



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI II. REGIS.

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*Cap. 118.*

An Act for draining, embanking, and preserving divers Tracts of Land within the Township of *Muston*, in the Parish of *Hunmanby*, and also within fundry other Parishes, Townships, or Places adjoining or near to the Rivers *Derwent* and *Harford*, in the East and North Ridings of the County of *York*. [28th July 1800.]

**W**HEREAS there are within the Township of *Muston*, in the Parish of *Hunmanby*, and within the several Parishes, Townships, or Places of *East Flotmanby*, *West Flotmanby*, *Folkton*, *Flixton*, *Staxton Willerby*, *Binnington*, *Ganton*, *Potter-Brompton*, *Sherburn*, *East Hesterton*, *West Hesterton*, and *Yeddingham*, in the East Riding of the County of *York*, and also within the several Parishes, Townships, or Places of *Ebberston*, *Yeddingham-Abbey*, *Snainton*, *Brompton*, *Ruston*, *Wykeham*, *East Ayton*, *Irton*, *Seamer*, *Cayton*, *Lebberston*, and *Gristhorpe*, in the North Riding of the same County, and in such Part of the Township of *Seamer* aforesaid, as lies within the said East Riding, divers Tracts of Land,

[Loc. & Per.] 24 F

Preamble

Land, computed to contain in the Whole Six thousand Acres and upwards, through which the Rivers *Derwent* and *Harford*, and also sundry Brooks, have their separate and conjoint Courses, the Channels and Beds of which said Rivers and Brooks are, for Want of proper Fall, very insufficient to contain and convey the Flood Waters thereof within the present Limits, and such Flood Waters being also greatly impeded in their Passage by the many bending Directions in which the said Rivers and Brooks take their Courses, the said Lands are thereby subject to be greatly overflowed and otherwise injured, by reason whereof the same are, in the present State of the said Rivers and Brooks, incapable of any considerable Improvement, or of being put into a State of Cultivation; and although the said Lands are capable of being effectually drained and preserved, to the great Advantage of the respective Owners and Proprietors thereof, and Benefit of the Publick; and may be made fit and convenient for the Purposes of Husbandry, yet the same cannot be accomplished without the 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 Lands shall be effectually drained and embanked in Manner herein-after mentioned; and that Sir *George Cayley*, of *Brompton* aforesaid, Baronet, *Digby Legard*, of *Ganton* aforesaid, Esquire, and the Reverend *John Gilby*, of *Thornton* in the said County of *York*, Clerk, and their Successors, to be appointed as herein after mentioned, shall be, and are hereby appointed Directors for draining and embanking the same Lands; and that *Isaac Leatham*, of *Barton in the Street* in the said County of *York*, Esquire, *Joseph Dickinson*, of *Beverley Parks* in the same County, Gentleman, and *John Hall*, of *Scorbrough* in the same County, Gentleman, and their Successors, to be appointed as herein-after mentioned, shall be, and are hereby appointed Commissioners for carrying into Execution the several Powers and Authorities particularly vested in them by this Act.

Directors.

Commissioners.

Any Two of them to act.

II. And be it further enacted, That the several Powers and Authorities, Acts, Matters, and Things hereby vested in, or authorized or directed to be done or performed by or before the said Directors, may be executed, done, or performed by or before any Two of them, and shall be as valid as if executed, done, or performed by or before all the said Directors; and that all and every the Powers and Authorities granted by this Act, and hereby particularly vested in, or authorized or directed to be done or performed by or before the said Commissioners, may be carried into Execution, and done or performed by or before any Two of them, and shall be as valid as if executed, done, or performed by or before all the said Commissioners.

Allowances to Directors and Commissioners.

III. And be it further enacted, That out of the Money which shall be raised by the said Directors under the Authority of this Act, each such Director shall be allowed to retain his reasonable travelling and other Expences for each Day he shall attend, or be from Home, in the Execution thereof, not exceeding the Sum of One Pound One Shilling; and that out of the Money so to be raised, there shall be paid by the said Directors

tors to each of the said Commissioners, as a Recompence for his Trouble and Expences, the Sum of Two Pounds Two Shillings, and no more, for each Day he shall be employed in attending the Execution of this Act, and in travelling from and returning Home; and that thereout the said Commissioners shall defray their travelling and all other Expences:

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

Persons advancing Money towards the Expences of the Act to be repaid with Interest.

V. Provided always, and be it enacted, That no Person shall be capable of acting as a Director or a Commissioner, or as an Arbitrator or Umpire, or Assistant in the Execution of this Act, until he shall have taken and subscribed the following Oath:

Directors and Commissioners, &c. to take an Oath

I do swear, That I will faithfully, impartially, and honestly; according to the best of my Skill and Judgement, execute the Powers and Trusts reposed in me by virtue of an Act, passed in the Fortieth Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of the Act*] without Favour or Affection to any Person whomsoever. So help me GOD.

Which Oath any One of His Majesty's Justices of the Peace for either of the said Ridings, is hereby authorized and required to administer; and the said Oath, written on Parchment, and so taken and subscribed, shall be filed at the same Time and Place, and in like Manner as the Instruments in Writing to be signed by the said Commissioners, as herein-after mentioned, are directed to be filed.

VI. And be it further enacted, That the said Directors, and also the said Commissioners, shall meet at the House now occupied by *Charles Prudams*, Innholder, in *Yeddingham* aforesaid, within One Calendar Month after the passing of this Act, and proceed to the Execution of the Powers hereby reposed in them the said Directors and Commissioners respectively; and the said Directors shall afterwards, Twice in every Year (to wit) on the *Wednesday* in *Easter Week*, and the *Wednesday* after *Michaelmas Day*, pursuant to Notice to be for that Purpose inserted, by Order of the said Directors, in all the *York* Newspapers at least Fourteen Days before every such Meeting, meet at such Publick House or Place, within some One of the Parishes, Townships, or Places aforesaid, as the same Directors shall appoint; and the said Directors, and also the said Commissioners, shall and may from Time to Time respectively adjourn themselves to such Time and Place, as they the same Directors and Commissioners shall respectively think most convenient and necessary for executing their respective Powers and Authorities given and granted by this Act; and if a sufficient Number of the said Directors shall not appear at any such Meeting of Directors, or if a sufficient Number of the said Com-

Appointing the First Meeting to execute the Act;

and regulating future Meetings.

Commissioners shall not appear at any such Meeting of Commissioners, to act or adjourn to any such Time or Place, then the Clerk to the same Directors and Commissioners respectively, shall adjourn such Meeting to, and appoint the said Directors or Commissioners (as the Case may be) to meet at the Place where the last Meeting was appointed to be holden, on that Day Fortnight next after the Day on which such last Meeting was appointed to be holden, and give Notice thereof in all the *York* Newspapers, at least Ten Days before any such Meeting; and in case no Adjournment, Notice, or Appointment for a Meeting shall be made or given by the Clerk, then it shall be lawful for the same Directors or Commissioners (as the Case may be) to cause Notice to be inserted in all the *York* Newspapers, appointing a Meeting of the said Directors or Commissioners where the last Meeting of the same Directors or Commissioners respectively was appointed to have been holden, at such Time as the said Directors or Commissioners respectively shall think proper, not less than Ten Days from the Time of giving such Notice.

No Directors or Commissioners empowered to act otherwise than at Meetings.

VII. And be it further enacted, That no Director or Commissioner nominated and appointed, or who shall be elected by virtue of this Act, shall be empowered to act, or do any Matter or Thing, either as a Director or Commissioner, in the Execution thereof, at any other Time or Times than at Meetings to be held by the said Directors and Commissioners respectively, in pursuance of this Act, and in consequence of, or by Orders made at such their respective Meetings.

For empowering the Directors to make Orders and appoint Officers.

VIII. And be it further enacted, That at any Meeting of the said Directors in pursuance of this Act, they shall, and are hereby empowered to make Orders and give Directions for the better and more regular Management of the Works for draining and improving the said Lands; and also from Time to Time to appoint such Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers, Surveyor and Surveyors, Clerk and Clerks, and such other Officer and Officers as they shall think needful for the superintending or carrying on any such Works, and for collecting or receiving the Assessments or Taxes which shall be assessed or made by virtue of this Act for the maintaining of the said Drainage, and for paying and defraying the Charges and Expences incident to the Execution of this Act, and for any other necessary Purpose in the Execution thereof; which said Clerk and Clerks, Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers, Surveyor and Surveyors, and other Officers, or any of them, shall and may be from Time to Time removed and displaced, as often as they the said Directors shall see Cause; and all and every such Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, Surveyor or Surveyors, Clerk or Clerks, or such other Officer or Officers so to be appointed as aforesaid, before they shall act in the Execution of their several Offices, shall give such Security to the said Directors for the due Execution of their respective Offices and Trusts, and especially for the taking Care of the Materials, Matters, and Things, that shall be committed to their Charge, or put under their Care, and over which they shall respectively have any Direction and Controul, as the said Directors shall in their Discretion think fit; and the said Clerk and Clerks, Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers, Surveyor and Surveyors, and other Officers appointed or to be appointed as aforesaid, shall

Officers to give Security.

shall observe and obey all such Orders, Rules, and Directions as the said Directors shall from Time to Time give, make, or appoint for them respectively; and shall be respectively paid by the said Directors, out of the Monies to be by them raised by virtue of this Act, all such Salaries and Allowances, and at such Time or Times, and in such Manner, as the said Directors shall think reasonable, and order, direct, or appoint:

IX. And be it further enacted, That every such Clerk, Collector, Receiver, Treasurer, Surveyor, or other Officer, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall give unto the said Directors true and perfect Accounts, in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how, when, and from whom such Monies shall have been received, and to whom disbursed, and for what Uses or Purposes; and shall from Time to Time and at all Times, upon the Request of the said Directors, or any Person appointed by them, deliver or cause to be delivered into their Hands, or into the Hands of some of them, all the Books, Papers, and Writings, relating to the Execution of this Act, in the Hands, Custody, or Power of such Clerk, Collector, Receiver, Treasurer, or other Officer or Person employed in the said Receipt or Expenditure, together with proper Receipts and Vouchers for the Payments which shall have been made, and shall pay all such Monies as shall remain in their Hands to the said Directors, or to such Person or Persons, or to such Uses and Purposes, as and when they shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath (which Oath any One Justice of the Peace for either of the said Ridings is hereby empowered and required to administer); and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, or shall neglect or refuse to deliver to the said Directors such Books, Papers, and Writings as shall be in his Custody as aforesaid, then and in any of the said Cases it shall be lawful for any Two or more of the Justices of the Peace for either of the said Ridings, or for the County or Place where such Officer or other Person shall reside (not being interested in the said Lands) and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices, or any One or more of them, is or are hereby empowered and required to administer without any Reward); and if any such Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the Riding, County, or Place where such Officer or Person shall reside, there to remain, without Bail or Mainprize, until he or they shall give and make a true and perfect Account, and verify such Account in Manner as aforesaid, and deliver such Books and Papers as aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay in Manner aforesaid, any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two or more Justices of the Peace for the Riding, County, or Place where such Person or Persons shall reside (not being interested as aforesaid) to make Enquiry touching such Neglect or Refusal in a summary Way, in Manner as aforesaid, and by Warrant under their Hands and Seals, to cause such Sums of Money

Directing  
Officers to  
account;

and to verify  
the same upon  
Oath.

Penalty on re-  
fusing;

or neglecting  
to pay Money  
remaining in  
their Hands.

as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering to him or them the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any other Justices of the Peace (not being interested in the said Lands) shall commit such Person or Persons to the Common Gaol of such Riding, County, or Place as aforesaid, there to remain, without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Directors, or to such Person as they shall appoint to receive the same; which Composition the said Directors, at any Meeting assembled, are empowered to make.

Offices of Receiver, &c. not to be united in the same Person.

X. Provided always, and it is hereby declared and enacted, That the several Offices of Receiver or Treasurer, and Surveyor or Superintendant, shall not be united in the same Person or Persons.

Surveyors appointed, who are to make a Survey.

XI. And be it further enacted, That *Isaac Milbourn*, of *Rotherham* in the said County of *York*, Land Surveyor, either alone or together with such other Land Surveyor or Land Surveyors as the said Directors may at any Time find necessary to appoint, or in case of the Death of the said *Isaac Milbourn*, then such other Person or Persons as the said Commissioners shall appoint, shall make, reduce into Writing, and at the Second Meeting of the said Commissioners, or as soon after as conveniently may be, produce and deliver to the said Commissioners a true, exact, and perfect Survey and Admeasurement, and Three separate and distinct Maps or Plans, of all the several Lands which the said Commissioners shall judge and determine to be liable to be assessed and taxed by virtue and within the Meaning of this Act, therein specifying and setting forth the Contents, in Statute Measure, of all the said Lands, and the Quantity of every Part and Parcel thereof belonging to the several Proprietors thereof; and the said Survey and Admeasurement shall be verified upon Oath by the Person or Persons, and their Assistants, making the same, which Oath any Justice of the Peace for either of the said Ridings is hereby empowered and required to administer.

Commissioners to value Lands.

XII. And be it further enacted, That the said Commissioners shall, and they are hereby required to make a true and perfect Valuation of all the said Lands in their present State, and the said Valuation so to be made shall be reduced into Writing upon the Maps or Plans to be made thereof, as aforesaid, and signed by the Commissioners making such Valuation, and shall be made use of as such by the said Commissioners, and may be inspected by any of the Persons interested in any of such Lands, at any of the Meetings of the Commissioners to be held in pursuance of this Act, without Fee or Reward.

Empowering the Directors to drain the Lands, and make Works of Drainage.

XIII. And be it further enacted, That the said Directors shall be, and they are hereby fully empowered from Time to Time to drain or cause to be drained all the said Lands situate within the several and respective Parishes, Townships, or Places aforesaid, and for that Purpose it shall be lawful for the said Directors and their Agents, and all other Persons to be by them employed, and they are hereby authorized and empowered from

from Time to Time and at all Times hereafter, to make, support, alter, and maintain, all such Cuts, Drains, Dams, Banks, Tunnels, Headings, Stamps, Outlets, Engines, Bridges, and other Works, in, upon, through, and over the said Lands, or any Part thereof, and also to use, alter, embank, deepen, and widen, the present Courses or Beds of the said Rivers *Derwent* and *Harford*, or either of them, within any of the said Lands; and also the present Courses or Beds of the several Brooks within any of the said Lands communicating therewith respectively; and also to make and cut, or cause to be made and cut, a Main Drain or Channel from and out of the said River *Derwent*, near a Place called *Everley*, within the Manor and Parish of *Hackness*, in the said North Riding, commencing the same in a certain Parcel of Ground belonging to and in the Occupation of Sir *Richard Bempde Johnstone* Baronet, called *The Low Field*, where the same adjoins on the Lands of *John Taylor* Gentleman, and extending from thence Eastwards through or across the same Parcel of Ground; and also through other Lands of the said Sir *Richard Bempde Johnstone*, to the Commencement of the Drain or Ditch forming the Boundary or Division Fence between the Manor of *Hackness* aforesaid, and the Manor and Parish of *Seamer* aforesaid, and from thence along or so immediately adjoining upon the same Drain or Ditch, as to render some Part of the said Main Drain or Channel, or the Embankment thereof, the Division or Boundary Line between the said respective Manors to a Place called *King's Bridge*, and from thence (there leaving the Manor of *Hackness*) through Lands of *Joseph Dennison* Esquire, within his Manor of *Seamer* aforesaid, and from thence along the Ditch or Brook leading on the North Side of Lands within the Manor and Parish of *Scalby*, in the said North Riding, belonging to the King's most Excellent Majesty, in Right of His Duchy of *Lancaster*, (of which Lands Sir *Alan Chambre* Knight, One of the Justices of His Majesty's Court of Common Pleas, and *Francis Dawson* Esquire, are the present Lessees), to and into the Rivulet or Brook called *Scalby Beck*, where the Road leading from *Hackness* aforesaid to the Borough of *Scarborough* crosses the same Rivulet or Brook, and from thence along or so immediately adjoining upon the same Rivulet or Brook, as to render some Part of the said Main Drain or Channel, or the Embankment or Fences thereof, the Division or Boundary Line between the Lands on each Side of the said Rivulet or Brook down into the Sea, for the conveying of all the Flood and other Surplus Water of the said River *Derwent*, or such Part thereof as may be expedient, into, by, and through such Main Drain or Channel to the present Outfall of the said Rivulet or Brook, to the Sea; so as none of the present publick or private Drains, or any of them, be any ways impeded or obstructed by any of such Cuts, Drains, or other Works as aforesaid, and so as the Waters of such publick and private Drains have free Passage into the present or the new-made Channels or Beds of the said Rivers, or either of them; or into the present or the new-made Channels or Beds of the Brooks or Drains, or some or One of them, leading into the same respectively; and to make, erect, remove, alter, repair, and maintain all such Drains, Outlets, Engines, and other Works of Drainage; and to erect such Buildings and Erections for the Habitation of any Person or Persons to be appointed for superintending the said Works of Drainage, and for depositing Stores or Materials belonging thereto, as the said Directors shall from Time to Time think necessary for draining and preserving the said Lands, and also to make such Orders for executing the Powers

Powers and Purposes of this Act as they shall think proper; (all which said Works, and all other Banks, Engines, Drains, Sluices, Bridges, and Works of Drainage now made, erected, and being, or which shall hereafter, by virtue of this Act, be made, erected, or cut for the Purpose of draining the said Lands, or any Part thereof, and the Right and Property to and in the same, and the Materials of which the same do or shall consist, shall be, and the same are hereby vested in the said Directors for the Purposes of this Act); and the said Directors are hereby authorized and empowered to bring or cause to be brought any Action or Actions of Trespas, or in Ejectment or otherwise, in their own Names or in the Name of any one of them, or to prefer and order, and direct the preferring of Indictments, or any other Prosecution or Suit against any Person or Persons who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure any of such Works of Drainage, or any of the Materials of which the same do or shall consist, or who being in Possession thereof, or of any Part thereof respectively, shall refuse or neglect for One Calendar Month after Notice in Writing, to deliver the Possession thereof to the said Directors.

