



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 50.

An Act to repeal an Act, passed in the Twelfth Year of the Reign of His present Majesty King *George the Third*, intituled, *An Act for draining the Low Grounds and Carrs lying in the several Parishes, Townships, and Places of Keyingham, Keyingham-Marsh, Ryhill and Camerton, Burstwick and Skeckling, Burton-Pidsea and Ridgmont, Ottringham, Halsham, Owstwick, Roofs, Rimswell, Tunstall, Waxholme, Elsternwick, Lelley, Humbleton, Fitting, Hilston, Garton, Albrough, Flinton, and Tansterne, within the Seigniorie of Holderness, and East Riding of the County of York*; and to render more effectual the Drainage of all and singular the Lands and Grounds within the said several Parishes, Townships, and Places, and within all other Townships, Hamlets, and Places within or Parcel or Member of the several Parishes mentioned, or any of them respectively.

[7th May 1802.]

[*Loc. & Per.*]

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WHEREAS

12 Geo. 3.

WHEREAS an Act was passed in the Twelfth Year of the Reign of His present Majesty, intituled, *An Act for draining the Low Grounds and Carrs lying in the several Parishes, Townships, and Places of Keyingham, Keyingham-Marsh, Ryhill and Camerton, Burstwick and Skeckling, Burton-Pidsea and Ridgmont, Ottringham, Halsham, Owstwick, Roofs, Rimswell, Tunstall, Waxholme, Elsternwick, Lelley, Humbleton, Fitling, Hillston, Garton, Albrough, Flinton, and Tansterne, within the Seigniorship of Holderness, and East Riding of the County of York:* And whereas by Reason of the vast Accretion of new Land between a certain Island or Place heretofore an Island in the River *Humber* called *Sunk Island*, and the Shores of the said Seigniorship of *Holderness*, extending from a certain Place called *No-Man's-Friend* for several Miles towards the River *Humber*, and now amounting to several thousand Acres; and by Reason of the great and continual Increase of Mud and Warp in the said ancient Channel, the Clough erected and built in pursuance of the said recited Act at the aforesaid Place called *No-Man's-Friend*, and the said Channel, is now become so choaked, warped, and silted, as to be inadequate and insufficient for the discharging and running off the Waters of the said Low Grounds and Carrs from the said Clough into the said River *Humber*, and in a short Time will be wholly lost: And whereas the said Low Grounds and Carrs now are, and for some Years past have been, subject to be overflowed with Water, so as to be wholly unfit for the Purposes of Agriculture, to the great Damage and Loss to the Owners and Occupiers thereof, and to the Publick: And whereas there are very considerable Quantities of Land within the said several Parishes, Townships, and Places, amounting to Two thousand Acres and upwards, capable of receiving Benefit from the said Drainage, over and above the Quantity of Two thousand five hundred Acres comprised in the said Act; and the Drainage of all and singular the said Lands and Grounds is capable of being made complete and effectual by opening a certain ancient Drain called *Hall Bridge Drain*, and discharging the Waters of the Low Grounds within certain of the said Parishes, Townships, and Places, through the said ancient Drain called *Hall Bridge Drain* into the River *Humber*, through or near to a certain Place called *Hedon Haven*; and by making a Deviation from the said ancient Channel or Haven called *Keyingham Haven*, above and near to the aforesaid Place called *No-Man's-Friend*, and discharging the Waters from the Remainder of the said Parishes, Townships, and Places into the said River *Humber*, at a certain Place called *Stone Creek*: And whereas when the Works of Drainage hereby intended to be made and done shall be completed, it may be expedient, and it would tend to the Improvement and better Cultivation of the several and respective Lands and Grounds, if the Commissioners herein-after to be appointed were authorized to convey Corn, Lime, Coals, and other Goods, in Boats, upon certain Parts of the said Cuts and Drains, subject to such Restrictions and Regulations as are herein-after contained; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, passed in the Twelfth Year of the Reign of His present Majesty, and all and every the Clauses, Provisions, Matters, and Things

repealed.

Things therein contained, shall, from and immediately after the passing of this Act; cease, determine, and become null and void to all Intents and Purposes, and shall be and is hereby from henceforth declared to be repealed.

II. And be it further enacted, That all and singular the Lands and Grounds within the said several Parishes, Townships, and Places of *Keyingham and Salthaugh, Rybill and Camerton, Burstwick and Skeckling, Burton-Pidsea and Ridgmont, Ottringham, Halsbam, Owestwick, Roofs, Rimswell, Tunstall, Waxholme, Elsternwick, Lelley, Humbleton, Fitling, Hilston, Garton, Albrough, Flinton, and Tansterne*, and within all and singular Townships, Hamlets, and Places within or Parcel or Member of the several Parishes before mentioned, or any of them respectively, shall be drained, preserved, and improved by the Ways and Means, and by and under the several Powers and Authorities herein-after mentioned, provided, enacted, and contained. Lands to be drained.

III. And be it further enacted, That in case any Person or Persons shall advance or disburse any Sum or Sums of Money for or towards the obtaining of this Act, or for or towards making and executing any of the Works of Drainage, or other Purposes hereby intended, before any Tax authorized and directed to be charged and assessed by this Act shall be assessed and collected, such Person and Persons shall be reimbursed and repaid all such Sum and Sums of Money, with lawful Interest, by the said Commissioners, by and out of the First Tax or Assessment so to be charged, imposed, and collected by virtue of this Act; and the said Commissioners are hereby authorized and empowered to make and execute a good and valid Security and good and valid Securities, by Way of Mortgage, Assignment, or Pledge, of such First Tax or Assessment, to the Person or Persons who shall advance or disburse such Sum or Sums of Money as aforesaid. Persons advancing Money to be repaid same with Interest out of the First Rates to be collected by virtue of this Act.

IV. And be it further enacted, That for the better and more effectual Execution of this Act, all and singular the said Lands and Grounds whatsoever, and all and every Works, Cloughs, Cuts, and Drains made under and by virtue of the said recited Act, or to be made under and by virtue of this Act, and all and every Sewers, Drains, Watercourses, Stocks, Tunnels, Banks, Dams, Engines, Works, Matters, and Things whatsoever as aforesaid, within the said Parishes, Townships, and Places, shall, from and after the passing of this Act, be subject only to the Controul, Direction, Survey, Order, and Jurisdiction of the Commissioners herein-after appointed, and their Successors, and not to the Controul, Direction, Survey, Order, or Jurisdiction of any Commission of Sewers whatsoever; any Law or Statute to the contrary notwithstanding. Works exempted from the Jurisdiction of Commissioners of Sewers.

V. And be it further enacted, That *William Stickney of Ridgmont*, in *Holdernefs* aforesaid, *Robert Stickney of Ryebill*, in *Holdernefs* aforesaid, and *John Hall of Scorbrough*, in the said County of *York*, Gentlemen, and their Successors to be appointed as herein-after mentioned, shall be and are hereby appointed Commissioners for carrying this Act, and the several Powers, Authorities, Directions, and Provisions herein mentioned, expressed, and contained, into Execution and Effect; and that all Acts, Matters, and Things Commissioners.

Charges of
Commissioners
to be paid.

Things authorized or necessary to be done and executed by the said Commissioners, may be done and executed by any Two of them, and the same shall be as valid and effectual as if such Acts, Matters, and Things had been done and executed by all the said Commissioners, except where otherwise directed and provided in and by this Act; and that by and out of the Monies to be raised by virtue and in pursuance of this Act, they the said Commissioners shall and may from Time to Time deduct and retain to themselves, and pay and allow each to the other and others of them, such Sum and Sums of Money as shall be reasonable, as and for a Recompence and Remuneration for their Time, Trouble, and Expences respectively occupied, bestowed, and expended in and about the Execution of this Act.

