Roads, or other Works or Buildings, or any of them, which shall at any Time hereafter be making or erecting, or made or erected, supported, maintained, or used for any of the Purposes of this Act, every Person so offending, and being thereof convicted before any one or more Justice or Justices of the Peace for the County or Place where the same shall happen, on the Oath of one or more credible Witness or Witnesses, (which Oath such Justice or Justices is and are hereby authorized to administer), shall forfeit and pay any Sum not exceeding Ten Pounds, to be levied in Manner herein-after mentioned, over and above any Damage or Injury which may be done or sustained to or by the same, or to the Lands adjoining, or the Crops growing thereon.

For Recovery of Fines, Forfeitures, and Penalties.

XXX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by any Order or Regulation to be made in pursuance or by the Authority of this Act, (the Manner of Levying and Recovery whereof is not otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order of any one Justice of the Peace for the County or Place where the Cause shall arise, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender

Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied and recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of levying and recovering the same shall be returned on Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice 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 or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Fourteen Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for the County or Place where the Cause shall arise, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of the said County, there to remain without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Fines and Penalties when so levied (the Application whereof is not otherwise directed) shall be applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

For more speedy Conviction of Offenders.

XXXI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect, as the Case shall happen; (that is to say),

Form of Conviction.

' } BE it remembered, That on [*Time of Conviction*], *A. B.* [*Name of Offender*], was duly summoned before
' to wit. } me, [*or*, us] [*Name and Style of convicting Justice or Justices*] for that
' the said *A. B.* [*Name of Offender*] on [*Time of committing Offence*], at
' [*Place of committing Offence*], did [*here state the Offence against the Act*
' *according to the Fact*], contrary to the Provisions of an Act passed in the
' First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], and I [*or*, we] do declare and
' adjudge that the said *A. B.* [*Name of Offender*] has forfeited for the said
' Offence the Sum of [*Fine*], or shall be committed to
' [*Place of Imprisonment*]. Given under my Hand and Seal [*or*, our Hands
' and Seals], the Day and Year first above written.'

XXXII. And

Proceedings not to be quashed for Want of Form, &c.

XXXII. And be it further enacted, That no Order, Determination, Judgment, Warrant, or other Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order, Rate, or Assessment to be made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

Distress not unlawful for Want of Form.

XXXIII. And be it further enacted, That where any Distress shall be made for any Tax, Rate, or Sum 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 Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant, Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so 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.

Persons aggrieved may appeal to the Quarter Sessions.

XXXIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of this Act, then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace where the Cause of Appeal shall happen to arise, within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said *Ralph Creyke* and *Frank Sotheron*, or their Successors, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices not interested in the Premises, in their said General Quarter Sessions of the Peace, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and to award such Costs and Damages, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party and Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case the said Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Limitation of Actions.

XXXV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done by virtue of or in pursuance of this Act, until after Fourteen Days Notice thereof in Writing, signed by the Party or Parties

Parties aggrieved, shall have been given to the Party or Parties complained of, or left at his, her, or their last or usual Place or Places of Abode, thereby setting forth the Cause of such Action or Suit; nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved; nor after Three Calendar Months after the Fact committed, or the Cause of such Action shall have arisen; and every Action commenced and prosecuted against any Person or Persons for any thing done in pursuance of this Act, shall be brought and laid in the County or Place where the Cause of Action shall arise, and not elsewhere.

Accounts to be laid before Justice once in every Year.

XXXVI. And be it further enacted, That Once at least in every Year during the Execution of this Act (such Year to be computed from the Day of passing thereof) the said *Ralph Creyke* and *Frank Sotheron*, and their Successors shall, and they are hereby required to make a true and just Statement or Account of all Monies by them received and expended in the Execution of this Act; and such Statement or Account when so made, together with the Bills and Vouchers relating thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace for the West Riding of the said County of *York*, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Books of Account to be kept in the Office of the Clerk to the said *Ralph Creyke* and *Frank Sotheron*, or their Successors; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

The Jurisdiction of the Court of Sewers not to be affected.

XXXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to lessen, prejudice, alter, or affect the Jurisdiction, or any of the Rights, Privileges, Powers or Authorities of or belonging to the Commissioners of Sewers for the Level of *Hatfield Chase* and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, with respect to such of the present Drains, Sewers, and other Works as are now within the Jurisdiction of the said Commissioners of Sewers, and are not intended to be altered, enlarged, or otherwise improved by virtue of this Act, but that the said Drains, Sewers, and other Works and every of them shall remain and continue, and that all such Drains, Sewers, and other Works as shall be altered, enlarged, or otherwise improved for the Purpose of this Act, shall, when such Purposes are or shall be fully completed, revert and be again under the Jurisdiction and Controul of the said Commissioners of Sewers, as fully and effectually to all Intents and Purposes as if this Act had not been passed.

General Saving of Rights.

XXXVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, as well in Right of His Crown as of His Duchy of *Lancaster*, and to all Bodies Politic, Corporate, or Collegiate, and their Successors, and to all and every other Person and Persons, his, her, and their Heirs, Executors, and Administrators, all such Estate, Right, Title, and Interest, (save and except such as is and are hereby meant and intended to be barred, destroyed, and extinguished), as they, every, or any of them, had or enjoyed, in, to, or out of the Lands hereby directed to be warped or otherwise improved, or might or could have held and enjoyed therein, in case this Act had not been passed.

 XXXIX. And

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

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