Requiring the Directors to make a Bridge over the Channel from *Everley* on the Lands of Sir *Richard Bempde Johnstone*.

XIV. And be it further enacted, That for the convenient Occupation of the said Lands of the said Sir *Richard Bempde Johnstone*, after the same shall have been severed by the making of the said intended Main Drain or Channel from or near *Everley* aforesaid, the said Directors shall and they are hereby required, by and out of the Rates and Taxes to be raised by virtue or in pursuance of this Act, to make, erect, and for ever maintain, a proper and convenient Bridge fit for the Passage of Horses and Cattle, at such Place within the same Lands as the said Sir *Richard Bempde Johnstone* shall by Writing under his Hand direct; and shall also make and for ever maintain One or more Tunnel or Tunnels, where necessary, through the Bank of the said Main Drain or Channel, within the Lands of the said Sir *Richard Bempde Johnstone*, in order to convey the Surplus or waste Water issuing from the same Lands into the same Main Drain or Channel.

Prescribing the Width of the new Channel from *Everley*.

XV. Provided also, and it is hereby further enacted, That the said Main Drain or Channel shall be of the Width of Forty Feet at least, at the Height of Five Feet above the Bottom of the said Cut; and in order to prevent the soaking of Water through the Embankment or Embankments of the said Main Drain or Channel, the same shall be well and sufficiently puddled to the Height of Ten Feet at the least from the Bottom of the said Main Drain or Channel.

Prescribing the Height of the Crown of the Overflow of the Weir to be made at the Entrance into the Channel from *Everley*.

XVI. And be it further enacted, That in order to prevent any Impediment to the Passage of the Flood Water of the said River *Derwent*, by Means of the said intended Main Drain or Channel, from or near *Everley* aforesaid, the Crown of the Overflow at the Entrance into the same shall be made so as not to exceed the Height of One Foot above the Level of the average Height of the Water of the same River in the Summer Season, when the same River is free from Flood Water, and also that the said Main Drain or Channel shall be so made as to have a Fall from the said Overflow in the Proportion of Three Feet in each Mile at the least.

XVII. Provided



XVII. Provided always, and be it further enacted, That the said Cuts or Channels, and the said Main Drain to be made from or near *Everley* aforesaid to the Sea, or any other Works to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers; any Law or Statute to the contrary notwithstanding.

That none of the Works of Drainage shall be subject to the Controul of any Commission of Sewers.

XVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, to authorize or empower the said Directors or their Engineers, Surveyors, Agents, or other Persons employed by them or under their Authority, or otherwise, to make any Cuts, Drains, Dams, Banks, Tunnels, Headings, Stamps, Outlets, Engines, Bridges, or other Works of Drainage in, upon, through, or over, any Part of the Lands in the said Township of *Yeddingham*, which are situate below or to the West of the Bridge known by the Name of *Yeddingham Bridge*, nor to alter, embank, deepen, or widen the present Course or Bed of the River *Derwent*, further than to the Upper or Eastern Side of the Arches of the said Bridge called *Yeddingham Bridge*; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Directing how far the Works of Drainage shall be extended.

XIX. Provided always, and it is hereby declared and enacted, That the said Main Drain or Channel to be made from or near *Everley* aforesaid to the Sea, and all other Main Drains, Cuts, Embankments, or other Works, shall be made in such Course or Courses, and of such Dimensions as *William Chapman*, of *Newcastle-upon-Tyne*, Engineer, shall by Writing under his Hand direct or appoint; and in case of his Death, Refusal, or Absence from *Great Britain*, or Incapability of acting, then as some other Engineer, to be nominated for that Purpose as herein-after mentioned, shall in like Manner direct or appoint, and the said Directors shall, within Twelve Calendar Months next after such Death, Refusal, Absence, or Incapability shall happen, or as soon after as conveniently may be, by Writing under their Hands, nominate or appoint some other able and experienced Engineer in the Stead and Place of the said *William Chapman*, and so *toties quoties*.

Appointing an Engineer to superintend the Works.

XX. Provided also, and be it further enacted, That the said Directors shall, in the first Place, make such Main Drain or Channel from or near *Everley* down to the Sea as aforesaid; and in order the better to ascertain the Effects thereof towards the Drainage of the said Lands, and likewise what other Works may then remain necessary for effectuating such Drainage, the said Directors shall not proceed in the Execution of any of the other Powers and Authorities hereby given to or vested in them for the draining of the said Lands, or any Part thereof, before the End or Expiration of One Year next after such Main Drain or Channel to the Sea shall have been completed, unless the major Part in Value of the Proprietors of Lands to be drained by virtue of this Act, who shall be present at any Meeting to be held for that Purpose, shall, by Writing under their Hands, authorize the said Directors to proceed sooner in the Execution of the other Works of Drainage.

Directing what Works shall be first made.

XXI. Provided also, and it is hereby declared and enacted, That no Person shall be capable of being appointed or chosen, or of acting as a

[*Loc. & Per.*]

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Surveyor

Abilities of the Surveyor to be approved of by the Directors.

Surveyor of the Drains or Banks to be made by the said Directors by virtue of this Act, unless he shall, in the Judgement of the said Directors, understand and be experienced in taking Levels with a Spirit Level.

Directors empowered to make Contracts.

XXII. And be it further enacted, That it shall and may be lawful for the said Directors to receive Proposals from, and enter into, and make and execute Contracts with, any Engineers and Workmen for draining the said Lands, and for making any Cuts, Bridges, Embankments, Tunnels, Cloughs, and other Works, and for providing proper Engines, Utensils, and Materials for those Purposes, and all other Articles, Matters, and Things concerning the same.

Notice to be given of Meetings for making Contracts.

XXIII. Provided nevertheless, and be it further enacted, That the said Directors, in the making of all or any of such Contracts as aforesaid (where any such Contract shall exceed the Sum of Fifty Pounds) shall, and they are hereby required to give, or cause to be given, Fourteen Days Notice at least in all the *York* Newspapers, of the Time and Place of Meeting for the Purpose of making such Contracts; and the Person or Persons who shall, at any such Meeting, undertake to perform and execute any of such Works, or to provide any such Materials as aforesaid on the most advantageous Terms, shall be by the said Directors preferred, on entering into such Contracts with them for completing or furnishing the same respectively, agreeably to such Offers, shall give sufficient Security for the due Performance thereof; and that it shall not be lawful to or for the said Directors to make or cause to be made any Cuts, Bridges, Embankments, Tunnels, Cloughs, or other Works for draining the said Lands, or for providing any such Materials as aforesaid, unless the same shall be contracted for in Manner as aforesaid.

Surveyor to certify that Works are executed agreeable to Contracts.

XXIV. And be it further enacted, That the said Directors shall not discharge any Contractor for the making of any of the Drains, Banks, Bridges, or other Works hereby intended to be made, from his Contract, or pay him for the same more than Eighty Pounds *per Centum* upon his Contract, until they the said Directors shall have received from the Surveyor of the same Works, a Certificate in Writing under his Hand, that the Drain, Bank, Bridge, or other Work in Question, has been made in all Respects agreeably to the Contract entered into for the making thereof.

Empowering the Directors and other Persons to pass along the Lands adjoining to the Works.

XXV. And be it further enacted, That the said Directors, and the Commissioners, Engineers, Collectors, Receivers, Treasurers, Surveyors, Superintendants, and other Officers acting or employed under or by virtue of this Act, shall have Licence and Liberty from Time to Time and at all seasonable Times, either on Horseback or on Foot, to go and travel, pass and repass, along the Lands adjoining the Drains, Cuts, and other Works to be made by virtue of this Act, when and so far as Occasion shall require, for the due and proper Execution of their said respective Offices, and of the Trusts and Duties to be by them performed or discharged by virtue of this Act, doing as little Damage as may be, and making Compensation for such Damage as shall be done upon all Lands not drained by virtue or under the Authority of this Act.

XXVI. And

XXVI. And be it further enacted, That if at any Time or Times hereafter any Breach or Breaches, Gool or Gools, by Inundation or otherwise, shall happen in any of the Banks already made, within the Township of *East Ayton* aforefaid or in any of the Banks hereafter to be made by the faid Directors, for preferving the faid Lands from Inundation, and they the faid Directors do not immediately repair the fame, that then and in every fuch Cafe it fhall and may be lawful to and for the Proprietors of Lands thereto adjoining, or liable to be damaged thereby, forthwith to flop and repair the fame, and the Charges and Expences which fhall attend fuch Stoppage and Repairs fhall be paid and defrayed by the faid Directors out of the Monies to be raifed by virtue of this Act.

For indemnifying Proprietors of Lands from Injury by any Breach in the Banks, or from Inundation.

XXVII. Provided always, and be it enacted, That it fhall be lawful for the faid Directors, or fuch Perfon or Perfons as they fhall appoint, without any previous Payment or Tender of Recompence, and without the Let, Hindrance, or Moleftation of any Perfon or Perfons whomsoever, to enter upon and take a View, Survey, and Level of, and to mark out any Lands, Tenements, or Hereditaments within the Parifhes, Townfhips, or Places aforefaid, which they the faid Directors fhall think neceffary to be ufed for any of the Purpofes of this Act.

Empowering the Directors to take Levels;

XXVIII. And be it further enacted, That the faid Directors fhall have Power and Authority to agree with the Proprietors of, and Perfons interested in any Lands, Tenements, Buildings, and Hereditaments, within the Parifhes, Townfhips, or Places aforefaid, which the faid Directors fhall judge neceffary or expedient to be cut, dug, pulled down, thrown up, carried away, or otherwise made ufe of for the Purpofes of, or which may be liable to be damaged in the Execution of this Act, for the Purchase of fuch Lands, Tenements, Buildings, and Hereditaments, or for the Recompence to be made to fuch Proprietors and Perfons interested, for the Damage they may fustain, or for any eventual Injury that may arife to their Property by the Execution of any of the Powers contained in this Act, and alfo to fettle and afcertain in what Proportion the Sum or Sums to be agreed on as the Compenfation, fhall be paid to the feveral Perfons interested in the Premifes; and it fhall be lawful for the King's Majesty, His Heirs and Succelfors, and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Hufbands, Guardians, Trustees, and Officers in Trust, Committees, Executors, and Administrators, and all other Trustees whatfoever, not only for and on Behalf of themfelves, their Heirs and Succelfors, but alfo for and on Behalf of their Cestuique Trusts, whether Infants or Ifsue unborn, Lunatics, Idiots, Femes Covert, or other Perfon or Perfons, and to and for all Femes Covert who are or fhall be feifed or entitled in their own Right, and to and for all and every other Perfon and Perfons whomsoever, who are or fhall be feifed, poffeffed of, or interested in fuch Lands, Tenements, Buildings, or Hereditaments, to contract for, fell, and convey, affign and furrender unto the faid Directors, or to fuch Perfon or Perfons as they fhall appoint, any Lands, Tenements, Buildings, or Hereditaments, for the Purpofes aforefaid, or to agree with the faid Directors for any Recompence to be made for the Damage which may from Time to Time happen or be done to any fuch Lands, Tenements, Buildings, or Hereditaments, by the Execution of any of the Powers of this Act; and all fuch Contracts and Agreements, Sales, Conveyances, Affignments, Surrenders, and Affurances, fhall be

and to agree with Proprietors of Lands to be ufed for the Purpofes of this Act:

valid

valid and effectual in the Law to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Females Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them; any Law, Statute, Usage, Custom, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in the Premises pursuant to this Act; but if it shall happen that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, (except the King's Majesty, His Heirs and Successors) shall for the Space of Fourteen Days after Notice in Writing signed by the said Directors, or any of them, and given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements, Buildings, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Directors, or by reason of necessary Absence shall be prevented from treating, then and in every such Case any One of His Majesty's Justices of the Peace for the Riding wherein such Lands, Tenements, or Hereditaments shall be situate, shall, and he is hereby empowered and required from Time to Time to issue his Warrant under his Hand and Seal to the Sheriff of the County of *York*, or his lawful Deputy, or if such Sheriff shall be interested in the Matter in Question, then to One of the Coroners of such County, commanding such Sheriff or Coroner to impanel, summon, and return Twenty-four Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts at *Westminster*, to appear before His Majesty's Justices of the Peace who shall be assembled at the then next General Quarter Sessions of the Peace to be held for such of the said Ridings wherein any such Matter in Question may arise, in order that out of them a Jury of Twelve Men may be drawn, and be sworn to enquire touching the Matter 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 who 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 Justices of the Peace for such Riding, and each of them respectively, is and are hereby empowered and required, by Warrant or Warrants under his or their Hands and Seals, or Hand and Seal, from Time to Time, as Occasion shall require, to summon and call before them respectively all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said Justices, or any One of them, may, on Application of either Party, order and authorize the said Jury, or any Six or more of them, residing nearest to the Places or Matters in Question, to view the same; which Jury upon their Oaths, to be administered by the said Justices respectively, or any One of them, (which Oaths, as also the Oath to such Person or Persons as shall be called upon to give Evidence, the said Justices, or any One of them,

But in Cases  
of Difference,  
a Jury to de-  
termine.

Sheriff or Co-  
roner to sum-  
mon a Jury.

them, is and are hereby empowered and required to administer), shall enquire of, assess, and ascertain the Sum and Sums of Money to be paid for the Purchase of such Lands, Tenements, Buildings, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises; and the said Justices so assembled as aforesaid (not being interested in the Matters in Question) shall give Judgement for such Purchase Monies or Recompence to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Justices, shall be binding and conclusive to all Intents and Purposes against all Parties, Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever: Provided always, That such Justices may adjourn the Matter in Question to any other Sessions of the Peace for such Riding as aforesaid, and finally determine the same at any of the said Sessions, and give Costs to either Party as they shall adjudge to be reasonable.

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 Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and if any Person so summoned and returned as a Juryman shall not appear or appearing shall refuse to be sworn, or being sworn shall refuse to 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 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 Sums of Money, as the said Justices, or the major Part of them so assembled as aforesaid, shall appoint, not exceeding the Sum of Five Pounds, upon any One Person for One Offence.

Penalty on Sheriff or Coroner neglecting so to do; and on Persons summoned not appearing, or refusing to be sworn.

XXX. And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgements which shall be made and given in relation to any such Lands, Tenements, Buildings, or Hereditaments as aforesaid, (such Verdicts and Judgements being signed by any One of the Justices of the Peace, or by the Clerk of the Peace, or by the Deputy Clerk of the Peace, who shall be present at the taking of such Inquest), shall be copied into the Book or Books of the said Directors, and be lodged amongst the Records of the Court of Quarter Sessions; with the Clerk of the Peace or his Deputy, for the Riding wherein the same shall be taken, or to which the same shall relate, who shall give to the said Directors a Receipt for the same, which Receipt shall be preserved by the said Clerk to the said Directors, and shall also be copied into the Book or Books of the said Directors; and the said Clerk of the Peace, and Deputy Clerk of the Peace for the said respective Ridings, and Clerk to the said Directors, shall permit and suffer any Person or Persons, from Time to Time and at all Times within the Office Hours of Attendance, to peruse and inspect the said Originals and Copies respectively, and to take Copies thereof, or of any Part thereof, upon paying One Shilling for every such Perusal or Inspection, and for taking Copies the Sum of Sixpence for every One hundred Words.

Verdicts and Judgements to be recorded.

Directing how  
the Expences  
of Jury 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 the Behalf of the said Directors before the summoning of any such Jury, for or in respect of any such Lands, Tenements, Buildings, Hereditaments, or Damages as aforesaid, that then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of the taking such Inquest, shall be paid by the said Directors 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 shall have been so previously offered by or on the Behalf of the said Directors, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, Buildings, or Hereditaments in Question, and shall and may in that Case be deducted out of the Sum to be paid to them by the said Directors.

Upon Pay-  
ment of Sums  
assessed, Con-  
veyances to be  
made to the  
Directors.