For appoint-
ing new
Commission-
ers.

VI. And be it further enacted, That when as often as any Commissioner or Commissioners appointed by or in pursuance of this Act, shall die, or become incapacitated, or refuse to act in the Execution of the Powers and Authorities hereby in him or them reposed, then the surviving or remaining Commissioners or Commissioner shall, and they and he are and is hereby required, within the Space of One Calendar Month next after the Death, Refusal, or Incapacity of such Commissioner or Commissioners shall be made known to them, or him, to cause publick Notice to be thereof given to the Owners and Proprietors of the Lands and Grounds hereby intended to be drained and improved, by publick Advertisement, to be inserted Twice at the least in One or more Newspaper or Newspapers printed and published in the Town of *Kingston-upon-Hull* or the City of *York*, in case One or more such Newspaper or Newspapers shall be so printed and published, but if not, then in any other Newspaper or Newspapers circulated in the said Seignory of *Holderness*; and also by Notices in Writing under the Hands of the said surviving or other Commissioners or Commissioner, to be publickly read in the several Parish Churches of the several Parishes wherein any of the Lands and Grounds hereby intended to be drained and improved do or shall lay, on a *Sunday* immediately after Divine Service, and afterwards to be affixed on the principal outer Doors of the said Churches; and in and by such Advertisements and Notices to summon and appoint the said Owners and Proprietors of the said Lands and Grounds to meet at some convenient Place in the Town of *Hedon*, within the said Seignory of *Holderness* aforesaid, on a Day and Time therein to be specified (which Day and Time shall be not less than Fourteen Days nor more than Twenty-eight Days after the giving such Notices as aforesaid), for the Purpose of electing some other Person or Persons to be a Commissioner or Commissioners in the Place or Stead of such Commissioner or Commissioners as shall die, or become incapacitated or refuse to act as aforesaid; at all and every of which Meeting and Meetings the surviving and remaining Commissioner or Commissioners, or the Clerk for the Time being to the said Commissioners, shall attend with the Book of Orders and Proceedings of the said Commissioners herein-after directed to be made and kept, and shall therein enter and set down the Style of such Meeting and Meetings, and the Names of the several Owners and Proprietors, or their Proxies, who shall attend at such Meeting and Meetings, and the Name of the Person for whom every such Owner or Proprietor shall vote to be a Commissioner for the Purposes aforesaid; and the Person for or in Favour of whom the greatest Number of Votes shall be given at any such Meeting shall be and he is hereby

hereby declared to be a Commissioner for all and every the Purposes of this Act, as fully and effectually, to all Intents and Purposes as if every such Person so elected and appointed had been originally named and appointed a Commissioner in and by this Act; and in case it shall happen that any such surviving or remaining Commissioners or Commissioner shall at any Time or Times neglect or refuse, for any longer or greater Space of Time than One Calendar Month next after the Death or Refusal or Incapacity of any Commissioner or Commissioners shall be made known to them or him, to give such Notice, and summon, appoint, and cause to be held such Meeting or Meetings as aforesaid, or in case of the Death, Refusal, or Incapacity to act of all the said Commissioners, then and in every such Case it shall be lawful for any Five of the Owners or Proprietors of the Lands and Grounds hereby intended to be drained and improved, having a Vote or Votes as herein-after mentioned, to give or cause to be given such and the like Notice, and summon and appoint such Meeting and Meetings of the said Owners and Proprietors, as the said Commissioners or Commissioner are and is herein-before directed and required to do, and at every such Meeting and Meetings to proceed to the Election of a Commissioner or Commissioners, as the Case may be, in such and the like Manner and Form as is herein-before directed to be done at any Meetings for the like Purposes directed to be summoned, appointed, and attended by the said Commissioners and their Clerk.

VII. 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 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 any Archbishop, Bishop, Dean and Chapter, or Ecclesiastical Impropiator, Church, Hospital, College, or Corporation, of any Part of the said Lands hereby or intended in pursuance of this Act to be denominated *Low Lands*, containing at the least Forty Acres (excepting in respect of such Lands as are held at Rack Rent and no other), shall be deemed an Owner or Proprietor, Owners or Proprietors, for the Purpose of voting at any Meeting of Proprietors to be held under and by virtue of this Act in the Election of Commissioners as aforesaid, and making, ratifying, and confirming any Bye Law, Order, or other Proceeding of the said Commissioners; and all and every Person and Persons holding or possessing as aforesaid Forty Acres of such Lands and Grounds, shall have, and is and are hereby empowered to give One Vote in every publick Meeting to be held for that Purpose in Manner 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 Owners and 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 attended such Meeting and 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 Forty Acres of such Lands and Grounds as aforesaid, shall for every Forty Acres thereof have Li-

Proportion of Property entitling a Proprietor to a Vote.

[*Loc. & Per.*]

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berty, and are hereby empowered by him, her, or themselves, or by his, her, or their Proxy or Proxies constituted as aforesaid, to give One Vote.

Two or more Owners of Lands less than Forty Acres, may join in making and voting by a Proxy.

VIII. And be it further enacted, That in all Cases where any Owners of any Part or Parts of the Low Lands to be drained by virtue of this Act, shall not be separately and individually seised and possessed as aforesaid of Forty Acres of such Lands, then it shall and may be lawful to and for any and every Two or more of such Owners possessing together Forty Acres or upwards, by Writing under their Hands, to appoint One of their own Number to vote and act in any such Meeting of Owners and Proprietors to be held for the Purposes of this Act.

Commissioners to act upon Oath.

IX. Provided always, and be it further enacted, That no Person nominated and appointed a Commissioner as herein-before mentioned, or to be elected, chosen, or appointed under or by virtue of the Powers, Directions, and Authorities of this Act, shall be capable of acting as a Commissioner in the Execution of this Act (except in the administering the following Oath or Affirmation), until he shall have first taken and subscribed the Oath (or being of the People called *Quakers*, the Affirmation) following; that is to say:

Oath.

‘ I Do swear [*or*, being One of the People called *Quakers*, do solemnly affirm] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the several Powers and Authorities vested and reposed in me as a Commissioner, in and by an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled, [*here insert the Title of this Act*] without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.
‘ So help me GOD.’

Which Oath or Affirmation any One of the said Commissioners is hereby authorized and required to administer to the other or others of them, at any Meeting or Meetings to be held in pursuance of this Act; and shall be written and entered in the Book of Orders and Proceedings of the said Commissioners herein-after directed to be kept, and shall be subscribed by the Person and Persons taking or making the same; and a Caption or Certificate at the Foot thereof shall be and is hereby required to be subscribed by the Commissioner, by and before whom such Oath or Affirmation shall be taken or made.

First and other Meetings of Commissioners.

X. And be it further enacted, That the said Commissioners shall meet together at some Publick House in *Hedon* aforesaid, within One Calendar Month next after the passing of this Act, or as soon after as conveniently may be, and shall proceed to the Execution of the Powers hereby in them reposed, and shall adjourn to such Time and Place as they the said Commissioners shall think most convenient for the Purposes of this Act; and they or any Two of them shall afterwards meet and adjourn from Time to Time in such Manner and to such Time and Place as to them or any Two of them shall seem most convenient for the Purposes aforesaid; and if it shall happen, that a sufficient Number of the said Commissioners shall not appear at any adjourned Meeting, or any other Meeting to be held in pursuance of this Act, to act or adjourn, then the said Commissioners shall appoint a Meeting of the said Commissioners to be held
at

at some Publick House at *Hedon* aforesaid, in pursuance of Notice to be given by the said Commissioners, by Writing under their Hands, to be affixed upon the Market Cross at *Hedon* aforesaid, or some other publick and conspicuous Place there, Seven Days at least before such Meeting shall be held; and all and every Meeting and Meetings of the said Commissioners to be held in pursuance of such Notice, shall and may be adjourned in like Manner as is herein-before directed with respect to the said First and other Meetings of the said Commissioners.