XXXII. And be it further enacted, That upon Payment of the Sum or Sums of Money so assessed and adjudged as aforesaid to the Person or Persons to whom the same shall be so adjudged, for the Purchase of the said Lands, Tenements, Buildings, or Hereditaments, or for the Purchase of any Estate or Interest therein, such Person or Persons shall at the Costs of the said Directors make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Directors for the Purposes of the said Drainage, or any Person or Persons in Trust for them, of the said Lands, Tenements, Buildings, and Hereditaments, or of such Estate or Interest for which such Sum or Sums of Money shall be so adjudged, and shall at the like Costs procure all necessary Parties to execute such Conveyances, Surrenders, Assignments, and Assurances, and shall do all Acts, Matters, and Things necessary and requisite to make and derive a good, clear, and perfect Title thereto, to the said Directors in Trust, for effecting the Purposes hereby intended; and such Conveyances, Surrenders, Assignments, and Assurances shall contain all such reasonable and usual Covenants as shall on the Part of the said Directors be required; and in case the Person or Persons to whom such Sum or Sums of Money shall be adjudged as aforesaid shall, after such Sum or Sums so assessed and adjudged as aforesaid (after such Deduction as aforesaid shall be produced and tendered to be paid to him, her, or them) refuse to execute, or procure to be executed such Conveyances, Surrenders, Assignments, or Assurances as aforesaid, or shall refuse to accept or receive the same, being tendered to be paid to him, her, or them, or in case any such Person or Persons to whom any Sum or Sums of Money as aforesaid shall be so adjudged, cannot be found in the said East or North Riding of the County of York, or at his, her, or their accustomed Place of Abode within England, (if any such Person or Persons shall have any such Place of Abode); or in case that, by reason of Disputes depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear to the said Directors what Person or Persons is or are entitled to make Conveyance by virtue of this Act of the Hereditaments in Question, then and in every such Case it shall and may be lawful to and for the said Directors to order the said Sum or Sums so assessed and adjudged as the Amount of the Purchase Money for the said Lands, Tenements, Buildings, and Hereditaments 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, *ex parte* the said Directors, sub-  
ject

Purchase Mo-  
nies in certain  
Cases to be  
paid into the  
Bank of Eng-  
land,

ject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 same Court shall seem meet, to order Distribution thereof according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereto, and to make such other Order in the Premises, with respect to Costs or otherwise, 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 and Sums, is and are hereby required to give a Receipt or Receipts for the same (mentioning and specifying for what and for whose Use the same is or are received) to such Persons as shall pay any such Sum or Sums into the Bank as aforesaid, and such Receipt or Receipts shall be filed and certified in like Manner as is usual on Payments made into the Bank in the Name of the Accountant General under Orders of the Court of Chancery.

subject to the Disposal of the Court of Chancery.

XXXIII. And be it further enacted, That immediately after such Verdicts, Judgements, and Proceedings of the said Justices and Juries, and Payment into the Bank as aforesaid, and after such Receipt or Receipts of the said Cashier or Cashiers shall be given and filed as before mentioned, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the King's Majesty, His Heirs and Successors, and also of all and every Person and Persons in, to, and out of the Lands, Tenements, Buildings, Hereditaments, and Premises to be purchased as aforesaid, shall vest in the said Directors upon the Trusts of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises had been adult and without Impediment, and had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payment shall bar all Right, Title, Interest, Claim, and Demand of the Person or Persons having any Estate or Interest in the same Premises, and particularly shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or common Recoveries would do if levied or suffered by the Parties interested, and such Parties had been adult and without Impediment.

After Purchase Money is paid the Title to vest in the Directors.

XXXIV. And be it further enacted, That if any Money shall be agreed, adjudged, or 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 Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, 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 *ex parte* the said Directors, to the Intent that such Money shall

Directing the Application of Purchase Money exceeding 200 l.

be

be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards 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 settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied; then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased and taken or used for the Purposes of this Act, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Directing the Application of Purchase Money not exceeding 200*l.* nor less than 20*l.*

XXXV. Provided always, and be it further enacted, That if any Money so agreed, adjudged, or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall 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 case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Directors, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in 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 Court of Chancery.



XXXVI. Provided also, and be it further enacted, That where such Money so agreed, adjudged, or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Directors shall think fit, or in case of Infancy or Lunacy, 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.

Directing the Application of Purchase Money under 20 l.

XXXVII. And be it further enacted, That the Surrender or Conveyance of any Estate or Interest of any Feme Covert to the said Directors, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert in the Presence of, and attested by Two credible Witnesses, and duly acknowledged and inrolled in the Register Office established for registering Deeds, Conveyances, and Wills affecting Freehold Lands, Tenements, and Hereditaments lying in the Riding wherein the same Estate shall be situate, within Six Calendar Months next after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises, as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and farther, that all Bargains and Sales whatsoever to be made of any such Lands, Tenements, Buildings, and Hereditaments as shall be purchased by the said Directors for the Purposes of this Act; and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever would have had, if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seized of any Estate in the Premises, in Trust for such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

Respecting Conveyances of Femer Covert.

XXXVIII. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use any Part of any Common or Waste Land, for any of the Purposes of the said Drainage, the Conveyance of such Parts of such Common or Waste Land by the Lord or Lady, Lords or Ladies of the Manor to which such Common or Waste Land is appurtenant, to the said Directors, shall be a good and sufficient Conveyance for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land had joined in and executed such Conveyance, and the Purchase Money of such Parts of such Common or Waste Land as aforesaid, shall be paid by the said Directors to the said Lord or Lady, Lords or Ladies of such Manor, for the Use of the said Lord or Lady, Lords or Ladies, and the Persons having Right of Common upon such Common or Waste, in Proportion to their respective Rights and Interests in the Land so taken; and if any Difference shall arise respecting the Division of the said Purchase Money, the same shall be determined by the said Commissioners.

As to Conveyance of Land taken from Commons, and Payment of the Purchase Money.

XXXIX. Provided always, and be it further enacted, That in all Cases where any Matter of Difference shall happen to arise between His Majesty,

For referring to Arbitration any Dispute

[Loc. & Per.]

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Majesty,

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for, or Da-  
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Lands.

Majesty, His Heirs or Successors, or His or their Lessees, in respect of Lands belonging to His Majesty, His Heirs or Successors, within the said Manor of *Scalby*, and the said Directors, touching any Recompence or Satisfaction to be made for the Purchase of any Lands as aforesaid, which shall be required to be taken and used within the same Manor, or for any Damages which may at any Time happen or be occasioned to any of the Lands of the King's Majesty, His Heirs or Successors, His or their Lessee or Lessees, for or by reason of the making and continuing of the said Main Drain or Channel through the same, and that the Compensation or Satisfaction for such Ground so to be taken or used, or for any such Damages, cannot be settled and adjusted between the King's Majesty, His Heirs and Successors, and His or their Lessee or Lessees, and the said Directors, and that the King's Majesty, His Heirs and Successors, or His or their Lessee or Lessees, shall choose to have such Compensation and Satisfaction settled by Arbitrators rather than by a Jury, and shall give the said Directors Notice in Writing under His or their Hand or Hands, or under the Hand or Hands of His or their Officers, Agents, or Steward, Receiver or Receivers, requiring the said Directors to name and appoint an Arbitrator on their Parts for the settling and adjusting of any such Compensation and Satisfaction as aforesaid, all such Differences shall be settled by Arbitration, and not by a Jury as herein-before mentioned; and that in such Case *John Crowder* of *Brotherton*, in the said County of *York*, Gentleman, the Surveyor General of Lands for the North Parts of the said Duchy, or such Surveyor General for the Time being, shall be and act as the Arbitrator on the Part and Behalf of the King's Majesty, His Heirs or Successors, and His or their Lessee or Lessees of the Lands to be so taken, used, or damaged, with such other Person as the said Directors shall appoint as an Arbitrator on their Parts; and that the said Arbitrators shall, before they proceed to a hearing of any such Difference or Differences, and within Fourteen Days after such Nomination, by and on the Part of the said Directors as aforesaid, nominate and appoint one other skilful and indifferent Person (not interested as aforesaid) as and for an Umpire or Assistant therein; and the said Arbitrators and Umpire, or Assistant, or any Two of them, shall, by Examination of Witnesses upon Oath, (which Oath such Arbitrators, or either of them, are hereby authorized to administer), or by such other Ways and Means as they shall think expedient, settle and finally determine such Difference or Differences, and the Determination of the said Arbitrators and Umpire, or Assistant, or any Two of them, shall be binding and conclusive to and upon all Parties interested in the Premises; and in case the said Directors shall refuse or neglect to name and appoint an Arbitrator on their Parts by the Space of Twenty Days next after such Notice in Writing shall have been so given and delivered to them, or to their Clerk, for that Purpose as aforesaid, then it shall be lawful for the said Surveyor General for the Time being, acting as such Arbitrator as aforesaid, to proceed *ex parte* in the Manner herein-before mentioned, and to hear, settle, and finally determine the Matter or Matters in Difference as aforesaid, which Determination of the said Surveyor General, acting as such Arbitrator as aforesaid, shall be binding and conclusive upon all the Parties interested, as effectually as if such Determination had been made by Two Arbitrators and Umpire, or Assistant, or any Two of them, nominated and appointed as aforesaid;

said; any Thing herein contained to the contrary thereof in anywise notwithstanding:

XL. And, in order to provide for any Damage which may hereafter arise as to the Lands belonging to His Majesty, His Heirs or Successors, or His or their Lessee or Lessees, adjoining or near to the said Main Drain or Channel, and the Embankment thereof, intended to be made from *Everley* aforesaid to the Sea, by reason of the Water of the said River *Derwent*, or any adjoining Brook or Rivulet being diverted into that Course, in case the King's Majesty, His Heirs or Successors, or His or their Lessee or Lessees, and the said Directors, cannot agree as to the Recompence and Means for providing against such future Damage: Be it further enacted, That the said Arbitrators or their Successors to be appointed as herein mentioned, and Umpire or Assistant, shall, and they are hereby required, at the Signification or Request of the King's Majesty, His Heirs or Successors, or His or their Officer or Officers, or Lessee or Lessees, or his, her, or their Steward or Stewards, Receiver or Receivers as aforesaid, of the said Lands and Grounds which may be damaged by reason of the Water of the said River or Brook or Rivulet being so diverted as aforesaid, or by any other Injury that may be sustained on account of the said Cut or Embankment to be made as aforesaid, to appoint a Meeting or Meetings from Time to Time to ascertain and provide for such Damage as aforesaid; giving Fourteen Days Notice of such Meetings respectively to the said Directors, or their Clerk or Surveyor for the Time being, and to the King's Majesty, His Heirs or Successors, or His or their Lessee or Lessees, at which Meeting or Meetings the said Arbitrators and Umpire, or Assistant, or any Two of them, are hereby authorized and empowered to take such Damage into Consideration, and for that Purpose to examine Witnesses on Oath (if necessary) which Oath they or any Two of them, are hereby authorized and required, by Writing or Writings under their Hands, to determine and ascertain the Amount of such Damage, and either to adjudge a Sum of Money in Gross as a Satisfaction for the same to the Party or Parties injured thereby, or to order and adjudge a yearly Sum of Money to be paid by way of Rent, as a Recompence in lieu thereof, to the King's Majesty, His Heirs or Successors, or His or their Lessee or Lessees of such Lands, if the said Damage shall appear to the said Arbitrators and Umpire, or Assistant, or any Two of them to be of a continuing Nature, and to require a yearly Recompence, which Sum or Sums of Money so to be awarded by the said Arbitrators and Umpire, or Assistant, or any Two of them, shall be paid by the said Directors out of the Assessments and Taxes to be raised under the Authority of this Act; and if it should appear to the said Arbitrators and Umpire, or Assistant, or any Two of them, at any such Meeting to be held by them for enquiring into such future Damage as aforesaid, that any other Embankments, Drains, or Works than those erected and made, or caused to be erected or made by the said Directors under the Authority of this Act, are necessary or proper for the better securing the said Lands from future Damage by reason of the said Diversion of the River *Derwent*, or any other Brook or Rivulet adjoining thereto, then and in such Case,

To enable the Arbitrators to provide against future Damage.

and

and so often as the same may happen, it shall and may be lawful to and for the said Arbitrators and Umpire, or Assistant, or any Two of them, to specify in Writing such Embankments, Drains, and other Works, which the said Directors are hereby required to make and effect, or cause to be made and effected, so soon as the same can reasonably be made and effected, and to pay for the same out of the Assessments and Taxes to be raised under the Authority of this Act; and the said Directors shall have the like Powers and Authorities to make and effect such Embankments, Drains, or other Works so specified by the said Arbitrators and Umpire, or Assistant, or any Two of them, as are by this Act given to them in respect of the said Main Drain or Channel, and the Embankments thereof between *Everley* aforesaid and the Sea.

Directing  
Two Parts of  
every Award  
between His  
Majesty and  
the Directors  
to be made,  
and One Part  
deposited in  
the Duchy  
Office.

XLI. Provided always, and be it further enacted, That Two Parts of every Award between the King's Majesty, His Heirs or Successors, or His or their Lessee or Lessees, and the said Directors, shall be made; and that One Part of every such Award shall be deposited and inrolled in the Office of the Clerk of the Council of His Majesty's said Duchy; and all such Awards, or true Copies thereof respectively, signed by the said Arbitrators, or by the said Clerk of the Council, or his Deputy, shall be deemed, and taken as good Evidence in all Courts of Law or Equity.

Giving Power  
of Distress for  
Sums awarded  
for Damage  
done to the  
King's Lands.

XLII. Provided always, and be it further enacted, That where any Sum or Sums of Money shall be awarded by the said Arbitrators, to be paid by the said Directors out of the Monies to be raised under the Authority of this Act to the King's Majesty, His Heirs or Successors, or His or their Lessee or Lessees, and if the said Sum or Sums of Money, or any Part thereof, shall be behind and unpaid by the Space of Twenty Days next after any of the Days appointed by the said Arbitrators and Umpire, or Assistant, or any Two of them, for the Payment thereof, then and in every such Case, and so often as it shall so happen, it shall and may be lawful to and for the King's Majesty, His Heirs or Successors, or His or their Lessee or Lessees, to whom such Sum or Sums of Money shall be due and unpaid, to enter into and distrain upon any Part of the Lands so as aforesaid to be specified in the said Three Maps or Plans, as Lands to be drained by virtue of this Act, all which said Lands are hereby made chargeable with and liable to the Payment of all such Sum and Sums of Money, and the Distress and Distresses then and there found, to dispose of according to Law, as in case of Rents reserved upon common Demises or Leases for Years, to the Intent that thereby or therewith all such Sum and Sums of Money, and all Costs, Charges, and Expences occasioned by the Non-payment thereof respectively, at the Time or Times aforesaid, may be fully paid and satisfied: Provided nevertheless, That all Monies so to be distrained shall be repaid by the said Directors, out of the Monies to be raised under the Authority of this Act, to the Person or Persons whose Goods and Chattels shall have been so distrained as aforesaid: Provided also, That in case any Distress or Distresses taken under the Authority of this Act shall, at any Time be replevied, it shall and may be lawful to and for the Party distraining, to avow generally that he took or made such Distress for a Rent due under and by virtue of this Act, without specially making Title thereto; and if Judgement shall pass or be given against the Plaintiff, or for the Defendant in such Replevin, then the said  
Defendant

Defendant shall recover his or her double Costs in such Suit against the Plaintiff.

XLIII. Provided also, and be it further enacted, That in case of, and so often as it shall happen that any or either of the said Arbitrators, so named or appointed as aforesaid, shall die, decline or refuse to act, or become incapable of acting in the Execution of the Powers and Authorities hereby given or to be given, or committed to them as aforesaid, then and so often as the Case shall happen it shall and may be lawful for the King's Majesty, His Heirs or Successors, or His or their Lessee or Lessees, and also for the said Directors who had so nominated or appointed the Arbitrator so dying, declining, or refusing to act, or becoming incapable of acting in the Premises as aforesaid, to nominate and appoint another Arbitrator to act in the Premises, in the Room and Place of the Arbitrator so dying, declining, or refusing or becoming incapable to act in the Premises as aforesaid, which Person or Persons so nominated or appointed as last aforesaid, shall have all and singular the like Powers and Authorities in the Premises so to be referred as aforesaid, as the Person or Persons in whose Room or Place he or they shall be so nominated and appointed as aforesaid, would otherwise have had.

For choosing other Arbitrators in the Room of those dying, or declining to act, &c.

XLIV. And be it further enacted, That when any Sum or Sums of Money shall be found or adjudged due to the King's Majesty, His Heirs or Successors, for the Purchase of any Lands or Tenements, or as a Recompence or Satisfaction for any Injury which may happen to arise to any Lands or Tenements belonging to the King's Majesty, His Heirs or Successors, by reason of the Execution of the Powers of this Act, except for such Damages as shall be sustained by the Tenant or Occupier by any Injury done to his Crops, distinct from any permanent or continuing Injury done to the Estate, then and so often such Sum and Sums of Money shall be laid out and invested in the *Three per Centum* Consolidated Bank or Reduced Annuities, in the Name of the Receiver General of the Duchy of *Lancaster* for the Time being, for the Use of the King's Majesty, His Heirs and Successors, and the Dividends and Produce thereof shall be paid to the Lessee or Lessees of such Lands or Tenements so taken, used, or damaged, during their respective Interests therein, and after the Expiration or other Termination of their said Interest, to the only proper Use or Behoof of the King's Majesty, His Heirs or Successors, in such Way as shall be directed by any Order of the Chancellor and Council of the said Duchy for the Time being.