XI. And be it further enacted, That at any Meeting of the said Commissioners to be held in pursuance of this Act, they the said Commissioners shall and they are hereby empowered to make Orders and give Directions for the making, executing, and maintaining the Works of Drainage, and other the Purposes hereby intended; and from Time to Time to appoint such Engineer and Engineers, Surveyor and Surveyors, Clerk and Clerks, Receiver and Receivers, Collector and Collectors, and all other Officers, Agents, and Servants whatsoever, as they the said Commissioners shall think necessary, for all and every the Purposes intended by this Act; and from Time to Time to change and displace all such Engineers, Surveyors, Clerks, Receivers, Collectors, Officers, Agents, and Servants, when and as they shall see Cause; and all and every such Receiver and Receivers, Collector and Collectors, or other Officers or Agents, who shall be entrusted with the Receipt or Payment of any Money to be received or paid under or by virtue of this Act, or the Powers and Authorities herein contained, shall give good and sufficient Security to the said Commissioners for the due and faithful Execution of their several and respective Offices, and Trusts in them reposed; and the said Commissioners shall and may, by and out of any Monies which shall come to their Hands by virtue of this Act, pay and allow unto all such Engineers, Surveyors, Clerks, Receivers, Collectors, Officers, Agents, and Servants, such reasonable Sum and Sums of Money, Salaries, and Remunerations for their Trouble and Services respectively, as they the said Commissioners shall order and appoint.

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

XII. And be it further enacted, That every such Clerk, Receiver, Collector, Officer, Agent, or Servant, who shall be employed in the Receipt or Payment of any Monies under or by virtue of, or in or about the Execution of this Act, shall from Time to Time, when required by the said Commissioners, or any One of them, produce and shew unto the said Commissioners, or any One of them who shall require the same, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them respectively collected and received, and to whom and for what Purposes the same or any Part thereof shall have been paid and disbursed, with proper Vouchers for all such respective Payments and Disbursements; and shall also, when thereunto required by the said Commissioners, yield and deliver up unto them the said Commissioners, or any Person appointed by them to receive the same, such fair and true and perfect Accounts in Writing as aforesaid, and all and every Books, Papers, Writings, Property and Effects of the said Commissioners, or which shall relate to the Execution of this Act, which shall be in the Hands, Custody, or Power of such Clerk, Receiver, Collector, Officer, Agent, or Servant, and also all proper and necessary Vouchers and Receipts for all such Payments and Disbursements as shall appear in his said Accounts,

Officers to account, and on Default to be committed to Gaol.

Accounts, and shall pay into the Hands of the said Commissioners, or any Person appointed by them, all such Sum and Sums of Money as upon the Balance of such Accounts shall appear to be due and owing to the said Commissioners, or otherwise remaining in the Hands of such Clerk, Receiver, Collector, Officer, Agent, or Servant; and in case any such Clerk, Receiver, Collector, Officer, Agent, or Servant, shall, after such Request or Demand, refuse or neglect to produce and shew such Accounts and Vouchers, or to yield and deliver up such Books, Papers, Writings, Receipts, Vouchers, Property, and Effects, or to pay such Sum or Sums of Money as upon the Balance of such Accounts shall appear to remain in his or their Hands, it shall be lawful for any One of His Majesty's Justices of the Peace for the said East Riding of the said County of *York*, upon Information and Oath thereof made (which Oath such Justice is hereby empowered and required to administer), to issue his Warrant or Warrants, and cause such Clerk, Receiver, Collector, Officer, Agent, or Servant to be apprehended and brought before him and them, and there to proceed to enquire into the Matter aforesaid, by the Examination of Witnesses or otherwise; and in case any such Clerk, Receiver, Collector, Officer, Agent, or Servant, shall be then and there convicted of offending against this Act in any of the Matters aforesaid, either by the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby authorized and required to administer), or by the Confession of the Party or Parties, such Justice shall commit such Offender or Offenders to the Common Gaol of the said East Riding, there to remain without Bail or Mainprize until he or they shall make and deliver such true and perfect Account as aforesaid, or deliver up such Books, Papers, Writings, Receipts, Vouchers, Property, and Effects so in their Custody or Possession, or pay the Sum or Sums of Money which shall, upon the Balance of such Account, appear to be due and owing to the said Commissioners, or otherwise remaining in his or their Hands, as the Case may happen to be.

Commissioners to direct Works of Drainage.

XIII. And be it further enacted, That the said Commissioners shall be and they are hereby fully authorized and empowered from Time to Time to drain and cause to be drained, preserved, and improved, all the Lands and Grounds in and by this Act directed and intended to be drained, preserved, and improved, by all reasonable and expedient Ways and Means whatsoever; and for that Purpose it shall be lawful for the said Commissioners, their Agents, Workmen, and all Persons whomsoever employed or to be employed by them, and they are hereby authorized and empowered from Time to Time to repair, amend, dress, scour, and cleanse all or any of the Cuts, Drains, Dams, Banks, Tunnels, Stocks, Shuttles, and other Works of Drainage already made and done, or to be made and done in pursuance of the said former Act and this Act; and also from Time to Time to deepen, change, turn, alter, and vary all and every such Works of Drainage and Improvement of the said Lands and Grounds, or any of them, as Occasion shall be or require; and also to repair, support, and maintain a certain Dam or Rampart, erected, and built against the Sea at a certain Place called *Sand-le-mere*, in the said Parish of *Tunstall*; and also to support, repair, enlarge, and maintain all the Bridges and other Works erected and built in pursuance of the said Act; and also to make or cause to be made and maintained all such new and other Cuts, Drains, Banks, Dams, Ditches, Stocks, Tunnels, Bridges,

Bridges, and Works, as the said Commissioners shall from Time to Time deem necessary and think proper to be made, done, and executed, for the draining, preserving, and improving the said Lands and Grounds, within, upon, or through the said Lands and Grounds, every or any Part thereof; and also to open, widen, deepen, dress, scour, and enlarge the said ancient Drain called *Hall Bridge Drain*, in the Parish or Township of *Burstrwick and Skeckling* aforesaid, unto a certain Place in *Burstrwick Ings*, in or near to the Lands of *Edward Constable* Esquire, or so much and such other Part of the said Drain as the said Commissioners shall judge necessary; and from such Part of the said ancient Drain as the said Commissioners shall deem most convenient, to make, dig, and cut a new Channel, Cut, or Drain, of sufficient Width, Depth, and Capacity, in a Westerly Direction, in and through the Lands of the said *Edward Constable*, and of *William Iveson*, *John Burstall*, *Elizabeth Broadley*, and *William Carliell*, unto the Turnpike Road leading from *Hedon* to *Pattrington*, and across the said Turnpike Road, and the ancient Drain adjoining thereto, and in and through the Lands of the said *William Iveson*, the Mayor, Bailiffs, and Burgeses of *Hedon* aforesaid, *William Mitchinson*, and *James Shaw Williamson*, into the said Haven called *Hedon Haven*, at or near to a certain Clough within the Lordship or Parish of *Preston in Holderness* aforesaid, called *New Field Clough*, and there to make, erect, build, and maintain such other Clough or Cloughs, and other Works and Engines, as the said Commissioners shall deem necessary in and about the discharging, running off, and issuing the Waters of the said new Channel, Cut, or Drain into the aforesaid Haven called *Hedon Haven*; and the said Commissioners shall and they are hereby authorized and empowered to make and do all such other Works of Drainage as shall be necessary for the draining, preserving, and improving all the Lands and Grounds which anciently have drained, or are by this Act intended to be drained by the said ancient Drain called *Hall Bridge Drain*, or by the said intended new Cut.

And make a new Cut from *Burstrwick Ings* to *Hedon Haven*, near *New Field Clough*.

XIV. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required to make and construct the said last-mentioned new Cut or Drain, and the Embankments thereof, of such Capacity and Dimensions as shall secure the Lands and Grounds in the Parishes of *Hedon* and *Preston* aforesaid from being flooded by any Breaches in or Overflowings of the said Banks and Drains, and also by Tunnels, Shuttles, or other Devices in and through the Banks of the said Cut or Drain, to provide for the draining and issuing of the Waters of the said Lands and Grounds within the said Parish of *Hedon* into and through the said new Cut or Drain.

For securing Lands in *Hedon* and *Preston* from being overflowed, and for providing for the Drainage thereof.

XV. Provided always, That it shall be lawful for the Persons who are or shall be the acting Commissioners for the Haven of *Hedon* aforesaid, to put, place, and maintain such Shuttles, Tunnels, or other Devices, as shall be necessary in and through the South Bank of the new Cut or Drain, last above-mentioned, for the Purpose of taking Water from the said Cut or Drain into the said Haven, for scouring and cleansing the same, at all seasonable Times; such Shuttles, Tunnels, and Devices, to be made and constructed by some able Engineer, to be appointed by the said Commissioners.

Commissioners of *Hedon Haven* to place Shuttles, &c. for taking Water into said Haven from the said Cut or Drain.

For making a
new Cut and
Sluice at
Stone Creek.

XVI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to make and maintain a good and sufficient new Cut or main Drain, from some convenient Part of the said ancient Drain called *Keyingham Haven*, at or near *Saltbaugh Grange*, in the Parish of *Keyingham* aforesaid, to extend from thence in, through, and over the Lands of the said *Edward Constable*, called *Cherry Cob Sands*, and the Lands of the Governors of the Charity for the Relief of the poor Widows and Children of Clergymen, unto and into the River *Humber*, at or near an ancient Creek or Haven, called *Stone Creek*; and also to make, erect, build, rebuild, support, and maintain One or more good and sufficient Clough or Cloughs, Sluice or Sluices, or other Works, Engines and Devices, at or near the said Creek or Haven called *Stone Creek*, for the draining, running off, issuing, and discharging the Waters of the said Cuts and Drains into the said River *Humber*, and preserving and improving the said Lands and Grounds; and also to dig, take, and carry away any Quantity or Quantities of Earth, Clay, Sand, Gravel, or Stone, requisite and convenient for the Purpose of making and repairing any Banks, Dams, Mounds, Headings, Cloughs, Bridges, Paths, Ways, Roads, and other Works, in, upon, or from the Lands and Grounds of any Person or Persons adjoining or lying near to any such Works, they the said Commissioners doing as little Damage as may be in the Premises, and making reasonable Satisfaction to the Owner and Owners of such Lands and Grounds respectively as herein-after is mentioned and provided.

Directing the
Dimensions
of the Drains
from *Stone
Creek* to
Roofs Bridge,
and *Owst-
wick Carr
Gate*.

XVII. Provided always, and be it further enacted, That the several Cloughs, Sluices, Dams, Banks, Cuts, Drains, and other Works directed by this Act to be made and constructed, and the several ancient Cuts and Drains hereby directed, authorized, and intended to be deepened, widened, enlarged, turned, varied, and improved, shall be made, set out, and constructed by the Advice and under the Direction of *William Chapman* of *Newcastle-upon-Tyne*, Civil Engineer, or some able and experienced Engineer; and that the several new and ancient Cuts and Drains leading and extending from the said Clough or Sluice at *Stone Creek* into and through the said several Parishes or Townships of *Keyingham*, *Ryhill*, *Burswick*, *Halsham*, *Burton-Pidsea*, and *Roofs*, shall be made and constructed of the several Widths, Depths, and Capacities at the least, as the said *William Chapman* hath specified and directed in his Report on the Drainage of the said Lands and Grounds, dated the Thirtieth Day of *July* One thousand seven hundred and ninety-seven, and set forth in the Schedule hereunto annexed.

Commission-
ers may agree
with Proprie-
tors of Lands
to be used for
the Purposes
of this Act.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby invested with full Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments, which they the said Commissioners shall judge necessary or expedient to be cut, digged, pulled down, or otherwise made Use of for the Purposes of, or which may be liable to be damaged in the Execution of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damage they may sustain for any eventual Injury that may arise to their Property by the Execution of any of the Powers contained in this Act; and also to settle, ascertain, and determine in what Proportion and Manner the Sum or Sums so agreed on for such Purchase
or

or Recompence shall be paid to the several Persons interested in the aforesaid Premises; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique*, Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, entitled, or interested in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey, assign and surrender unto the said Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence to be made for the Damage which may from Time to Time be done to any such Lands, Tenements, or Hereditaments, in carrying this Act into Execution; and all such Contracts, Sales, Conveyances, Agreements, Assignments, Surrenders, and Assurances, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in the Premises in pursuance of this Act; but if it shall happen that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Fourteen Days after Notice in Writing, signed by the said Commissioners, and given to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective last known Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by any Reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners are hereby empowered from Time to Time to issue out their Warrant or Warrants under their Hands and Seals to the Sheriff of the County, Riding, or Place, wherein the Matter in Question shall be, or if such Sheriff shall be immediately interested in such Matter, then to One of the Coroners of such County, Riding, or Place, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, for the Purposes herein-after mentioned; and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return Twenty-four Men, qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve Men may be sworn, to examine touching the Matters in Question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said Commissioners are hereby empowered and required, by Warrant or Warrants under their Hands and Seals, from Time to

But in cases of Difference, a Jury to determine.

Sheriff or Coroner to summon a Jury.

Time,

Time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question, and the said Commissioners may, on Application in Writing of the Parties, order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy; which Jury upon their Oaths (which Oaths, as also the Oath or Oaths to such Person or Persons as shall be called upon to give Evidence as aforesaid, the said Commissioners are hereby empowered and required to administer), shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and to settle, ascertain, and determine in what Proportion and Manner the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises, and the said Commissioners shall give Judgement for such Purchase Monies or Recompence so to be assessed by such Jury or Juries; which said Verdict, and the Judgement thereupon pronounced by the Commissioners, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all other Persons whomsoever.

Penalty on Sheriff or Coroner for neglecting to do,

and on Jurymen and Witnesses.

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

Verdicts and Judgements to be recorded.

XX. 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, and Hereditaments as aforesaid (such Verdicts and Judgements being signed by the said Commissioners who shall be present at the taking of such Inquest), shall be delivered to the Clerk of the Peace for the Riding or Place wherein such Lands, Tenements, or Hereditaments are situate, who is hereby required to receive and to give his Receipt to the said Commissioners for the same, and shall lodge and deposit the said Originals amongst the Records of the Court of Quarter Sessions of or for such Riding or Place, and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have full Liberty to inspect the same, and take Copies thereof, at all reasonable Hours, upon paying for such Inspection the Sum of One Shilling, and for every such Copy, not exceeding One hundred Words, the Sum of Sixpence, and so in Proportion for any greater Number of Words.