For investing Money in the Funds, to be awarded for permanent or continuing Injury to the King's Lands.

XLV. Provided also, and be it further enacted, That where any Matter of Difference shall happen to arise between the said Directors and any of the Owners and Proprietors of any Lands within the said Parish of *Scalby*, (other than the King's Majesty and His Lessees), or the Guardians, Committees, or Trustees, of any such Owners, being Infants, Idiots, Lunatics, or otherwise incapacitated to act for themselves, which shall be wanted by the said Directors for the making of the said Main Drain or Channel from *Everley* aforesaid to the Sea, and the Embankments thereof, or any Damage which any adjoining Lands may sustain by or in the Execution of the Powers contained in this Act, either touching the Price or Sum of Money which ought to be paid for the Purchase of any of such Lands so wanted and used, or the Recompence to be made for Damage

Allowing Compensation for Purchase of, or Damage to, Lands in *Scalby* to be settled by Arbitration.

to any of such adjoining Lands as aforesaid; and such Owners and Proprietors, Guardians, Committees, or Trustees, as aforesaid, shall rather choose to have any such Differences settled and adjusted by Arbitration than by a Jury, and shall give the said Directors Notice thereof by Writing under their Hands, and requiring the said Directors to appoint an Arbitrator in that Behalf, that then and in all such Cases, the said Directors shall and they are hereby required, within One Calendar Month from the Delivery of such Notice, to name and appoint a proper and skilful Person (not interested, employed, or engaged in the Works of the said Drainage, and not being the Owner of, or deriving any Benefit from any Estates to be drained, embanked, or preserved under the Authority of this Act) to be an Arbitrator for the Purposes aforesaid, and with such Powers and Authorities as herein-after mentioned; and that the major Part in Value of such of the Owners of the same Lands or their Tenants whose Property shall be wanted for the making of the said Main Drain and Embankments, who shall, by themselves, or their Agents, Guardians, Trustees, or Committees, as aforesaid, be assembled at a Meeting to be held within the said Parish of *Scalby*, (of which Fourteen Days previous Notice shall be given in one or more of the *York* Newspapers, and also upon the Principal Door of the Church of *Scalby* aforesaid), shall within the like Space of One Calendar Month next after the Delivery of such Notice to the Directors as aforesaid, appoint one other fit Person (not interested as aforesaid) to be an Arbitrator for the like Purposes, and with the like Powers and Authorities; and such Arbitrators so to be appointed shall with all convenient Speed meet together at some convenient Place, and shall nominate, in Writing, a Third fit Person (not interested as aforesaid) to be joined with them in the Business of their Arbitration; and such Three Persons, (after taking the Oath herein-before prescribed for Arbitrators appointed under this Act), or any Two of them, shall by Examination of Witnesses upon Oath, (which Oath such Arbitrators or any of them are hereby authorized to administer), or by such other Ways and Means as they shall think expedient, settle and finally determine such Difference or Differences; and the Determination of the said Arbitrators, or any Two of them, shall be binding and conclusive to and upon all Parties interested in the Premises.

Allowing  
Choice of an  
Arbitrator to  
Mr. *Osbaldeston*.

XLVI. Provided always, That in case any Difference shall arise between the said Directors and *George Osbaldeston* Esquire, a Minor, or his Heirs, or his or their Guardian or Guardians, touching any eventual Injury or Damage which may in any Manner happen to any of his Lands and Tenements in the Parish of *Scalby* aforesaid; by the Execution of any of the Powers contained in this Act, or by any other Means expressed in the next preceding Clause, or touching the Amount of the Price to be paid for any Land which shall or may be cut through or embanked for the Purpose of the said Drainage; and if the said *George Osbaldeston*, or his Heirs, or his or their Guardian or Guardians, shall choose to have the exclusive Nomination of an Arbitrator on his or their own Behalf, and shall give Notice, in Writing, of such Desire, in Manner expressed in the same Clause, then and in such Case it shall be lawful for him or his Heirs, or his or their Guardian or Guardians to make such special Nomination; and the Arbitrator so to be appointed on his or their Part as last-mentioned shall meet with the Arbitrator to be appointed by the said Directors in Manner aforesaid, and nominate a Third Person

Person to be joined with them in like Manner as aforesaid; and the Arbitrator so to be appointed on the Part and Behalf of the said *George Osbaldeston*, or his Heirs, shall have and be invested with the like Powers and Authorities of enquiring into and investigating Facts, examining Witnesses, and administering Oaths, and also of awarding, adjudging, and determining, together with the Arbitrator to be appointed by the said Directors, and such Third Person to be jointly chosen as aforesaid, so far as respects the Amount of the Damage to be done to the Lands of the said *George Osbaldeston*, or his Heirs; the Satisfaction to be made for the same, and the Price to be paid for any Lands which shall or may be cut through or embanked for the Purpose of the said intended Drainage, as are herein-before given to, and vested in the Arbitrator to be appointed on Behalf of the general Proprietors and Occupiers of Lands and Tenements within the said Parish of *Scalby*, as fully and effectually, as if the same were herein repeated.

XLVII. And be it further enacted, That the said Directors shall not be obliged to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him, her, or them sustained by virtue of this Act, unless Application in Writing hath been or shall be made in relation thereto, by or on Behalf of such Person or Persons to the said Directors or to their Clerk, within the Space of Six Calendar Months next after the Time that such Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Prescribing a Time for receiving Complaints of Damages.

XLVIII. And whereas, in order to make and complete the said Main Drain or Channel from *Everley* aforesaid to the Sea, it may be found expedient for the said Directors to purchase certain Corn Mills and other Hereditaments situate upon the said Rivulet or Brook called *Scalby Beck*, within the Parish of *Scalby* aforesaid; and it may happen that the said Directors and the respective Owners of such Mills and other Hereditaments cannot agree as to the Price or Consideration Money to be paid for the same, and that such respective Owners may in that Case rather choose to have such Price or Consideration Money settled and adjusted by Arbitrators than by a Jury; be it therefore enacted, That in all Cases where it shall so happen, and that the Owner or Owners of the said Mills and other Hereditaments so wanted, or any of them, shall give the said Directors Notice in Writing, under his, her, or their Hand or Hands, signifying his, her, or their Wish to have the Price or Consideration Money for his, her, or their Mills and other Hereditaments so wanted to be purchased, settled, and adjusted by Arbitration, and requiring the said Directors to name an Arbitrator; in that Behalf, the said Directors shall, and they are hereby required, within One Calendar Month from the Delivery of such Notice, to name and appoint a proper and skilful Person (not interested in the Matter in Question) to be an Arbitrator for the Purpose aforesaid, and with such Powers and Authorities as herein-after mentioned; and that the Owner or Owners of such Mills and other Hereditaments who shall have given such Notice as aforesaid shall, and he, she, or they, is and are hereby required, within the like Space of One Calendar Month next after the Delivery of such Notice as aforesaid, to name and appoint One other proper and skilful Person (not interested as aforesaid) for the like Purpose, and with the like Powers and Authorities;

Allowing Compensation for certain Corn Mills in *Scalby* to be settled by Arbitration.

Authorities; and such Arbitrators so to be appointed shall within Fourteen Days after such their Nomination meet together at some convenient Place, and shall nominate, in Writing, a Third proper and skilful Person (not interested as aforesaid) to be joined with them in the Business of their Arbitration; and such Three Persons, after taking the Oath herein-before prescribed for Arbitrators appointed under this Act, shall appoint a Meeting or Meetings from Time to Time (giving Fourteen Days Notice of such Meetings respectively to the said Directors or their Clerk for the Time being, and to the Owner or Owners of the said Mills and other Hereditaments) and the said Arbitrators are hereby authorized and empowered to view the said Mills and Hereditaments so required to be purchased, in order to ascertain the true Value thereof, and for that Purpose to examine Witnesses upon Oath at such Meeting or Meetings, if necessary, (which Oath they are hereby empowered to administer); touching such Value; and the said Arbitrators, or any Two of them, are hereby authorized and required, by Writing or Writings under their Hands, to ascertain and determine the Amount of the Purchase or Consideration Money which ought to be paid for the said Mills and other Hereditaments, and such Determination shall be binding and conclusive to and upon all Parties interested in the Premises.

Lessees or Tenants of Lands purchased to deliver up Possession to the Directors.

XLIX. And be it further enacted, That every Lessee, or Tenant for Years or at Will, or any other Person or Persons in Possession of any Lands, Tenements, Buildings, or Hereditaments, which shall be purchased by virtue of and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Directors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Notice from the said Directors, or the Person or Persons so authorized by them, to quit the same at such Time or Times as shall be required by such Notice, they the said Directors, or such Person or Persons making such Recompence to every such Tenant or Lessee as aforesaid, in case such Tenant or Lessee shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Directors, or to the Person or Persons authorized by them to take Possession thereof; and that in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, then it shall and may be lawful to and for the said Directors to issue their Precept or Precepts to the Sheriff of the County of York, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Directors to pay of Mortgages on Lands purchased.

L. And be it further enacted, That in case any Lands to be used for the Purposes of this Act shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Directors, upon Application being made to them by the Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Directors are hereby authorized and



and required to pay such Sum or Sums of Money, after the same shall have been so agreed for and adjusted, or assessed in Manner aforesaid, for such Lands in Mortgage, to the Mortgagee or Mortgagees thereof, his, her, or their Executors or Administrators respectively, and such Sum or Sums of Money when so paid shall be and be deemed to be in Discharge of Part of the Principal Money due on such Mortgage or Mortgages, and Acknowledgement of the Receipt thereof shall be made by Indorsement on the Mortgage Deed or Deeds, signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, and such Indorsement shall be and be deemed to be a full and sufficient Discharge to the said Directors from the Mortgagor or Mortgagors, his, her, or their Executors or Administrators; and also a full and sufficient Discharge to the Mortgagor or Mortgagors, his, her, or their Executors or Administrators, from the Mortgagee or Mortgagees, his, her, or their Executors or Administrators, for so much Money as shall be expressed in such Indorsement.

LI. And be it further enacted, That all Sums of Money or other Consideration, or Recompence or Satisfaction to be paid or made pursuant to any such Agreement, Award, Surrender, Conveyance, or Verdict as aforesaid, or in Discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or be paid into the Bank of *England* as aforesaid, before the said Directors, or any Person or Persons authorized by them, shall proceed to pull down any House or Houses, or other Erections of Buildings, or to make use of any Lands comprized in or affected by such Agreement, Award, Conveyance, Surrender, Verdict; or Mortgage respectively.

Purchase Monies to be paid before Buildings are taken down.

LII. And whereas by the forming new Cuts or Channels for the future and better Course of the said Rivers *Derwent* and *Harford*, and the Brooks communicating therewith respectively, through the Lands to be drained by virtue of this Act, the present Channels or Beds of such Rivers and Brooks within the same Lands, will in sundry Parts thereof become unnecessary for the future Conveyance of the said Waters, and the Land of which such present Channels and Beds consist may afterwards, if applied to suitable Purposes, be rendered of some Value; be it therefore further enacted, That all the Land of which such present Channels or Beds of the said Rivers and Brooks respectively shall consist, and which shall from Time to Time, by Writing under the Hand of the aforesaid Engineer for the Time being, be declared to have become unnecessary for the future Conveyance of the said Waters, shall, from and after the Completion of such new Cuts or Channels as aforesaid; be, and the same is hereby vested in the said Directors in Fee Simple, to be by them sold or disposed of in such Manner as they the said Directors shall find most expedient for the Purposes of this Act.

For vesting deserted Parts of the present Channels or Beds of Rivers and Brooks in the Directors.

LIII. And whereas some Part or Parts of the Lands, Tenements, Buildings, or Hereditaments so to be purchased as aforesaid, may happen to be more than may be necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful to and for the said Directors to let, sell, or dispose of and convey, or to cause to be let, sold, or disposed of and conveyed, such Part or Parts of the said Lands, Tenements, Buildings, and Hereditaments, to such Per-

Empowering Directors to sell Lands, etc. not wanted for the Purposes of the Act.

son or Persons, as shall be willing to contract, agree for, rent, or purchase the same; and the Money arising therefrom shall be paid and applied for the Purposes of this Act; and it shall and may be lawful for the said Directors to sign and give Receipts for the Money for which any such Lands, Buildings, or Premises, respectively shall be sold, and such Receipts shall be sufficient Discharges for the same Purchase Money, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received: Provided always, That the said Directors, before they shall sell and dispose of such Lands, Tenements, Buildings, or Hereditaments, shall first offer to re-sell the same, to the Person or Persons from whom they shall have purchased such Lands, Tenements, Buildings, or Hereditaments; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the Riding where such Lands, Tenements, Buildings, or Hereditaments shall lie, by some Person or Persons no way interested in the said Lands, Tenements, Buildings, or Hereditaments, stating that such Offer was made by or on Behalf of the said Directors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be).

In certain Cases where Ditches are filled up, Fences to be made.

LIV. And be it further enacted, That when and as often as it shall be found necessary or expedient for carrying this Act into Execution, to fill up any Ditch or Ditches used for a Fence or Fences, the said Directors shall, and they are hereby required to order and direct sufficient Quickset Fences to be made, and to be guarded by sufficient Posts and Rails, such Posts and Rails to be kept in Repair for the Space of Six Years, in the Room of such Ditch or Ditches so filled up, in such Manner as that the Owners or Occupiers of the adjacent Grounds may suffer no Damage by the filling up such Ditch or Ditches respectively.

Where the Passage on any Road shall be obstructed by the Works, Directors to build Bridges.

LV. And be it further enacted, That if by the making of the said Main Drain or Channel from or near *Everley* aforesaid to the Sea, or any other Drains, Ditches, or other Works, by virtue or in pursuance of this Act, the Passage of any Road shall be obstructed, the said Directors shall, and they are hereby required, before or immediately after such Works shall be completed, by and out of the Assessments and Taxes to be raised by virtue or in pursuance of this Act, to cause all proper and necessary Bridges to be built, and for ever after to be supported and maintained for the convenient Passage of all Persons, either on Horseback or on Foot, with or without Horses, Carts, and Carriages, and the same Bridges from Time to Time to repair and support.

Commissioners to make Assessments for paying the Expenses of the Act, and carrying on the Work.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required from Time to Time, at the Request of the said Directors, until the said intended Drainage, and all the Works necessary or proper for that Purpose shall be perfected, to assess, tax, and charge all and every the Proprietors of Lands to be specified as aforesaid in the said Maps or Plans as Lands to

be drained by virtue of this Act, or any Part or Parts thereof, and the Proprietors of the Rights of Common over and upon any such Lands, with any Sum or Sums of Money which the said Directors may find necessary for defraying the Charges and Expences incurred in the obtaining and passing this Act, and carrying on and effecting the Purposes hereby intended, by a Tax upon the same Lands and Rights of Common, in such Shares and Proportions, and in such Sort, Manner, and Form, as the said Commissioners shall deem just and reasonable, Regard being had in so doing as well to their first Valuation of the said Lands and Rights of Common, as to the Benefit that such Person or Persons shall be likely to receive, and to the Time at which such Benefit shall accrue; and also to make or cause to be made, and fairly written upon Paper, a separate Tax or Taxes for each of the Parishes, Townships, or Places, the Lands whereof, or the Rights of Common in the Lands whereof, are to be assessed and taxed as aforesaid, which shall contain and express the Names of the several Owners and Occupiers of the Lands and Rights of Common within the said Parishes, Townships, or Places respectively, for the Sums for which they shall be respectively so assessed; and shall therein cause to be inserted Ten Days previous Notice of the Time and Place when and where, and of the Name and Names of the Person or Persons to whom the Payment thereof shall be made, to which Paper so to be written the said Commissioners shall respectively subscribe their Names, and then cause a printed Copy of the Tax for each Parish, Township, and Place respectively to be affixed on the Church Door of the respective Parishes, Townships, or Places so assessed and taxed.

LVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, to authorize or empower the said Directors or Commissioners, or any other Person or Persons in this Act nominated and appointed, or hereafter to be appointed under the Authority and for the Purposes thereof, to make any Assessment, Charge, or Taxation upon any of the Owners of Lands situate, lying, and being below, or to the West of the said Bridge, called *Yeddingham Bridge*, for or in respect of any of such Lands, or to ask for, levy, raise, or recover from any such Owner or Owners, for or in respect of any of the same Lands, any Sum or Sums of Money for or on Account of the Works of Drainage or other Works to be executed under the Authority of this Act, or any of them, or for or on Account of any Charges or Expences incurred thereby or incident thereto in any respect whatever; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Exempting  
Lands below  
*Yeddingham*  
*Bridge* from  
Taxation.

LVIII. And be it further enacted, That the said Directors shall apply and dispose of the Monies to be raised and paid by the Ways and Means hereby directed, in the first Place in discharging and paying off all Sums of Money which shall be due or owing for any Purchases of Lands or Tenements to be made under the Authority of this Act, and for any Recompence to be made for Damage done or occasioned under the Authority of the same, and in the next Place in discharging the several Charges, Costs, and Expences attending the applying for, and obtaining and passing this Act; and the Costs of making the necessary Plans, Estimates, Reports, and Surveys, and all other Expences incidental thereto, and

Directing how  
the Money  
raised shall be  
first applied.

and in the next Place in the Drainage of the said Lands, and defraying the necessary Costs, Charges, and Expences attending the same.

Commissioners to take Levels to determine Doubts touching Lands to be assessed.

LIX. And be it further enacted, That in case any Doubt or Difficulty shall arise, whether any Lands shall have been subject to Inundation, or have been overflowed or annoyed with Water, the said Commissioners shall determine the same by taking Levels thereof, or by such other Ways or Means, as to them shall be deemed just and reasonable.

For compelling Payment of Rates.

LX. And be it further enacted, That in case any Owner or Owners, Occupier or Occupiers of Lands, assessed and taxed by virtue of this Act, shall refuse or neglect to pay the Assessment or Tax charged upon him, her, or them respectively, within Thirty Days next after the respective Times of Payment so to be appointed by the said Directors as aforesaid, (such Notice thereof being given as aforesaid), it shall be lawful for the Collector or Collectors, Receiver or Receivers for the Time being, or for any other Person or Persons, by virtue of any Warrant under the Hands and Seals of the said Directors, which Warrant such Directors are hereby empowered and required to grant as Occasion shall require, to levy the Sum so assessed and taxed, or such Part thereof as shall be unpaid, by Distress and Sale of any Goods and Chattels of the Person or Persons charged therewith, or liable to the Payment thereof, which shall be found upon the Lands in respect whereof such Assessment or Tax shall have been made, 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 the Owner or Owners, Occupier or Occupiers, leaving Notice in Writing of the Cause of such Distress, at his, her, or their Dwelling House, or some conspicuous Part of the said Lands; and if the Owner or Owners, Occupier or Occupiers, do not pay the Sum or Sums of Money so assessed and taxed, within the Space of Five Days, that then the said Goods and Chattels so distrained shall be appraised by Two or more of the Inhabitants of the Parish, Township, or Place where the same shall be taken, or by other sufficient Persons duly sworn by the Constable of the same Parish, Township, or Place, as is usual in Cases of Distresses for Rent, in order to be sold by the said Collector or Collectors, Receiver or Receivers, who is and are hereby authorized to sell the same for Payment of the said Money so assessed and taxed, and the Overplus arising by such Sale, (if any be), after deducting the Sum or Sums so assessed and taxed, 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; and the several and respective Tenants of the said Lands to be drained and improved as aforesaid, who, or whose Landlords shall be assessed and taxed by virtue of this Act, are hereby required and authorized to pay such Sum or Sums of Money as shall be so assessed and taxed, and to deduct the same out of his, her, and their Rent; and every Tenant or Tenants who shall make such Payment shall be acquitted and discharged for so much Money as the said Assessment or Tax 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 or payable, except where a Lease of Three or more Years to come, from the Commencement of this Act, is subsisting, and in such Case the Proportion of the Assessment or Tax which the Tenant ought to

to bear and pay, in Consideration of the Benefit he or she receives by such Lease, shall be adjusted and awarded by the said Commissioners; 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, that then and in such Case it shall and may be lawful for such Tenant 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 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 as aforesaid, 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 nothing herein contained shall extend, or be construed to extend, to affect the King's Majesty, His Heirs or Successors, or the Archbishop of York, or his Successors for the Time being, as Lessor or Lessors, on account of any Sum or Sums of Money which shall be advanced or paid by any Lessee or Lessees of the King's Majesty, or the Archbishop of York for the Time being.

LXI. Provided always, and be it further enacted, That on all Leases at Rack Rent of any of the said Lands to be drained and improved by virtue of this Act, or of any Tithes thereof, upon the taking or granting whereof no Fine or Foregift shall have been paid, the Lessees or Tenants thereof, from and after the Expiration of the current Year in which any Improvements in the said Lands or Tythes, shall (in the Judgment of the said Commissioners) have taken place in pursuance of the Drainage hereby directed, shall, during the Remainder of such Leases respectively, pay to their respective Lessors or Landlords such additional Rent for the Lands or Tythes so improved, as the said Commissioners shall think just and reasonable.

Commissioners to determine what additional Rents shall be paid by Lessees in certain Cases.

LXII. Provided also, and it is hereby declared and enacted, That in proportioning the Assessments and Taxes to be laid and levied by virtue of this Act upon the several and respective Proprietors of and Persons interested in the said Lands drained and improved by virtue of the same, Regard shall be had as well to the Trouble and Expence occasioned on account of the several Proprietors and Persons interested as aforesaid, and their Property respectively, as to the Benefit or Improvement that such Lands respectively receive; provided that no Assessment or Tax shall be laid or levied for or in respect of any of the said Lands, which shall be left as Forelands between the said Rivers, and any Bank or Banks which shall be set at a Distance from the Verges or Edges thereof respectively.

Commissioners to apportion Assessments according to the Advantages derived to the Proprietors by the Drainage.

LXIII. 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 the said Assessments or Taxes then the Lands charged with such Assessments and Taxes shall remain a Security for Payment thereof; and the said Directors shall, after Default of Payment for One Calendar Month, having first given Fourteen Days Notice in Writing to such Owner or Owners, his, her, or their Agent or Agents,

Unoccupied Lands to remain as Security for the Assessments charged thereon.

or left such Notice at his, her, or their Place or Places of Abode; and they are hereby authorized and empowered to enter into and upon, and to have, hold, possess, and enjoy the said Lands 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 the said Assessments and Taxes, and all Arrears thereof, and all Expences occasioned by the Non-payment thereof shall be fully satisfied and paid, and the Residue (if any) shall be paid into the Hands of the Treasurer of the said Directors, and shall be by him paid to the Owner or Owners of such Lands, or his or their Agent or Agents, when demanded.

After Drainage completed, Lands to be again valued by the Commissioners.

LXIV. And be it further enacted, That when and so soon as the said intended Drainage, and all the Works requisite and necessary for effecting the same, shall, in the Judgement of the said Directors, and of their Engineer for the Time being, be perfected and completed, then the said Directors and Engineer shall signify the same by Writing under their Hands to the said Commissioners, and thereupon the said Commissioners shall, within Twelve Calendar Months after such Writing being delivered to them, and they are hereby required to again view and make a second Valuation of all the Lands to be drained by virtue of this Act, in their then State, which second Valuation shall also be reduced into Writing upon the said Three Maps or Plans, and signed by the Commissioners making the same; and after the signing thereof, such last-mentioned Valuation shall be deemed and taken to be the true Valuation of all the same Lands in such their then State, and shall be made use of as such by the said Commissioners; and the said respective Valuations, and Maps or Plans, when so made, may be inspected by any of the Persons interested in any of such Lands, at any subsequent Meeting of the said Commissioners or Directors, without Fee or Reward.

After second Valuation, Lands to be taxed according to the actual Improvement.

LXV. And be it further enacted, That when and so soon as such second Valuation of the said Lands shall have been made and perfected as aforesaid, so that the real Improvement of the Lands belonging to each 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 Commissioners shall, by some Instrument in Writing, assess, tax, and charge, the Lands of all and every, the Proprietors of the same Lands, according and in Proportion to the actual Improvement which each such Proprietor's Lands shall appear to have received by Means of such Drainage as aforesaid, (such actual Improvement to be ascertained, settled, and determined by such Reference and comparative View as aforesaid), with his, her, or their respective Quota or Portion of the whole Expence attending the said Drainage to that Time; and in case the Quota or Proportion of any such Proprietor so to be assessed and taxed by the said Commissioners as aforesaid, shall exceed what such Proprietor or Person interested as aforesaid shall have been assessed or taxed by virtue or in pursuance of the Powers and Authorities hereinbefore given to the said Directors, then such Proprietor or Person interested as aforesaid shall, within Thirty Days after Notice shall be given to him or her by the said Directors in Writing under their Hands of such Excess, and the Interest which ought to be paid in respect thereof as herein after mentioned, (by affixing, or causing to be affixed, such

such Notice upon the Church Door of the Parish in which he or she shall be so assessed, taxed, or charged, in the Manner in which the Notice of the other Assessments and Taxes is herein-before directed to be affixed), pay the same Excess, with lawful Interest for such Time or Times as the said Commissioners shall direct, to the said Directors, or to their Collector, or such other Person as they shall appoint to receive the same (which Notice shall be deemed sufficient to all Intents and Purposes); and in case of Neglect or Default in Payment of such Excess and Interest as aforesaid, the said Directors shall and may, and they are hereby authorized and required to recover the same by such and the like Ways and Means as any other Assessments or Taxes are herein-before directed to be recovered, or as near thereunto as the Nature or Circumstances of the Case will admit; and the said Directors shall pay and apply, or order to be paid and applied, such Excess and Interest, when paid or raised as aforesaid, in or towards paying and refunding to such others of the Proprietors and Persons interested as aforesaid in the said Lands, 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 the Methods herein prescribed, over and above what their respective Quotas and Proportions, to be assessed and taxed by the said Commissioners as aforesaid, shall amount unto, together with lawful Interest upon the same Sum or Sums to such Time or Times as the said Commissioners shall direct; and in case the Monies which shall be raised for and as such Excesses and Interest shall not be sufficient to refund to the said Proprietors and Persons interested as aforesaid, or any of them, what they shall have overpaid as aforesaid, with Interest, then such Deficiency, with Interest, shall be made good to them out of the next Assessments and Taxes which shall be made by virtue of this Act; and that Three Parts of the said Instrument in Writing shall be fairly written on Parchment, and signed by the said Commissioners, to each of which said Three Parts shall be annexed One of the said Three Maps or Plans of the said Lands, with both such Valuations written thereon and signed as aforesaid, and also specifying and setting forth every Person's distinct Property therein, with an Account of the improved Value thereof respectively, and the Quota or Proportion of each Proprietor of the whole Expence of the said Drainage unto the Time of making thereof; one of which said Parts, with such Map or Plan so annexed, shall be lodged among the Records of the Court of Quarter Sessions for the said East and North Ridings respectively; and the respective Clerks of the Peace for the same Ridings, or their Deputy, are hereby required to receive and deposit the same accordingly, and to give to the said Directors a Receipt for the same (such Receipt to be inserted in the Book containing an Entry of their Proceedings under this Act) taking as a Fee for their respective Trouble therein Six Shillings and Eight-pence each and no more; and a Copy of either of such Instruments so to be lodged as aforesaid, or of any Part or Parts thereof, to be signed by either of the said Clerks of the Peace, or his Deputy, or by the Commissioners making and signing such Instruments, purporting the Truth of such Copy, shall be admitted and allowed as Evidence in all Courts whatsoever; and the Clerk of the Peace for either of the said Ridings, or his Deputy, shall be entitled to receive, for every such Copy which shall be made, and certified at his Office, after the Rate of Sixpence for each One hundred Words to be contained therein; and each such Clerk of the Peace, and his Deputy, shall

shall permit and suffer any Person whomsoever, at any reasonable Time or Times, to inspect and peruse the said Instrument, and the Map or Plan thereunto annexed, so to be lodged in his Office, paying for every such Inspection and Perusal One Shilling, and the other Part of the said Instrument, with such Map or Plan annexed thereto as aforesaid, shall be delivered by the said Commissioners to the said Directors, to be by them kept, with the said Book and other Documents touching their Proceedings under this Act, in a Box or Chest to be provided for that Purpose, and may be inspected by any of the Proprietors at any of the subsequent Meetings of the said Directors without Fee or Reward; and the said Instrument of the said Commissioners, with such Map or Plan annexed as aforesaid, so respectively signed and delivered to the said Directors as aforesaid (or in case of any Accident happening thereto, then either of the said other Instruments to be lodged as aforesaid) shall be to the said Directors a Rule and Precedent of Proportion for all future Taxations to be by them made or raised pursuant to this Act; and the Clerk to the said Directors shall permit and suffer any Person whomsoever, at any reasonable Time or Times, to peruse and inspect, and also to take Copies or Extracts of the said Instrument of the said Commissioners, and the Map or Plan thereunto annexed, on such Person's paying to the said Clerk, for every such Perusal and Inspection, One Shilling, and for every One hundred Words of the said Instrument, the Sum of Sixpence, and for every Copy or Extract of the said Map or Plan such Sum as shall be reasonable.

The Valuation and Taxation in each Parish to be signed by the Commissioners, and left with the Minister, for the Inspection of Parties interested.

LXVI. And be it further enacted, That for the greater Convenience of the Proprietors of the Lands to be drained by virtue of this Act, so much of the said Instrument, and of the Map or Plan annexed thereto, as shall relate to each of the separate and distinct Parishes, Townships, or Places mentioned in this Act, shall be copied upon Parchment, and be signed by the said Commissioners, and be severally lodged in the respective Vestry Rooms of the said several Parishes respectively, which said several Copies under the Hands of the said Commissioners shall, so far as shall relate to each such Parish, Township, or Place respectively, be allowed as Evidence in all Courts of Law and Equity, and the respective Churchwardens of the said respective Parishes shall permit and suffer any Person whomsoever, from Time to Time and at all reasonable Times, to peruse and inspect such Copy, such Person paying for every such Perusal Sixpence, and no more.

Directing a Copy of the Plan, and certain Extracts relative to His Majesty's Lands to be deposited in the Duchy Office.

LXVII. Provided always, and be it further enacted, That a true Copy of the Map or Plan shall be made and verified as herein-before directed, and shall be then deposited in the Office of the Clerk of the Council of the said Duchy of *Lancaster*, signed by the said Directors, within Fourteen Days after the Verification of such Map or Plan; and that Duplicates of such Parts of the several Extracts of the Instruments herein-before directed, so far as relates to the Lands of the King's Majesty, within the several Parishes of *Ebberston*, *Brompton*, and *Snainton*, which are herein-before directed to be lodged in the Vestry Rooms of the same several Parishes, shall also be deposited in the Office of the said Clerk of the Council of the said Duchy.

LXVIII. And



LXVIII. And be it further enacted, That it shall and may be lawful to and for the said Directors, and they are hereby required from Time to Time annually, or otherwise, after such Instrument of the said Commissioners shall be signed as aforesaid, further to assess, tax, and charge all and every the Proprietor and Proprietors, and Persons interested in all and every the said Lands, proportionably according to the Tenor of the said Instrument, with such further Sum and Sums of Money as the said Directors shall from Time to Time judge necessary, not exceeding Three Shillings *per* Acre upon the Average thereof, in any One Year, for defraying the Charges and Expences of maintaining and repairing the Works of Drainage 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 and keeping dry the said Lands, and for Payment of Salaries to Officers, and all other Charges and Expences incident unto or attending the said Drainage; and if any of the said Proprietors or Persons interested, shall refuse or neglect to pay such Assessment or Tax for the Space of Twenty-one Days next after Notice thereof upon one of the outer Doors of the Church of the Parish, where the Lands in respect whereof the Assessment or Tax shall be laid are situate, then and in every such Case, it shall and may be lawful for the said Directors to cause the same to be 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 before mentioned.

Directors to make further Assessments towards defraying the Expence of Repairs and new Works.

LXIX. And be it further enacted, That the Owner or Owners, Occupier or Occupiers of the several Lands so intended to be drained as aforesaid, shall at all Times after the said Drainage shall be completed, keep all the leading Out-ring and Division Drains, or Dikes and Ditches, belonging to the said Lands respectively, and also all such other Drains as shall be made by the said Directors, of such Width and Depth as the same shall have been made by the said Directors; and also cause the same Out-ring and Division Drains, or Dikes and Ditches, and other Drains, to be well and effectually reeded, and scoured, and cleansed from Weeds and other Obstructions, and cause Tunnels to be laid therein, and also Stocks or Inlets to be placed in and through the Banks already made or which shall be made for the Purposes aforesaid, where the same shall be needful, and in such Manner as the said Directors shall order, for the better issuing, running, and conveying away of the Waters therein; and if any such Owner or Occupier shall refuse or neglect to keep such his or her Dikes, Drains, or Ditches, of such Dimensions as shall from Time to Time be ordered by the said Directors, or to reed or scour, or cleanse the same from Weeds or other Obstructions, after Fourteen Days Notice to him or her given, or left at his or her last or usual Place of Abode, in Writing under the Hands of the said Directors, then it shall and may be lawful for the said Directors to cause the same to be done in a proper and effectual Manner, and by Warrant under their Hands and Seals to authorize and empower their Collector or Collectors, or any other Person or Persons, to levy the Money expended in doing thereof by Distress and Sale of such Goods and Chattels as shall then or at any Time thereafter be found on the Lands to which such Drains, Dikes, Tunnels, or Ditches shall belong, (over and above the other Assessments and Taxes chargeable or to be charged upon the same Lands by virtue of this Act), rendering the Overplus (if any) after all Charges paid, to such Owner or

Drains to be kept open and cleansed by the Owners or Occupiers of the Lands.