XXI. And

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

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

XXII. 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 such Lands, Tenements, or Hereditaments as aforesaid, or for the Purchase of any Estate or Interest therein, such Person and Persons shall, at the Costs of the said Commissioners, make and execute, or procure to be made and executed, good, valid, and legal Grants, Bargains, Sales, Conveyances, Surrenders, Assignments, and Assurances in the Law, to the said Commissioners for the Purposes of this Act, or to any Person or Persons in Trust for them, of the said Lands, Tenements, Hereditaments, and Premises, 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 Grants, Bargains, Sales, 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 Commissioners, for effecting the Purposes hereby intended; and such Grants, Bargains, Sales, Conveyances, Surrenders, Assignments, and Assurances, shall contain all such reasonable and usual Covenants as shall on the Part of the said Commissioners 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, as the Case may happen), shall be produced and tendered to be paid to him, her, or them; refuse to execute or procure to be executed such Grants, Bargains, Sales, 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 Riding of the County of York, or at his, her, or their known and accustomed Place of Abode within *England* (in case such Person or Persons have any such Place of Abode), or in case that by reason of Disputes or Suits depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear to the said Commissioners what Person or Persons is or are entitled to make Conveyance by virtue of this Act, of the Lands, Tenements, Hereditaments, and Premises in Question, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums so assessed and adjudged, as the Amount of the Purchase Money of or for the said Lands, Tenements, Hereditaments,

Upon Payment of Sums assessed, Conveyances to be made.

Purchase Monies in certain Cases to be paid into the Bank of England;

subject to the Disposal of the Court of Chancery.

ments, and Premises, 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 Commissioners, subject 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 or Parts 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 Person as shall pay any 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.

After Payment of Purchase Money, Title to vest in the Commissioners.

XXIII. And be it further enacted, That immediately after such Verdicts, Judgements, and Proceedings of the said Commissioners and Juries summoned and impannelled as aforesaid, and Payment into the Bank of *England* as aforesaid, and after such Receipt or Receipts of the said Cashier or Cashiers shall be given and filed as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand at Law and in Equity, of all and every such Body and Bodies Politick, Corporate or Collegiate, Trustee and Trustees, Feoffee and Feoffees, and their *Cestuique* Trusts, and to all and every other Person and Persons whatsoever, in, to, and out of the Lands, Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall vest in the said Commissioners, upon the Trusts and for the Purposes of this Act, and they shall be deemed in Law to be in the actual Possession and Seisin thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person or Body having an Estate or Interest 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 Body or Bodies, Person or Persons having any Estate or Interest in the same Premises, and particularly shall extend and be deemed and construed to bar the Dower and Dowery 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 fully and 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.

Conveyances to be inrolled in the Register Office.

XXIV. And be it further enacted, That all and every Grants, Bargains, Sales, Conveyances, Assignments, and Surrenders made or to be made in pursuance of this Act, whereby any Estate or Title in or to any Lands, Tenements, or Hereditaments, shall pass to or become vested in the

the said Commissioners, or to or in any Person or Persons in Trust for them, shall be inrolled in the Register Office appointed for the registering of Deeds, Wills, and Conveyances of or affecting the Title to Lands and Hereditaments in the East Riding of the said County of York, which Inrolment shall and may be seen and inspected, and Copies taken, by any Person or Persons whomsoever, during the Hours and after the Rates and Prices used and accustomed in the said Office; a Copy of which said Inrolment certified by and under the Hand of the Register for the said East Riding, or his Deputy, shall be received and admitted as Evidence in any of His Majesty's Courts of Law or Equity.

XXV. And be it further enacted, That if any Money shall be contracted and agreed or adjudged and awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastic, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Commissioners, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being settled therewith, or the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Wills, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased and taken, and used for the Purposes of this Act, stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto made as aforesaid be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or 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 Application of Purchase Money amounting to 200*l.* and upwards.

XXVI. Provided

Directing
Application
of Purchase
Money,
where less
than 200 l.
and exceed-
ing 20 l.

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

Directing
Application
of Purchase
Money not
exceeding
20 l.

XXVII. Provided also, and be it further enacted, That where such Money so contracted and agreed or adjudged and awarded to be paid as last before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in Cases 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.

Respecting
Conveyances
by Femmes Co-
vert.

XXVIII. And be it further enacted, That the Surrender or Conveyance of any Estate or Interest of any Femmes Covert to the said Commissioners; 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 in the said East Riding of the County of York, within Six Calendar Months next after the making and executing thereof, shall as effectually and absolutely convey the Estate and Interest of such Femmes Covert in the Premises as any Fine or Fines, Recovery or Recoveries, or other Assurance by Matter of Record could or would do if levied, suffered, and executed in due Form of Law; and further, that all Deeds and Indentures of Bargain and Sale whatsoever to be made of any Lands, Tenements, or Hereditaments whatsoever purchased, taken, or used by virtue or under the Powers of or for the Purposes of this Act, inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all

all Intents and Purposes whatsoever, as Deeds or Indentures of Bargain and Sale duly inrolled in any of His Majesty's Courts of Record at *Westminster*, and as any Fine or Fines, Recovery or Recoveries whatsoever would have had, if levied or suffered by the Bargainor or Bargainors in such Deeds or Indentures, or any Person or Persons seized of any Estate in the Premises in Trust for or to the Use of such Bargainor or Bargainors, in any legal Manner or Form whatsoever.

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

Empowering the Commissioners to dispose of any Lands not wanted for the Purposes of this Act.

XXX. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of such Lands, Tenements, or Hereditaments, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Lands, Tenements, or Hereditaments; and in case such Person or Persons shall not then and thereupon agree, or shall refuse or decline to re-purchase the

Commissioners before they re-sell any Lands to make the first Offer to the Persons from whom purchased.

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same,

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 said East Riding of the County of York, by some Person or Persons no way interested in the said Lands, Tenements, or Hereditaments, stating that such Offer was made by or on Behalf of the said Commissioners, and that such Offer was not then, and thereupon agreed to, or was refused or declined by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused or declined by the Person or Persons to whom it was made, as the Case may be.

One Commissioner may open the Doors of any Clough.

XXXI. And be it further enacted, That it shall be lawful for any One of the said Commissioners, and he is hereby empowered from Time to Time, whenever upon his own View it shall appear necessary or proper, to open the Door or Doors of any Clough, Sluice, Shuttle, Staunch, or other Engine erected or to be erected by virtue of this Act, and to keep the same open as long as he shall see proper, for the Purpose of admitting, retaining, or discharging Water, or for any Purpose or Expedient whatsoever intended by this Act.

Where Ditches are filled up, Fences to be made.

XXXII. And be it further enacted, That when and as often as it shall be found necessary or expedient in or about the Execution of this Act to fill up any Ditch or Ditches used for a Fence or Fences to any Lands or Grounds, the said Commissioners shall and they are hereby required to order and procure sufficient Quickset Fences to be made and planted, and guarded by good and sufficient Posts and Rails, or such other good and sufficient Fence or Fences as they shall think proper, and order and direct, in the Place or Stead of the Ditch or Ditches so filled up, and in such Manner as that the Owners and Occupiers of the Lands and Grounds adjoining thereto may suffer no Damage by the filling up of such Ditch or Ditches.

Where the Passage of any Road is obstructed, Bridges to be made.