[*Loc. & Per.*]

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Owners,

Owners, Occupier or Occupiers respectively, when demanded; and in case any such Owner or Owners, Occupier or Occupiers shall offend in the Premises, or in case any Person or Persons by whom any private Ways, Hedges, Fences, Gates, Stiles, Bridges, Arches, Causeways, Sluices, Cloughs, Banks, Engines, or other Works, shall be ordered or directed by the said Directors to be maintained, cleaned, and kept in Repair, or his, her, or their Tenant or Tenants shall neglect or refuse to maintain, cleanse, and keep in Repair the same, or any Part thereof, for the Space of Fourteen Days after Notice given of any Default therein, then and in every such Case it shall be lawful for the Person or Persons who shall be damaged or aggrieved thereby, to make Complaint thereof upon Oath to any One or more of His Majesty's Justices of the Peace for the Riding in which such Complaint shall arise and be made, (not interested in the Matter in Question), who is or are hereby authorized and required to administer such Oath, and to hear and determine the Matter of every such Complaint in a summary Way, and for that Purpose to summon the Party or Parties accused, and the Witnesses on both Sides to appear before him or them, and upon Appearance of the Party or Parties accused, or upon his, her, or their Refusal without sufficient Excuse, or Neglect to appear, to examine Witnesses upon Oath, (which Oath any such Justice or Justices is and are hereby empowered to administer), and thereupon to give Judgment accordingly, and convict the Party or Parties accused in such Penalty or Penalties, Sum or Sums of Money, from Time to Time, (not exceeding at any One Time the Sum of Five Pounds), as the said Justice or Justices shall think just and reasonable, and thereupon to issue a Warrant under his or their Hand and Seal or Hands and Seals, to cause such Penalty or Penalties, Sum or Sums of Money, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, together with reasonable Costs, returning the Overplus (if any) on Demand, to the Owner of such Goods and Chattels; which Penalty or Penalties, Sum or Sums of Money, when so recovered, shall be paid to the Person or Persons so damaged or aggrieved as aforesaid.

Inflicting a Penalty on Persons refusing or neglecting to remove Obstructions; and empowering the Directors to remove the same.

LXX. And be it further enacted, That in case any Person or Persons shall occasion, or suffer or permit the Continuance of any Impediment, Annoyance, or Obstruction whatsoever, in or near the said Cuts, Drains, and other Works which shall damage or prejudice the same, or in anywise impede or obstruct the Drainage hereby authorized to be made, or shall refuse or neglect to remove the same, in such Manner as the said Directors or their Agents, Officers or Workmen shall require, for the Space of Four Days after Notice in Writing given for that Purpose, (save and except any Locks, Weirs, Dams, Banks, Cloughs, Engines, or other Works to be made and set up for the Purpose of Navigation as hereinafter mentioned), then and in such Case the said Directors shall have full Power, and they are hereby authorized from Time to Time to remove or cause to be removed all such Impediments, Annoyances, and Obstructions whatsoever, (except as aforesaid), and the Expences attending the removing the same shall be paid or reimbursed to the said Directors, by the Person or Persons so refusing or neglecting; and the same, if not paid upon Demand, shall be levied and recovered in like Manner as the Assessments or Taxes, or any of them, can or may be levied and recovered.

LXXI. And

LXXI. And be it further enacted, That the said Directors shall and may, and they are hereby authorized and empowered to remove, take, and dispose of, for or towards the Purposes of this Act, all Fishing Weirs, and all other Impediments and Annoyances, (except as before excepted, with respect to the Works of Navigation), which shall or may be found, made, laid, or set, in any of the Drains, Sluices, Cuts, Sewers, Cloughs, or Watercourses, made or to be made in any of the said Lands.

Empowering the Directors to remove Fishing Weirs and other Impediments.

LXXII. And be it further enacted, That all and every Person or Persons who shall at any Time or Times hereafter wilfully and maliciously cut, throw down, burn, or otherwise damage or destroy any Bank, Mill, Engine, Floodgate, Clough, or Sluice, or other Work or Works erected or made, or to be erected or made, or which shall at any Time hereafter be making or erecting for the draining, preserving, securing, or improving the said Lands, or any Part thereof, and shall thereof be lawfully convicted, shall be deemed guilty of a Misdemeanor, and shall be subject and liable to the Pain, Penalty, and Punishment of Fine and Imprisonment only; and the Courts by and before whom such Person or Persons shall be tried, shall have full Power and Authority to convict and punish him and them accordingly.

For punishing Persons damaging or destroying the Works of Drainage.

LXXIII. And be it further enacted, That it shall be lawful for the respective Rectors, Vicars, and other Incumbents of the said Parishes, and also for any other of the Owners of the Lands hereby directed to be drained, being Tenants in Tail, or Tenants for Life, or Tenants *pour autre Vie*, or for Years determinable on Lives, and also for the Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies of, or any Person or Persons acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies for any Charity or Charities, or of or for such of the said Owners as shall be under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, and also to or for all and every other Person or Persons being the Owners and Proprietors for the Time being of any of the said Lands to be drained or improved by virtue of this Act, from Time to Time, by Writing under their Hands and Seals, with the Consent and Approbation of the said Commissioners, testified by Writing under their Hands and Seals, to charge such Part or Parts of the said Lands 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 to or according to the Order of the said Directors, not exceeding Five Pounds *per* Acre, and with Interest for the same, from the Time or respective Times of Payment thereof; and for securing the Re-payment of such Sum and Sums of Money, with Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands, or any Part or Parcel thereof, unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years; so as every such Grant, Charge, Mortgage, Lease, Surrender, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so as every such Grant, Charge, Mortgage, Lease, Surrender, or Demise so to be made by any such Rector, Vicar, or other Incumbent,

Empowering Tenants for Life, *etc.* to borrow Money.

cumbent, or any other such Tenant for Life or in Tail, or his or her Husband, Guardian, Trustee, Feoffee, Governor, Committee, or Attorney, shall contain a Proviso that the Person or Persons entitled to the Remainder or Reversion or future Possession of the Lands so to be mortgaged, shall not, nor shall any Person or Persons be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year 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, notwithstanding the Want of legal Title in the said Tenants in Tail or Tenants for Life, Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, or in the said Persons acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies; any Settlement, Will, Trust, Use, Remainder, Limitation, Law, or Usage, or other prior or former Incumbrances of or concerning the same Lands, or any Part or Parts thereof, then in being or capable of taking Effect to the contrary thereof in anywise notwithstanding.

Directors to inspect the Account of Monies raised and expended annually.

LXIV. And be it further enacted, That once in every Year Inspection shall be had by the said Directors of the Receipts and Disbursements of such Money as shall be collected, received, or disbursed, by virtue of this Act to the Tenth Day of *October* then last past, and all Accounts relating to the same shall then, or within Thirty Days after, be adjusted and made up by the said Directors then assembled as aforesaid, at which Time the Collector and Collectors, Receiver and Receivers, Treasurer and Treasurers of the said Assessments and Sums of Money to be raised as aforesaid, and the Surveyor and Surveyors, is and are hereby required to attend with their separate and distinct Books of Account of the Receipts and Disbursements above-mentioned, and with all Vouchers for the same; and upon Consideration and Examination thereof, upon Oath, to be administered by One of His Majesty's Justices of the Peace for either of the said Ridings, (which Oath any One of the said Justices is hereby empowered and required to administer), the said Directors are hereby required to allow and pass the said Accounts of such Collector and Collector, Receiver and Receivers, Treasurer and Treasurers, Surveyor and Surveyors, or such Part or Parts thereof as to them shall appear just and reasonable; and such Account or Accounts, or such Part or Parts thereof as shall be so allowed by the said Directors, under their Hands, and all other Accounts relating to the Execution of this Act, shall be fairly entered in Two several Books, to be kept for those Purposes, one whereof shall remain in the Custody of the said Directors, and the other in the Custody of the Person or Persons accounting; and the said Books shall and may be inspected and perused at any Time, at reasonable Hours, by and at the Request of any of the Persons assessed or taxed in pursuance of this Act, paying for such Inspection and Perusal the Sum of One Shilling.

LXXV. Provided

LXXV. Provided always, and it is hereby enacted and declared, That all Orders and Proceedings of the said Directors, or any of them, at their Meetings, shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Directors assembled at such Meetings, and being so signed shall be deemed and taken to be Originals; and all such Books shall and may be read in Evidence in all Suits or Actions concerning any Thing done in relation to or in pursuance of this Act.

Proceedings  
to be entered  
in Books.

LXXVI. And be it further enacted, That as often as any Director appointed or to be appointed by or in pursuance of this Act, shall die, 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 Directors, it shall and may be lawful for the several Proprietors of the said Lands, assembled at some publick Meeting to be held within any of the Parishes, Townships, or Places aforesaid, of which Fourteen Days previous Notice shall be given, either by the remaining Directors, or by any Twelve of the said Proprietors, in all the *York* Newspapers, within Three Calendar Months next after such Death, 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 Director in the Stead of each such Director so dying, becoming incapable of acting, or refusing to act, or being benefited or interested in such Contract as aforesaid; and every Director so elected shall have the like Power and Authority to act in the Execution of this Act, as the Director in whose Stead he shall be elected was invested with; and the Director so benefited or interested in such Contract shall, from the Time of such Election, cease to be a Director under this Act.

For appoint-  
ing new Di-  
rectors.

LXXVII. And be it further enacted, That as often as any Commissioner appointed or to be appointed by or in pursuance of this Act shall die, become incapacitated, or refuse to act, it shall and may be lawful for the several Proprietors of the said Lands, assembled at some publick Meeting to be held within any of the Parishes, Townships, or Places aforesaid, of which Fourteen Days previous Notice shall be given by the said Commissioners in all the *York* Newspapers, within Three Calendar Months next after such Death, Incapacity, or Refusal, shall happen and be known, or as soon after as conveniently may be, to elect One other Person to be a Commissioner in the Stead of each such Commissioner so dying, becoming incapable of acting, or refusing to act; and every Commissioner so elected shall have the like Power and Authority to act in the Execution of this Act, as the Commissioner in whose Stead he shall be elected was invested with; but no such Election, either of a Director or a Commissioner shall take place, 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.

For appoint-  
ing new Com-  
missioners.

LXXVIII. And whereas by the making new Cuts or Channels for the said Rivers *Derwent* and *Harford*, and the proper Embankments for the same, the Lands of several of the said Proprietors will be thereby severed and divided, so as to render the future Occupation thereof very inconve-

Allowing Ex-  
changes to be  
made.

nient, unless Bridges of Communication were to be made over such Cuts or Channels, which Bridges, from the large Dimensions of the said Cuts or Channels, cannot be erected but at a very considerable Expence, which may be avoided by Exchanges of the same Lands so severed and divided; be it therefore further enacted, That it shall be lawful for any of the Proprietors or Owners of any Lands or other Hereditaments, within any of the respective Parishes, Townships, or Places aforesaid, or within the Townships of *Hutton Busbell* and *West Ayton* herein-after mentioned, or for the Guardians of Infants, Husbands or Trustees of Femes Covert, Committees or Trustees of Idiots, Lunaticks, and Persons beyond the Sea, or the Attornies of any Persons beyond Sea respectively; and for all Trustees for any charitable Use or Purpose, and all Tenants for Life or Lives, or in Tail, of any such Lands or other Hereditaments, or the Guardians, Husbands, Trustees, or Committees of such Tenants for Life or Lives, or in Tail respectively, who shall be incapacitated to act for themselves, to exchange all or any such Lands or other Hereditaments within any such Parishes, Townships, or Places as aforesaid, for any other Lands or other Hereditaments within any of the said Parishes, Townships, or Places, and to convey the Fee Simple of the Lands or other Hereditaments to be granted by them on such Exchanges, in such Manner as if the Grantor or Grantors was or were absolutely entitled thereto in his, her, or their own Right or Rights, and under no Incapacity to convey; so as all such Exchanges be made by and with the Consent and Approbation of the said Commissioners, and be ascertained and declared in some Instrument in Writing under their Hands and Seals, to be entered in the Publick Register Office for either of the Ridings aforesaid, wherein such Lands or other Hereditaments shall be respectively situate; and so as the Lands or other Hereditaments so to be taken in Exchange, do enure to such and the like Uses, and be subject to such and the like Trusts, Rents, Payments, Conditions, and Charges, as the Lands or other Hereditaments, for which the same shall be so taken in Exchange shall be limited, subject, or liable to, at or immediately before the Time of making such Exchanges respectively; and every such Exchange so to be made as aforesaid shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, notwithstanding any legal or natural Incapacity of any Proprietor or Owner respectively making any such Exchange, provided that none of the Parcels of Land to be so separated and exchanged as aforesaid, shall exceed in Extent from the Embankments of the said Cuts or Channels, the Width of One hundred Yards; and provided always, that no Exchange shall be made of any Lands or other Hereditaments held under the King's Majesty, or the Archbishop of *York* as Lessor, without the Consent of the King's Majesty, signified by Writing under the Hand and Seal of the Chancellor of the said Duchy for the Time being, or of the said Archbishop, signified by Writing under his Hand and Seal; nor shall any Exchange be made of any Lands or other Hereditaments held in Right of any Church or Chapel, without the Consent of the said Archbishop, signified in Manner as last aforesaid.

For preventing  
Trees  
being planted  
within a cer-  
tain Distance  
of the Banks.

LXXIX. And, in order that the Banks, Engines, and Works, which shall be made, erected, or used for the Purposes of this Act, may the better be preserved from Injury or Damage; be it further enacted, That no Trees or Shrubs shall be planted or suffered to grow upon or within

Thirty

Thirty Feet of the Foot of any of the Banks, Drains, or other Works; and all Trees and Shrubs now growing, or hereafter to be planted or grow within the Distance aforesaid, the said Directors are hereby authorized and empowered from Time to Time to cause to be cut, taken up, and carried away; and that the said Directors shall, out of the Monies to be raised by virtue of this Act, make such Allowances from Time to Time for the catching and destroying of Moles, Rats, and Vermin, in the Banks of the said respective Rivers and Brooks, and of the Main Drains, Becks, and Streams, as they the said Directors shall think proper; and that it shall not be lawful for any Person or Persons to plough or trench any of the Banks, Forelands, or Embankments of the said Rivers or Brooks, lying within the Lands hereby intended to be drained, or any Lands within Twelve Feet from the Foot of such Embankments; and that no Ditch or Drain shall be made, cut, or continued nearer than Twelve Feet from the Foot of any Embankment within or belonging to the said Lands, (except for the Purposes of Navigation as herein-after mentioned), and that it shall not be lawful for any Person or Persons to plough or trench any Land within Twelve Feet of any such Ditch or Drain; and if any Ditch or Drain be made, cut, or continued within the Distance aforesaid, then it shall and may be lawful for the said Directors to cause the same to be filled up.

Making Allowances for destroying Vermin in the Banks.

To prevent ploughing Banks, etc.

LXXX. And be it further enacted, That the said Directors shall and may, from Time to Time, have full Power and Authority to make Bye-Laws, touching the Cuts, Drains, Sewers, Banks, Cloughs, Engines, and other Works made or set up, or to be made or set up as aforesaid, and for the preserving, repairing, and keeping the same in order, so as the same be printed, and shall not be repugnant to the Law of the Land; and to impose such reasonable Fines or Forfeitures on the Breakers of such Bye-Laws as the said Directors shall think fit, not exceeding in any Case the Sum of Five Pounds, such Fines or Forfeitures to be levied by such Ways and Means as the said Directors shall direct (the same Bye-Laws being first ratified and confirmed by the Majority of Votes of the Proprietors who shall be assembled at any Publick Meeting of Proprietors to be held within any of the Parishes, Townships, or Places aforesaid, of which Fourteen Days previous Notice shall be given in all the *York* Newspapers); 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, of which the like Notice shall be given) to repeal or alter all or any of the said Bye Laws from Time to Time as they shall see necessary or convenient, which said Bye-Laws, being reduced into Writing under the Hands of the said Directors, 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; but no such Bye Law 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, or such of them as the said Directors shall think proper; 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: Provided always, That no such Bye Laws so to be made by the said Directors shall in anywise extend

Empowering the Directors to make Bye-Laws.

Directing Bye Laws to be published;

to

to or affect any Locks, Weirs, Dams, Banks, Cloughs, Engines, or other Works to be made and set up for the Purposes of Navigation as herein-after mentioned, nor to the Draw-Gate and Pen-Stock to be made and fixed in the Weir to be made across the said River *Derwent* at or near *Everley* aforesaid, as herein-before mentioned.

and entered in  
Books signed  
by the Direc-  
tors.

LXXXI. And be it further enacted, That all Bye Laws, Orders, and Proceedings of the said Directors in the Execution of this Act, shall be entered in a Book or Books to be kept for that Purpose, and such Bye Laws, Orders, and Proceedings when entered shall be signed by the said Directors, and the Clerk attending the said Directors or some other Person is hereby required to set his Name as a Witness thereto; and the said Bye Laws, Orders, and Proceedings so signed and attested, shall be deemed and taken to be the Original Bye Laws, Orders, and Proceedings, and shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings touching any Thing done in pursuance of this Act; and which Book or Books shall and may be seen and perused at all reasonable Times, paying the Sum of One Shilling for every such Perusal, and Copies thereof, or of any Part thereof, may be taken by any Person or Persons whomsoever, paying to the said Clerk Sixpence for every One hundred Words.

Proceedings  
not to be  
quashed for  
Want of  
Form.

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

For giving  
Notice of  
Meetings of  
Proprietors.

LXXXIII. And, in order to enable the said Proprietors to hold such Meetings as may be necessary for the better effecting the Purposes of this Act, according to the true Intent and Meaning thereof, be it further enacted, That it shall and may be lawful for the Clerk to the said Directors, and he is hereby required from Time to Time, as there shall be Occasion, and he shall be thereto required, either by the said Directors, or any Five or more Proprietors acting as Principals, by Writing under their respective Hands (except where it is hereby otherwise directed) to advertise any such Meeting of the said Proprietors to be held, giving in all the *Tork* Newspapers Twenty-one Days Notice of such Meetings; and in case of any such Requisition made by Five Proprietors, for a Meeting of Proprietors as aforesaid, the Clerk to the Directors for the Time being shall give Notice thereof to the said Directors as soon as conveniently may be; and that every Notice of any Meeting of Proprietors to be held in pursuance of this Act, shall specify the Reasons for and Intention of such Meeting; and the Proprietors hereby authorized to meet pursuant to such Notice shall proceed to the Execution of the Powers by this Act given them with respect to the Matter so specified, and no other.

Directing  
what Proportion  
of Property shall  
entitle Proprietors  
to vote.

LXXXIV. Provided also, and be it further enacted, That all Bodies Corporate and Politick, 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, either in Law or Equity, for his, her, or their own Use and Benefit in Possession, of a Freehold, Copyhold, or Customary Estate of Inheritance, or of an Estate  
for



for Life, or for some long Term of Years, determinable on One or more Life or Lives, or holding any Lease under the Crown, or under the King's Majesty in Right of the said Duchy, or under any Archbishop, Bishop, Dean and Chapter, Church, Hospital, College, or Corporation, of any Part of the said Lands, containing at least Thirty-five Acres to be drained by virtue of this Act, (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 Publick Meeting to be held by the Proprietors aforesaid, which Vote may be given by the said respective Bodies Corporate and Politick, and Persons, either by themselves, or by their Proxy or Proxies, duly constituted under the Seal of the respective Bodies Corporate and Politick, and under the 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 Politick, and other Person and Persons who shall be so seised or possessed as aforesaid of more than Thirty-five Acres of such Land as aforesaid, shall, for every Seventy Acres more than Thirty-five Acres thereof, 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 Five Votes for each such Body Corporate or Politick, or other Person or Persons respectively; and any Bodies Corporate and Politick, and other Person or Persons who shall be so seised or possessed as aforesaid of more than Three hundred and fifteen Acres of such Land as aforesaid, shall, for every One hundred and fifty Acres thereof exceeding the said Quantity of Three hundred and fifteen Acres, 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 Eight Votes for each such Body Corporate or Politick, or other Person or Persons respectively.

LXXXV. And be it further enacted, That in case any Proprietor or Owner of Lands to be drained by virtue of this Act, shall not be entitled to Thirty-five Acres of such Lands, that then and in such Case it shall and may be lawful to and for any Two or more of such Proprietors, possessing together Thirty-five Acres or upwards, by Writing under their Hands, to appoint One of their own Number to vote at any such Meeting of Proprietors to be held for the Purposes of this Act; provided that no One Person shall hold more than Two such Proxies.

Empowering  
Two Proprietors jointly to vote by Proxy in certain Cases.

LXXXVI. Provided always, and be it further enacted, That no Proprietor shall be entitled to vote in Person or by Proxy, in respect of any such Lands as aforesaid, but of such whereof he or she shall have been seised or possessed, as *bonâ fide* Owner, for the Space of Six Months next preceding the Time of such voting, save and except where such new Proprietor or Proprietors shall take and be entitled to the Lands and Tenements in respect whereof he, she, or they shall so claim to vote, by Descent, Will, or Marriage Settlement; nor shall any Proprietor be entitled to vote as Proxy for more than Two Proprietors, nor shall any Person be entitled to vote as a Proxy who is not a Proprietor.

Proprietors nor to vote unless they have been in Possession of the Property for Six Months.

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

LXXXVII. Provided also, That if at any Publick Meeting of the Proprietors to be held in pursuance of this Act, Seven Proprietors shall not be present in Person, and there shall not be present, either Principals or Proxies, or as both Principals and Proxies, Persons entitled to Twenty Votes, then the said Meeting shall be adjourned to that Day Sevensight, at the Places where such Meeting was appointed to be held, and so *toties quoties* until Seven 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 Votes.

Penalty on Proprietors voting, &c. who are not qualified.

LXXXVIII. And be it further enacted, That if any Person who shall not be qualified to vote as a Proprietor, or as a Proxy duly constituted, shall presume to vote at any Meeting or Meetings of Proprietors to be held in pursuance of or by virtue of this Act, or in case any Person or Persons, not being duly qualified so to do by virtue of this Act, shall make, sign, or execute any Appointment or Deputation of any Person or Persons as a Proxy or Proxies to vote in any of the Matters or Things relative to the said Drainage, or the Concerns thereof, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds.

For regulating the Time for opening and shutting down certain Tunnels and Sluices.

LXXXIX. And be it further enacted, That the said Directors, at their annual Meeting to be held in *Easter Week*, or at any other Meeting, shall and may and they are hereby authorized and required to appoint One or more Officer or Officers for the Purpose of opening and shutting down the Tunnels and Sluices to be set down and made use of in the Execution of this Act, except the Sluice or Opening to be made in the said Weir at or near *Everley* aforesaid; and that no such Tunnel or Tunnels, Sluice or Sluices, except as aforesaid, shall at any Time or Times be opened or shut down but by the said Officer or Officers, or by his or their Direction; and that it shall and may be lawful to and for the said Directors, at the said annual Meeting to be held in *Easter Week*, or at any other Meeting, to make such Order or Orders touching the opening or shutting down of the said Tunnels and Sluices, except as aforesaid, as they shall think proper.

No Ponds or Watering Places to be made within a certain Distance of the Drains.

XC. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, dig or make any Pond or watering Place in any of the Lands or Grounds intended to be drained by virtue of this Act, within the Space of Twenty Feet from any Drain or Sewer already made, or to be made and used for the draining and improving any of the Lands or Grounds intended to be drained by virtue of this Act, every such Person or Persons so offending shall, for every such Offence, forfeit and pay any Sum of Money not exceeding Ten Pounds nor less than Twenty Shillings.

Penalty on Persons injuring the Banks, &c.

XCI. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter permit or suffer any of his or their Hogs or Swine to stray upon any of the Banks made or to be made, or kept in Repair, under the Authority of this Act, or shall fodder, or cause or permit to be foddered any of his, her, or their Cattle on any of the said Banks, or shall drive or cause to be driven any Cattle, Cart, or Carriage thereon, except for the Purposes of Navigation, or shall set or cause

cause to be set on any of the same Banks any Stack or Stacks of Hay or Reed, without having obtained Leave in Writing for that Purpose from the Directors assembled at some of the Meetings to be held by virtue of this Act, or shall cut through any Lane or Drove, to the Intent that the Waters of one Field within the said Lands and Grounds so to be drained as aforesaid shall and may run into any other Field within the said Limits, or shall at any Time hereafter cut or dig, or cause to be cut or dug any Turves, Sods, or Sesses within the Distance of Forty Feet of any of the Banks made and thrown up by virtue of this Act, or of any of the Soke Dikes within the Limits of the Lands and Grounds to be drained by virtue hereof, shall, for every such Offence, forfeit and pay any Sum of Money not exceeding Five Pounds nor less than Twenty Shillings.

XCII. And whereas *Joseph Dennison* Esquire, and the several other Owners of such Part of the Lands situate within the Township of *East Ayton*, in the Parish of *Seamer* aforesaid, as are intended to be drained under the Authority of this Act, have been at a considerable Expence in making the Embankments now upon the same Lands for guarding the same from Injury by the Floods of the said River *Derwent*, and it is reasonable that such Owners should be allowed a proper Compensation for the same; be it therefore enacted, That the said Directors shall, out of the Monies to be raised for the Purposes of carrying this Act into Execution, make such Allowance to such respective Owners for having embanked the same Lands, out of the Tax to be by him or her paid for the Purposes aforesaid, as in the Judgement of the said Commissioners shall appear just and equitable.

For making Compensation to Persons for Embankments already made in *East Ayton*.

XCIII. And whereas the Lands on the upper Part of the River *Hartford* will receive little or no Benefit from the Main Drain or Channel to be made from *Everley* aforesaid to the Sea, and the intermediate Lands bordering on the said River, and lying higher than the Extent of the Inundation of the *Derwent* in its present State, will receive no further Benefit from the said Main Drain or Channel into the Sea, than the saving of so much Embankment as would be necessary to surmount the additional Rise of the said River when confined within its Channel; be it therefore enacted, That all such of the Lands above mentioned as shall not, in the Judgement of the said Commissioners, receive any Benefit from such Main Drain or Channel to the Sea, shall, and they are hereby freed and exempt from all Expences attending the making or future Repair of such Main Drain or Channel; and the said Commissioners shall, and they are hereby required to ascertain, by such Ways and Means as to them shall seem requisite, the Extent and Proportion of the Benefit which the Residue of the same Lands shall derive from the said Main Drain or Channel, and assess and tax the Owners and Proprietors thereof to the Expences of making such Main Drain or Channel accordingly.

Lands not receiving any Benefit from the proposed Main Drain or Channel from *Everley*; to be exempt from the Expence thereof.

XCIV. And be it further enacted, That the King's Majesty, His Heirs and Successors, or His or their Lessee or Lessees, and the several other Lord or Lords of the several and respective Manors within the Parishes, Townships, and Places aforesaid, or any of them, and all and every other Person and Persons whomsoever, shall have full Liberty to fish, fowl, and exercise all the Rights and Royalties on the Rivers, Ponds, Sewers, Drains,

For reserving Rights of Fisheries, &c.

Drains, and Cuts now made or hereafter to be made by virtue of this Act, or any of the Branches thereof, which they have usually exercised or enjoyed, and to which they are or shall be entitled by Law; any Thing herein contained to the contrary thereof in anywise notwithstanding; nevertheless so as that the Exercise of such Rights and Royalties shall not hinder, obstruct, interfere with, or interrupt the general Drainage hereby intended, or other Execution of this Act.

Directors not to be answerable for each other; and to be reimbursed their reasonable Expences.

XCV. Provided always, and be it further enacted, That the said Directors, or any of them, shall not be answerable for one another, but each for himself and his own Acts only, nor for any Sums or Sum of Money but what they respectively shall actually receive, nor for any Security taken by them from any Person or Persons, nor for any Person with whom any Money to be raised by virtue of this Act shall be intrusted, or shall be lodged, nor for any Officer employed under them; and that the said Directors, and each of them, shall and may from Time to Time, out of the Monies to be raised by virtue of this Act, deduct, retain, and reimburse unto him and themselves respectively, all such Costs, Charges, Damages, and Expences as they or any of them shall necessarily or reasonably bear, pay, expend, sustain, or be put unto, by reason of the Trusts hereby in them reposed, or the Execution thereof, or otherwise relating thereunto; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Enabling Arbitrators to award what Sums shall be paid by the Owners of Lands in *Hutton Busbell* and *West Ayton*, for the Improvements of such Lands by Means of the Drainage.

XCVI. And whereas the Benefits of the intended Drainage may possibly extend to some of the Lands within the respective Townships of *Hutton Busbell* and *West Ayton* in the North Riding of the said County of *York*, or one of them, situate below or on the South Side of the Turnpike Road leading through the said Townships, and it is reasonable that if such Lands or Tenements should receive any actual or permanent Benefit or Improvement from such Drainage, the Owners and Occupiers thereof should contribute to the Expences incurred thereby; be it therefore further enacted, That the said Directors shall within Three Calendar Months from the passing of this Act, appoint some skilful and intelligent Person of fair Character, not interested, employed or engaged in the Works of the said Drainage, and not being the Owner of or deriving any Benefit from any Estates to be drained, embanked, or preserved, under Authority of this Act, to be an Arbitrator for such Purposes, and with such Powers and Authorities as herein-after mentioned; and that the Majority in Value of the Owners of the Lands on the South Side of the Turnpike Road aforesaid, within the last-mentioned Townships, shall, by themselves or their Agents, and in case of Infancy by their Guardians or Persons acting as their Guardians, within the like Space of Three Calendar Months after passing this Act, elect and choose One other skilful and intelligent Person of fair Character, not being the Owner of, or deriving any Benefit from such last-mentioned Lands or any of them, to be an Arbitrator on their Behalf, for the like Purposes, and with the like Powers, and such Arbitrators so to be appointed shall, with all convenient Speed, meet together at some convenient Place within the Parish of *Hutton Busbell* aforesaid, or within Six Miles thereof, and shall nominate in Writing a Third skilful and intelligent Person of fair Character, not interested, employed, or engaged as aforesaid, to be joined with

with them in the Business of their Arbitration; and such Three Persons, after taking the like Oath as herein-before prescribed for Arbitrators appointed by this Act, shall forthwith proceed to inspect and survey the then State and Condition of the said last mentioned Lands, and shall have full Power and Authority to enter into and upon the same, or any of them, at all seasonable Times, for that Purpose, as well as for the Execution of any other of the Powers hereby reposed in them, doing as little Damage as may be, and shall make and take such Minutes and Accounts thereof as they shall think necessary for their future Conduct; and in case the aforementioned Directors, or any Two of them, shall at any Time within the Space of Three Years, to be computed from the Time of completing the Drains and Cuts to be made under Authority of this Act, be of Opinion that the last mentioned Lands or any of them have received any actual or permanent Benefit or Improvement from the said Drainage, it shall be lawful for them to give Notice thereof to such Arbitrators, who shall thereupon, with all convenient Speed, proceed to re-inspect the same Lands, and to examine Evidence, and to hear the Allegations of all Parties concerned, and to award and determine whether any and what Sum or Sums of Money in gross, or by any temporary or permanent Rate or annual Assessment, shall be paid by the Owners or Occupiers of all or any such last mentioned Lands, for or in respect of such Improvements, and in what Proportions the same shall be paid and contributed by and between such Owners and Occupiers, having Regard to their several Relations as Landlords and Tenants; and the said Arbitrators shall specify the Particulars of such their Adjudication, in and by an Award in Writing under their Hands, within Three Calendar Months after such Notice shall be given them by the said Directors, and shall sign Four Parts of such Award, One of which Parts shall be delivered to the said Directors, another to the principal Land Owner within the Township of *Hutton Bushell* aforesaid, a Third to the principal Land Owner within the Township of *West Ayton* aforesaid; and the Fourth to the Clerk of the Peace of the said North Riding, who is hereby required to receive and deposit the same among the Records of the Court of Quarter Sessions belonging to the same Riding, and to give to the said Arbitrators a Receipt for the same, taking as a Fee for his Trouble therein Six Shillings and Eight-pence and no more; and such Clerk of the Peace shall permit and suffer any Person whomsoever, at any seasonable Time or Times, to inspect and peruse the said Award, paying the Sum of One Shilling and no more for every such Inspection; and also to have a Copy or Extract thereof, or of any Part thereof, paying for the same after the Rate of Sixpence for each Hundred Words contained therein and no more; and such Award, when so signed and delivered over, shall be binding and conclusive; and all and every Sum and Sums of Money, Assessments, or Contributions to be hereby imposed, shall be recoverable in like Manner, and by the same Ways and Means, as other Assessments, Taxes, and Sums of Money to be imposed or made payable under Authority of this Act, are hereby made recoverable; and subject to the like Provisions for the Re-imbursment of Tenants who shall make any Payments on account of their Landlords: Provided always, That if the said Three Arbitrators shall differ in their Judgements, the Award of any Two of them in or touching the Premises, shall be as binding and conclusive as the Award of all Three.

Arbitrators to  
summon Wit-  
nesses, &c.

XCVII. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Arbitrators, or any Two of them, to summon Witnesses to appear and give Evidence on Oath or Affirmation before them, (which Oath or Affirmation they, or any Two of them, are hereby authorized to administer), and to order the Production and Inspection of all necessary Papers, Books, and Documents; and if any Person so summoned shall wilfully neglect to appear or to produce such Books, Papers, or Documents, or, after appearing, shall refuse to be sworn or affirm, or to give Evidence, every such Offender shall forfeit such Sum not exceeding Five Pounds upon any One Person for any One Offence, as the Justices of the Peace, at their Quarter Sessions to be holden for the said North Riding, within Three Calendar Months after the Commission of such Offence, shall think proper to impose.

How the Ex-  
pences or the  
Arbitrators  
are to be paid.

XCVIII. And be it further enacted, That the Expences to be incurred by the Appointment of the said Arbitrators, and by their said Surveys, Inspections, and other Proceedings, and all other the Expences attending the making the said Award, shall be defrayed in such Manner as the other Expences attending the said Drainage are hereby provided for; and that the Sum or Sums, Assessments or Contributions, to be payable under the said Award, shall be paid to the said Directors, or as they shall appoint for the general Purposes of this Act.

For appoint-  
ing other Ar-  
bitrators  
on Death, &c.