XXXIII. And be it further enacted, That if by the making any of the Cuts, Drains, or other Works to be made and executed under and by virtue of this Act, the Passage of any public or private Road, or the Way or Passage of any Person or Persons to his, her, or their Lands, Grounds, and Premises, with or without Cattle and Carriages, shall be prevented or obstructed, the said Commissioners shall and they are hereby required, in every such Case, before or immediately after such Works shall be completed, by and out of the Assessments and Taxes to be made by virtue of this Act, to cause all proper and necessary Bridges to be built, and for ever hereafter to be supported, repaired, and maintained, for the convenient Passage of all Persons, Cattle, and Carriages as aforesaid, as such Cases respectively shall require; and also to cause all Bridges whatsoever erected, built, and maintained, by the Commissioners acting under the Powers and Authorities of the said former Act, to be maintained, supported, and repaired from Time to Time in such Manner as the said Commissioners under the said former Act would or ought to have done; and as the Bridges to be erected and built by this Act are directed and intended to be maintained; supported, and repaired.

Banks to be kept as Commissioners shall direct.

XXXIV. And be it further enacted, That all and every the Banks of the several Cuts and Drains made or to be made under or by virtue of the Powers and Authorities of the said former and this Act, and which are or shall be by the said Commissioners denominated Main Drains, shall from

from Time to Time for ever hereafter be kept up, supported, and maintained, of such Length, Breadth, and Dimensions as the said Commissioners shall order and direct, and shall not upon any Account or Pretence whatsoever be dug, cut, ploughed, or broken by any Person or Persons whomsoever, except for the erecting and placing of any necessary Fence or Fences of Posts, Rails, Plank, or other Surface Fencing, save only by the said Commissioners, their Agents, Servants, and Workmen, or by or under the Authority of any Order or Orders of the said Commissioners; and the said Commissioners are hereby authorized, empowered, and required to order and licence Tunnels, Shuttles, and other Works, to be placed in and through the same Banks, when and where the same shall be necessary, for the Purpose of draining and discharging the Waters from the adjoining Lands into the said Main Drains, and the same Tunnels, Shuttles, and other Works to take up, remove, alter, and vary, or cause to be taken up, removed, altered, and varied, from Time to Time, as they the said Commissioners shall see Cause; and also to make, erect, and place all necessary and sufficient Gates in and through any Fence or Fences to be set and placed upon or over the said Banks by the Owners or Occupiers of any of the adjoining Lands and Grounds, for the Purpose of admitting the said Commissioners, their Agents and Servants, to pass and repass upon the Banks of the said Main Drains at all Times, and with Horses or Carriages, for all or any of the Purposes of this Act.

Tunnels to be placed through the Banks.

XXXV. And be it further enacted, That all the Out-ring and Division Drains, Dikes, and Ditches within the Lands and Grounds hereby intended to be drained and improved, and all and singular Drains, Sewers, Streams, and Watercourses whatsoever within all and every of the Parishes, Townships, and Places aforesaid, shall from Time to Time, and at all Times for ever hereafter, be made, kept, and maintained of such Width, Depth, and Capacity, and such Bridges, Stocks, Tunnels, and Shuttles be placed in and over the same, and also in and through the Banks of the said Drains, Dikes, and Sewers, as the said Commissioners shall from Time to Time order, direct, and appoint, by the Owner and Owners, Occupier and Occupiers of the several Lands and Grounds adjoining thereto, or other Person or Persons, who of Right ought to make, keep, maintain, and do the same; and in case any such Owner or Owners, Occupier or Occupiers, or other Person or Persons, shall neglect or refuse to make, keep, or maintain such his, her, or their Out-ring and Division Drains, Dikes, and Ditches, Sewers, Drains, Streams, or Watercourses, or which or such Part or Parts thereof as he, she, or they ought by Right to make, keep, or maintain, of such Width, Depth, and Capacity, and to place in or over the same respectively, or in or through the Banks thereof, such Bridges, Stocks, Tunnels, or Shuttles, as the said Commissioners shall order and direct as aforesaid, for the Space of Fourteen Days next after Notice of such Order and Direction in Writing under the Hand of any One of the said Commissioners, or of the Clerk for the Time being to the said Commissioners, shall be given to or left at the Dwelling House or last known Place of Abode of such Owner or Owners, Occupier or Occupiers, or such other Person or Persons as aforesaid, then it shall be lawful for the said Commissioners, or any One of them, with Workmen, Cattle, and Carriages, when the same shall be necessary, to enter into and upon the Lands and Grounds of every such Owner or Occupier, or other Person as aforesaid, and cause all and every the said Out-ring or Division Drains, Dikes, Ditches, Sewers, Drains, Watercourses, Bridges, Stocks, Tunnels, and Shuttles, to be made, completed,

Out-ring and Division Ditches and Drains to be kept as Commissioners direct.

Penalty on Persons neglecting to obey such Directions.

pleted, and done, according to the Intent and Meaning of such Order, Direction, and Notice as aforesaid; and by any Warrant or Warrants under the Hands and Seals of the said Commissioners, to authorize and empower the Clerk or Collector to the said Commissioners, or any other Person or Persons, to levy the Money paid and expensed in and about the making, doing, and completing thereof, together with the Charges of levying and recovering thereof, by Distress and Sale of the Goods and Chattels of such Owner or Owners, Occupier or Occupiers, or other Person or Persons as aforesaid, wheresoever the same shall or may be found, returning the Overplus of such Monies, if any shall remain after all the Charges of such levying, Distress, and Sale are deducted, to the Owner or Owners of such Goods and Chattels.

Drains and
Ditches to be
weeded, &c.

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

For determin-
ing what shall
be a Drain,
Sewer, &c.

XXXVII. And be it further enacted, That in case any Doubt or Dispute shall happen to arise as to what shall be deemed an Out-ring or Division Drain, Dike, or Ditch, Sewer, Drain, Stream, or Watercourse, then, and in every such Case, whatsoever the said Commissioners on view of the Premises shall adjudge and determine to be an Out-ring or Division Drain,
Dike,

Dike, or Ditch, Sewer, Drain, Stream, or Watercourse, shall be deemed and taken to be an Out-ring or Division Drain, Dike, or Ditch, Sewer, Drain, Stream, or Watercourse, within the Intent and Meaning of this Act.

XXXVIII. And be it further enacted, That the said Commissioners, or any One of them, upon their or his own View, shall have full Power and Authority, and they and he are and is hereby authorized and empowered to remove and cause to be removed all Obstructions, Annoyances, and Impediments from Time to Time in the said Cuts, Drains, and other Works.

Obstructions and Annoyances to be removed.

XXXIX. And be it further enacted, That all and every Person and Persons who shall at any Time or Times hereafter wilfully or maliciously cut, throw down, burn, or otherwise damage or destroy any Bank, Mill, Engine, Floodgate, Clough, Sluice, Dam, or other Work, Engine, or Device whatsoever, set up, erected, or built by or by the Order and Direction of the said Commissioners, or stop, dam, spoil, or damage any Drain, Watercourse, Door, Bridge, Sluice, Shuttle, Tunnel, Stock, or other Works, or cause, commit, or occasion any Obstruction, Impediment, Hindrance, Nuisance, or Annoyance therein, or in any of the Cuts and Drains already made or to be made by virtue of this Act, shall be adjudged and deemed to be guilty of a Misdemeanor; and all and every Person and Persons so offending, and being thereof lawfully convicted in and before some competent Court, shall be subject and liable to the Pain, Penalty, and Punishment of Fine and Imprisonment only; and the Court or Courts by and before which such Person or Persons shall be tried and convicted, shall have full Power and Authority to convict and punish him, her, or them accordingly.

For punishing Persons destroying or damaging the Works.