XCIX. And be it further enacted, That in case any or either of the said Three Arbitrators appointed as aforesaid shall refuse to act, or shall depart this Life before making the said Award, the Person who shall have appointed such Arbitrator or Arbitrators in the first Instance, or the Person or Persons who shall stand in their Places respectively, shall be at Liberty to appoint a Successor, not interested in any Manner as aforesaid, and so from Time to Time as Occasion shall require: Provided always, That nothing herein contained shall extend to authorize the making or altering any Cuts, Drains, Dams, Banks, Headings, Outlets, Tunnels, Stamps, Engines, Bridges, or other Works, in, over, through, or upon any of the Lands in the Townships of *Hutton Bushell* and *West Ayton* aforesaid, or either of them, without the Consent of the Owners of the Lands to be cut through, by themselves or their Agents, and in case of Infancy by their Guardians or Persons acting as their Guardians, testified in Writing for that Purpose; nor shall any of the Owners or Occupiers of such Lands be subject or liable, in respect of such Ownership or Occupation, to contribute to any of the Expences of this Act; or to the Payment of any Sum of Money or Assessment under the Authority thereof, except the Rates, Assessments, Payments, or Contributions which shall or may be awarded as aforesaid: Provided further, That nothing shall be done after the said Award, whereby any Benefit or Improvement arising to any of the Owners or Occupiers of any Lands or Tenements in the aforesaid Townships of *Hutton Bushell* and *West Ayton*, or either of them, by virtue of the aforesaid Drainage, shall be in anywise counteracted, defeated, discontinued, or diminished.

No Cuts,  
Drains, &c.  
in *Hutton Bu-  
shell* or *West  
Ayton* to be  
made or alter-  
ed without  
Leave.

For extending  
the Powers to  
Tenants for  
Life, &c. to  
borrow Mo-  
ney upon  
Lands in *Hut-  
ton Bushell* and  
*West Ayton*.

C. Provided further, and be it enacted, That all and singular the Powers and Authorities in this Act contained for enabling Rectors, Vicars, and other Incumbents, Tenants for Life or in Tail, or any other Owners or Persons seised or possessed as aforesaid, Guardians, **Husbands, Committees,**

Committees, Governors, Feoffees, Trustees, and Attornies, to make any Charge, Mortgage, Surrender, and Demise, for securing the Re-payment of any Monies advanced or paid under the Directions or for the Purposes of this Act, shall and are hereby declared to extend and apply to the Owners of Lands or Tenements within the said Townships of *Hutton Busbell* and *West Ayton* respectively, and their Guardians, Husbands, Committees, Trustees, and Attornies respectively, so as to enable them to raise or secure the Re-payment of any Monies advanced or required to be paid under the Award herein-before mentioned, for or in respect of any Lands or Tenements within the said last-mentioned Townships or either of them.

CI. And whereas under and by virtue of an Act of Parliament, made and passed in the First Year of the Reign of the late Queen *Anne*, intituled, *An Act for making the River Derwent in the County of York navigable*, the Right Honourable *William Wentworth* Earl *Fitzwilliam* is authorized and empowered to make the said River *Derwent* navigable from *Scarborough Mills* down to the River *Ouse*, which said Navigation is already completed from the said River *Ouse* to the Town of *New Malton*, and it may be expedient at some future Period to extend the said Navigation of the said River *Derwent*; be it therefore enacted and declared, That nothing in this Act contained shall repeal, defeat, prejudice, or in anywise diminish, lessen, alter, or vary any of the Powers and Authorities now vested in the said Earl *Fitzwilliam*, for extending his present Navigation of the said River *Derwent*, under and by virtue of the said recited Act; and that in all Cases where the present Course or Channel of the said River *Derwent* shall be diverted or altered, by any new Cuts or Channels to be made for that Purpose by the said Directors in pursuance of this Act, it shall and may be lawful to and for the said Earl *Fitzwilliam*, his Heirs and Assigns, and his and their Deputies, Agents, Officers, Workmen, and Servants, and he and they are hereby authorized and empowered, at his or their proper Costs and Charges. (except as herein-after-mentioned) at any Time or Times thereafter, to make all and every or any of such new Cuts or Channels, or any Part or Parts thereof navigable and passable for Barges, Boats, Lighters, and other Vessels, and from Time to continue, support, and maintain such Navigation in such Manner as he the said Earl *Fitzwilliam*, his Heirs and Assigns, shall think meet, and for that Purpose to cleanse, scour, open, enlarge, or straighten the said new Cuts or Channels, or any Part or Parts thereof, and to dig or cut the Banks thereof, and to cut or open or dig the Banks of any other Stream, Brook, or Beck, that shall to him or them seem convenient for the making the said new Cuts or Channels navigable and passable for Boats, Barges, Lighters, and other Vessels, and to make new Cuts, Trenches, or Passages for Water, in, upon, or through the Lands or Grounds adjoining or contiguous to the said new Cuts or Channels, as he or they shall think fit or necessary, for the more easy and better carrying on the said Work; and to remove and carry away all Trees, Roots, Gravel-Beds, or other Impediments whatsoever, which may in anywise hinder navigating any Boats, Barges, Lighters, or other Vessels, in and upon the said new Cuts or Channels, or any Part or Parts thereof, either in sailing or hailing thereof, with Men, Horses or otherwise; and to build and erect, set up and make, upon any the Lands adjoining to the said new Cuts or Channels, Locks, Weirs, Turnpikes, Pens for Water, Cranes, Wharfs, and Warehouses, where he the said Earl *Fitzwilliam*

For saving the Rights of the Proprietor of the *Derwent* Navigation.

*william*, his Heirs or Assigns, shall think fit, and to alter, repair, and amend the same as often as they shall think convenient; and to make any Ways, Passages, or other Conveniences for the carrying or conveying of Commodities, or other Things to and from the said new Cuts or Channels, with free Liberty of Ways for carrying and conveying of all Manner of Timber, Stone, and other Materials for the making the said Dams, Locks, Weirs, or Turnpikes, and for repairing the same from Time to Time as often as there shall be Occasion, and to do all other necessary Matters and Things for the improving and maintaining of the said navigable Passage, in, through, and along the said new Cuts or Channels, or any Part or Parts thereof; or for amending and heightening any Weirs, or altering any Bridges whatsoever, or Dams to be made upon the said new Cuts or Channels; and amending or turning, or altering, any Highways that may anyways hinder the said Passage and Navigation; as also to make and set out, and appoint Towing-Paths and Ways convenient for towing and drawing of Boats, Barges, and Lighters, passing in, through, and upon the said new Cuts or Channels; and also, to make, do, perform, fulfil, and exercise all and every other the Matters, Things, Powers, Privileges, and Authorities touching and concerning the Navigation of the said new Cuts or Channels, as are now vested in him the said Earl *Fitzwilliam*, in and by the said recited Act for making the said River *Derwent* navigable; he the said Earl *Fitzwilliam*, his Heirs, and Assigns, giving Satisfaction to the Owners and Proprietors of the said Lands, Hereditaments, and Premises, for any Damage and Injury done to them, for or by reason of the same, as the Commissioners appointed or to be appointed under and by virtue of the said recited Act for that Purpose shall direct and appoint, in case the said Earl, his Heirs and Assigns, cannot agree with the Proprietors of the said Lands and Hereditaments respectively concerning the same: Provided nevertheless, That the said Earl, his Heirs and Assigns, shall not be subject or liable to the Payment of any Price or Compensation to the said Directors, or any other Person or Persons, for the Land which the said new Cuts or Channels to be made by them shall occupy or contain; any Thing in this or the said recited Act contained to the contrary thereof in anywise notwithstanding.

For authorizing the Proprietor of the *Derwent* Navigation to take Tolls upon Goods carried on the new Cuts or Channels, in certain Cases.

CII. And be it further enacted, That for and in Consideration of the great Charge and Expences which the said Earl *Fitzwilliam*, his Heirs or Assigns, will be at not only in making the said Cuts or Channels navigable as aforesaid, but also in repairing and keeping up the Weirs, Locks, and other the Premises so to be made and executed as aforesaid, and making them fit and useful for the said Navigation, it shall and may be lawful to and for the said Earl *Fitzwilliam*, his Heirs, Executors, Administrators, and Assigns, and no others, from Time to Time and at all Times thereafter, to ask, demand, recover, and take from all and every Person and Persons that shall send down or receive up any Goods, Merchandizes, Wares, or Commodities whatsoever, that shall be carried or conveyed up or down the said new Cuts or Channels, such and the like Rates, Tolls, and Duties, as are in and by the said recited Act directed to be received and taken for any Goods, Wares, Merchandizes, or Commodities that shall be carried or conveyed in any Boat, Barge, or Vessel up the said River *Derwent* from the said Town of *New Malton* to *Scarborough Mills* aforesaid, or down the said River *Derwent* from the said *Scarborough Mills* to the said Town of *New Malton*; and in case of Refusal, Neglect, or Denial of Payment, on Demand, of a fair and due Proportion of the said several Rates or Prices, the said Earl *Fitzwilliam*, his



his Heirs or Assigns, or such other Person or Persons as he or they shall nominate and appoint, shall and may sue for the same by Action of Debt, or upon the Case, in any Court of Record, or detain or make stay of any Goods, or Vessels carrying such Goods, for which the said Rates or Prices ought to be paid, until they shall be satisfied and paid the same.

CIII. And be it further enacted, That if the said Earl *Fitzwilliam*, his Heirs or Assigns, or any of them, shall, in pursuance of the Powers contained in the said in Part recited Act, or any of them, raise the Course or Stream of the said new Cuts or Channels above their usual Height, or by making or erecting any Weirs or Dams in and upon the same, by Reason or Occasion whereof the Lands and Premises adjacent to the said new Cuts or Channels may be more liable to be overflowed or damaged than such Lands would otherwise have been, that then the said Earl, his Heirs or Assigns, shall, at their own proper Costs and Charges, cause the Banks of the said new Cuts or Channels to be proportionably raised and strengthened, in such Places and in such Manner as the said Commissioners for the Time being appointed by or under the Authority of the said recited Act, or any Seven or more of them, shall think fit and appoint, (Notice in Writing being first given of their Meeting for that Purpose, at least Twenty Days before Hand, to every Party concerned, in such Manner and Form as is in the said recited Act directed and appointed), so that the new Banks shall be as able and sufficient to contain and keep in the said Water at such its raised Height, as the Banks to be made by virtue and for the Purposes of this Act, previously were to contain the Water at its then usual Height, and shall also from Time to Time maintain and repair such new Banks as often as Occasion shall require; any Thing herein contained to the contrary in anywise notwithstanding.

For securing the Banks of the new Cuts or Channels, if made navigable.

CIV. Provided always, and be it further enacted, That in order that the new Cuts or Channels which may be made by virtue of this Act, for altering and diverting the present Course of the said River *Derwent*, or any of them, may be made fit and proper for Navigation, they the said Directors shall and they are hereby required to set out and make the same in a convenient Course, Line, or Direction for that Purpose, and to leave a sufficient Breadth of Ground or Foreland between the Sides of such new Cuts or Channels, and the Foot of the Banks thereof, and also to make and place one of the said Banks in such a Situation, Manner, and Form, as that the same may be used as a Towing Path for the said Navigation, so as that the said Directors shall not be put to any extra Expence thereby.

Requiring the Directors to make the new Cuts or Channels in a convenient Line for Navigation.

CV. Provided also, and be it further enacted, That in order to divert and turn the Flood or Surplus Water of the said River *Derwent*, at or near *Everley* aforesaid, into the said Main Drain or Off-take Channel, for the Conveyance thereof into the Sea, the said Directors shall and they are hereby required to make and erect, and at all Times afterwards to support and maintain, a good, substantial, and permanent Weir across the said River at or near the Commencement of such Off-take Channel, and also an Embankment across the Low Land extending from the End of such Weir to the Verge of the High Land on the West Side of the said River, and also a substantial and permanent Sill or Overflow, from or near the East End of the said Weir to be made in the River *Derwent*, across the Entrance of the said Off-take Channel; and that in order to prevent any Hindrance, Impediment, or Interruption to the working of

Directing a Weir and Embankment to be made across the *Derwent* at *Everley*.

the several Mills, Forges, or other Works, now situate or hereafter to be erected on the said River *Derwent*, below the aforesaid Weir and Embankment, or to the necessary Supply of Water for the Use of the said *Derwent* Navigation, they the said Directors shall, and they are hereby required to leave in the said Weir to be erected across the said River, for the Free Passage of Water at all Times, when requisite and necessary for the Uses and Purposes aforesaid, a Sluice or Opening of Three Feet in Width and Eighteen Inches in Height, the Bottom of which Sluice or Opening to be fixed Two Feet Six Inches below the Crown or Top of the said Sill or Overflow to be made at the Entrance of the said Offtake Channel; and also to make and fit, and at all Times afterwards support and maintain a good, substantial, and proper Drawgate or Penstock in the said Sluice or Opening, with proper Rack-Work and Tackle for the Purpose of raising, or opening and shutting down the same, in order to pen up the Water of the said River *Derwent* above the said Weir and Embankment, or to let out the same, or any Part thereof, through the said Sluice or Opening, as Occasion may require; and as the said Earl *Fitzwilliam*, his Heirs, and Assigns, and all other Person and Persons interested in the Waters of the said River *Derwent* below the said Weir and Embankment shall from Time to Time think proper and require; and that the said Earl *Fitzwilliam*, and the other Persons interested as aforesaid; and their respective Heirs and Assigns, shall have the Controul, Direction, and Management of the said Drawgate or Penstock; and shall be at all Times exonerated and indemnified by the said Directors, out of the Money to be raised for the Purposes of this Act, from all Costs, Charges, and Expences necessarily attending the making, supporting, opening, and shutting the same for the Purposes aforesaid; any Thing herein contained to the contrary notwithstanding.

Empowering  
the Directors  
to get Mate-  
rials for mak-  
ing Weirs.

CVI. And be it further enacted, That it shall and may be lawful for the said Directors to search for, get and carry away such Stone or other Materials for the Purpose of making any of the Weirs, Bridges, and other Works for the said Drainage, from such Place or Places within any of the said Parishes or Townships as the said Directors shall think proper, making reasonable Satisfaction to the several Proprietors or Owners of the Lands from whence such Stone or other Materials shall be got, for the Damages to be occasioned thereby, in such Manner as Satisfaction is by this Act directed to be made for any other Damages to be occasioned by carrying this Act into Execution.

For Recovery  
and Applica-  
tion of Penal-  
ties or Forfei-  
tures.

CVII. And be it further enacted, That the Penalty or Forfeiture for any Offence against this Act, or any Bye-Law to be made as aforesaid, (the Recovery whereof is not herein before otherwise directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County, Riding, or Place wherein the Offender shall be or reside, which Warrant such Justices are hereby empowered to grant upon the Confession of the Party offending, or upon the Oath of any credible Witness, (which Oath such Justices are hereby empowered to administer), rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and for want of sufficient Distress, such Justices are hereby empowered and required to commit the Offender to the Common Gaol or House of Correction.

Correction for such County, Riding, or Place, there to remain for any Time not exceeding Two Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied; and that all such Penalties and Forfeitures (the Application whereof is not herein-before otherwise directed) shall be paid to the Treasurer or Treasurers of the said Directors, to be applied as aforesaid, and shall be applied and disposed of towards carrying the Purposes of this Act into Execution.

CVIII. And be it further enacted, That all and every Person or Persons who, in any Examination upon Oath or Affirmation to be taken by virtue of this Act, shall give false Evidence before any Justice or Justices of the Peace, or before any Arbitrators or Umpire or other Person, touching any Matter or Thing relating to the Execution of this Act, shall and may be prosecuted for the same, and being thereof convicted, shall be deemed guilty of Perjury, and 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.

For punishing  
Persons giving  
false Evidence.

CIX. 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; (*videlicet*),

Prescribing  
the Form of  
Conviction.

“**B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ A. B. is convicted before \_\_\_\_\_ of His Majesty's Justices [*or*, Justice] of the Peace for the \_\_\_\_\_ Riding of the County of York, by virtue of an Act made in the Fortieth Year of the Reign of His Majesty King George the Third [*here insert the Title of the 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.”

CX. And be it further enacted, That all Persons who shall think themselves aggrieved by the Order, Conviction, or Judgement of any Justice or Justices of the Peace, upon account of any Offence committed or supposed to be committed against this Act, or any Bye-Law 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 Ridings respectively against any such Order, Conviction, Judgement, or Penalty, at the next General or Quarter Sessions of the Peace to be held for the said Ridings respectively after the Cause of such Appeal shall happen; and also all Persons who shall think themselves aggrieved by any Payment made, or directed to be made by or by the Order of the said Directors or Commissioners, to any Person or Persons who shall claim Title thereto as a Debt due from and payable by the said Directors, may appeal to the Justices of the Peace for the said Ridings at the next General Sessions of the Peace to be held for the said Ridings respectively next after the annual Allowance by the said Directors of the Account of such Payment, the Person or Persons so respectively appealing first entering into a Recognizance, with Two sufficient Sureties, to the Satisfaction of the said Justices, 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 Judgement shall be affirmed; and the said Justices

Allowing an  
Appeal to the  
Quarter  
Sessions.

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 removeable by any Writ of *Certiorari* or otherwise into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Limitation of  
Actions.

CXI. 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 said County of *York*, 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 Judgement 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 Treble Costs, for which he, she, or they shall have the like Remedy as where Costs are awarded.

Treble Costs.

Not to recover  
but for special  
Damage.

CXII. 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, or 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.

Publick Act.

CXIII. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.