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

Persons giving false Evidence to be deemed guilty of Perjury.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act, with their Surveyors, Engineers, Clerks, Servants, Horses, and Carriages, to enter into and upon all the Lands and Grounds within the said several Parishes, Townships, and Places, and to take Levels, Surveys, Admeasurements, and other Remarks and Distinctions thereof, and by such and all other lawful and expedient Ways and Means to adjudge, determine, and appoint what Lands and Grounds within the same several Parishes, Townships, and Places respectively, shall and ought to be deemed and taken to be Low Lands, and to contribute to the Charges and Expences of the said Drainage, and other Purposes intended by this Act; and to cause a full and complete Map or Plan of all the same Low Lands and Grounds to be made, expressing the Names of the several Owners, and Quantities in

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

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

[Loc & Per.]

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Acres,

Acres, Roods, and Perches, of all the same several Low Lands and Grounds in every such Parish, Township, and Place respectively, and to be signed by the said Commissioners, and the Surveyor appointed and employed by them for that Purpose; and also to cause Schedules to be made, expressing and shewing in Words and Figures the Names of the several Owners of the said Low Lands and Grounds, and the Quantity of Acres, Roods, and Perches of such Low Lands and Grounds of such several and respective Owners within each of the said several Parishes, Townships, and Places severally and respectively, and to cause such Schedules to be fairly written upon Parchment, and signed by the said Commissioners; which said Map or Plan and Schedules hereinbefore directed to be made, shall be lodged with the Clerk for the Time being to the said Commissioners; and also to cause a Duplicate of such Map or Plan and Schedules, signed as aforesaid, to be lodged and deposited in the Office of the Clerk of the Peace in and for the said East Riding of the said County of York, with the Clerk of the Peace or his Deputy there, who is hereby required to receive and deposit the same; and which said Maps or Plans and Schedules, lodged and deposited as aforesaid, shall and may be inspected and perused at all reasonable Hours by any of the Owners or Occupiers of the said Low Lands and Grounds, upon paying the Sum of One Shilling for every such Inspection or Perusal; and also to cause Copies to be made of the said Schedules, so far as the same relate to each such respective Parish, Township, or Place, and signed and attested by the Clerk for the Time being to the said Commissioners, to be put and affixed upon the principal outer Door of the respective Parish Churches within such Parishes, Townships, and Places respectively, on a Sunday immediately before or during Divine Service, at least Six Weeks before the laying or imposing any Tax or Assessment under and by virtue of this Act; and in case any Person, Body Corporate, Politick, Collegiate, or Ecclesiastick, or other Person or Persons whomsoever, Owner or Owners of any Lands, Grounds, and Hereditaments within the said several and respective Parishes, Townships, or Places, shall think themselves, himself, or herself aggrieved by their, his, or her Lands or Grounds being comprized in the said Schedules, and adjudged to be Low Lands or Grounds, which have not been subject to be annoyed or damaged by Water, and which ought to be adjudged and deemed High Lands, it shall and may be lawful for such Body and Bodies Corporate, Collegiate, or Ecclesiastick, Person and Persons, to make their, his, or her Appeal or Appeals to the Court of General Quarter Sessions of the Peace in and for the said East Riding, which shall be first held next after the putting up and affixing of such Copy or Copies of the said Schedules as aforesaid, causing Fourteen Days Notice in Writing of such intended Appeal to be given to One or more of the said Commissioners, or to the Clerk of the said Commissioners; which said Court is hereby authorized and required to hear and determine the several Questions in the Nature of an Appeal, whether the same Lands or Grounds are or ought to be adjudged or deemed High or Low Lands, and to award such Costs between the Parties as to the said Court shall seem reasonable, in case the Judgement, Determination, and Appointment of the said Commissioners shall appear to be unjust and oppressive, or the several Appeals shall appear to be frivolous and vexatious; and the Decisions of the said Court shall in all such Cases be final and conclusive against all such Parties, Bodies Corporate, Collegiate, and Ecclesiastick, and all Persons whomsoever, and shall be inrolled and recorded

by

and be lodged
with the
Clerk to the
said Commis-
sioners.

Duplicates to
be lodged
with the
Clerk of the
Peace.

Other Copies
to be affixed
on the
Church
Doors.

by the Clerk of the Peace for the said East Riding in and among the Records of the said Court, a true Copy of which Record, certified under the Hand of the said Clerk of the Peace, or his Deputy, and attested by the Oath of One credible Witness, shall be allowed and admitted as Evidence in all Courts whatsoever.

XLII. Provided always, and be it further enacted, That in case it shall happen that the Copy or Copies of the said Schedules herein before directed to be put up and affixed upon the principal outer Door of the several Parish Churches within the said several Parishes, Townships, and Places as aforesaid, shall not be so put up and affixed Six Weeks at the least before the holding of the then next General Quarter Sessions of the Peace for the said East Riding, that then the several Bodies Corporate, Collegiate, or Ecclesiastick, and other Person and Persons whomsoever, who shall or may be desirous of appealing against the Judgement, Determination, and Appointment of the said Commissioners, shall and may, upon Application to the said Court of Sessions, and upon Proof of the Premises, obtain and procure the Hearing and Determination of their several Appeals to be respited until the next following General Quarter Sessions of the Peace for the said East Riding, which said Respite the said Court is hereby authorized and required to grant.

Copies of Schedules to be put on the Church Doors Six Weeks before Sessions.

XLIII. And be it further enacted, That after the Expiration of the Term or Time herein-before granted and allowed for the making of the said Appeals, and after striking out of the said Maps or Plans and Schedules all such Lands and Grounds as shall on such Appeals be adjudged and determined to be High Lands and Grounds, they the said Commissioners shall and may proceed to assess, tax, and charge all and singular the said Low Lands and Grounds, and the Owners and Occupiers thereof, with such Gross Sum and Sums of Money as they the said Commissioners shall from Time to Time find necessary and requisite for defraying the Charges and Expences incident to and attending the obtaining and passing of this Act, and carrying the same into Execution; and to assess, rate, and charge every Owner and Occupier of the said Low Lands and Grounds by an equal Acre Rate with such Share, Part, and Proportion of such Gross Sum and Sums as shall be in proportion to the Number of Acres which each such Owner or Occupier hath or is reputed to have of and in the said Low Lands and Grounds, and the Share, Part, and Proportion of such Gross Sum so to be charged and assessed upon every such Owner or Occupier in Manner aforesaid, shall be paid to the Clerk, Collector, or Receiver for the Time being to the said Commissioners, at such Time and Times as they the said Commissioners shall order, direct, or appoint, they the said Commissioners causing Twenty-one Days Notice in Writing, under the Hand of the Clerk, Collector, or Receiver to the said Commissioners, of such Tax, or Assessment, and the Time or Times so to be ordered, directed, and appointed for Payment thereof, to be given to or left at the usual or last known Place of Abode of every such Owner or Occupier of the said Low Lands and Grounds; and in case any such Owner or Occupier of any such Lands and Grounds shall refuse or neglect to pay his, her, or their Part, Share, or Proportion of such Gross Sum or Sums of Money so to be taxed, charged, and assessed upon him, her, or them as aforesaid, on the Day and Time so to be ordered, directed, and appointed for Payment thereof, such Notice having been

After the Expiration of the Time limited for Appeals, Commissioners to lay a Gross Tax;

and proportion the same on the different Owners;

and cause Twenty-one Days Notice of such Tax to be given to such Owners and Occupiers. Tax, how to be recovered.

been given to him, her, or them as aforesaid, or in case such Notice shall not have been duly given, then within the Space of Twenty-one Days from the giving and delivering of such Notice as aforesaid, it shall be lawful for the said Commissioners to authorize and empower the Clerk, Collector, or Receiver for the Time being, or any other Person or Persons, by Warrant or Warrants under the Hands and Seals of the said Commissioners, to levy the Sum and Sums of Money so taxed, charged, and assessed, by Distress and Sale of any Goods and Chattels to be found upon the said Low Lands and Grounds, or upon any other Lands and Grounds of such respective Owner or Occupier within any of the said Parishes, Townships, and Places respectively, in such Manner as is hereinafter directed and authorized with respect to any Tax, to be taxed, charged, assessed, and levied in pursuance of this Act.

Commissioners to make a Valuation of the Lands intended to be drained.

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

When the Drainage is completed, Commissioners to make a Second Valuation.

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

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

XLVI. And be it further enacted, That when, and as soon as such Second Valuation of the said Low Lands and Grounds shall have been made and perfected, so as that the real Improvement of the Lands and Grounds belonging to each Owner and Proprietor thereof by Means of the said Drainage, may be fully ascertained, by a Reference to and comparative View of such respective Valuations, the said Commissioners shall, by some Instrument in Writing under their Hands, express, shew, and set forth the Names of all and every the Owners and Proprietors, or reputed Owners and Proprietors of all and every Part of the said Low Lands and Grounds in all and every the said Parishes, Townships, and Places respectively; and the Quantity or Number of Acres, Roods, and Perches of or belonging to every such Owner or Proprietor, or reputed Owner or Proprietor, within every such Parish, Township, and Place respectively, with the improved Value of such Lands and Grounds respectively; and shall also, in and by the same Instrument, proceed to assess, tax, and charge the
the

the Lands and Grounds of all and every such Owners and Proprietors, according and in Proportion to such improved Value, with his, her, or their respective Quota or Portion of the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, and carrying the same into Execution, up to the Time of making, executing, and completing such Instrument and Taxation; and in case the Quota or Portion of any such Owner or Proprietor so to be assessed and taxed by the said Commissioners as aforesaid, shall exceed the Sum with which such Owner or Proprietor shall have been assessed and taxed by virtue and in pursuance of the Powers and Authorities herein-before given to the said Commissioners, then such Proprietor or Person so interested as aforesaid shall, within Twenty-one Days after Notice in Writing under the Hands of the said Commissioners, or One of them, of such Excess shall be given to him or her, or left at his or her usual or last known Place of Abode, or the usual Dwelling of the Occupier or Occupiers thereof, in case the usual Dwelling or last known Place of Abode of such Owner or Proprietor shall not be within any of the said Parishes, Townships, or Places, pay the same Excess, to the Clerk, Receiver, or Collector to the said Commissioners, or such other Person as they shall appoint to receive the same; and in case of Neglect or Default in Payment of such Excess, the said Commissioners shall and may, and they are hereby authorized and required to recover and enforce the Payment thereof, by such Ways and Means as any other Assessments or Taxes are herein directed to be recovered, or as near thereunto as the Nature or Circumstances of the Case will admit; and the said Commissioners shall pay and apply, or cause to be paid and applied, such Excess, when paid or raised as aforesaid, in or towards paying and refunding to such others of the Proprietors or Persons interested as aforesaid, such Sum and Sums of Money as they shall have respectively paid or have had raised upon their respective Lands by or in pursuance of this Act, over and above what their respective Quotas and Proportions, to be assessed and taxed by the said 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 Excess shall not be sufficient to refund to the said Owners, Proprietors, and Persons interested as aforesaid, or any of them, what they shall have overpaid as aforesaid, with Interest, then and in such Case 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 the said Commissioners shall cause Two Parts of the said Instrument in Writing to be fairly written on Parchment, and signed by the said Commissioners; and shall also cause a true and correct Copy of the Map or Plan herein-before mentioned, after the necessary Corrections and Alterations have been made therein by or in consequence of the Decision of any Appeal or Appeals allowed by this Act, in case any such Appeal shall be brought, to be signed by the said Commissioners, and the Surveyor employed by them, to be annexed to each Part of such Instrument; One of which said Parts, with such Map or Plan annexed, shall be lodged among the Records of the Court of Quarter Sessions of the Peace for the said East Riding; and the Clerk of the Peace for the same Riding, or his Deputy, is hereby required to receive and deposit the same accordingly, and to give to the said Commissioners a Receipt for the same, taking as a Fee for his Trouble therein Six Shillings and Eight-pence; and no more; and a Copy of such Instrument, or any Part or Parts thereof to be signed by the Clerk of

the Peace for the said Riding, or his Deputy, purporting the Truth of such Copy, shall be admitted and allowed as Evidence in all Courts whatsoever; and the Clerk of the Peace for the said Riding, or his Deputy, shall be entitled to receive for every such Copy which shall be made and certified as aforesaid at his Office, after the Rate of Sixpence for each One hundred Words which shall be contained therein; and the said Clerk of the Peace and his Deputy, shall permit any Person whomsoever, at any seasonable Time or Times, to inspect and peruse the said Instrument, and Map or Plan thereunto annexed, so to be lodged at his Office, paying for every such Inspection and Perusal the Sum of One Shilling; and the other Part of the said Instrument, with One such other Map or Plan annexed thereto, shall be kept by the said Commissioners or their Clerk for the Time being, and be lodged and deposited together with the said Two Valuations and Schedules in a Box to be provided for that Purpose, and may be inspected by any of the said Owners and Proprietors at any of the subsequent Meetings of the said Commissioners, without Fee or Reward; and the said Instrument so made and signed by the said Commissioners shall remain and be a Rule and Precedent of Proportion for all future Taxes and Assessments to be laid, taxed, and assessed by virtue of this Act; and in case of any Loss of or Damage or Accident to either of the said Parts of the said Instrument and Plan thereto annexed, the said Commissioners shall forthwith cause a Copy or Duplicate of the remaining Instrument and Plan to be made and signed by them, and deposited in the Place or Stead of the Instrument and Plan so lost or damaged, and shall so continue to make and renew such Copy and Duplicate, and Copies and Duplicates thereof, when and as often as the Case shall require; which said Copies and Duplicates shall from Time to Time have the same Force, Authority, and Effect, for all the Purposes of this Act, as the original Parts of the said Instrument and Map or Plan would have had if the same had remained and continued in Existence; and the Clerk for the Time being to the said Commissioners shall permit and suffer all Persons whatsoever interested in the said Low Lands and Grounds, at all seasonable Hours, to inspect the said Instrument and Map or Plan lodged and deposited with him as aforesaid, such Person paying for such Inspection One Shilling; and shall also make and deliver a Copy or Copies of any Part or Parts of the said Instrument, charging after the Rate of Sixpence for every One hundred Words in such Copy or Copies.

Valuation and
Taxation in
each Parish,
to be lodged
in the Vestry
Rooms.

XLVII. And be it further enacted, That, for the greater Convenience of the Proprietors of Lands and Grounds to be drained and improved 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, Townships, or Places 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, Townships, and Places, 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 and Inspection, Sixpence and no more.

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XLVIII. And

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

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

XLIX. And be it further enacted, That in Case any Owner or Owners, Occupier or Occupiers of any Lands or Grounds taxed or assessed by virtue of this Act, shall refuse or neglect to pay any Tax or Assessment, or any Part thereof, charged upon him, her, or them respectively for and in respect of such Lands or Grounds, at or upon the respective Days or Times of Payment to be appointed by the said Commissioners for Payment of such Taxes and Assessments respectively, Twenty-one Days Notice in Writing of the Amount of such respective Tax or Assessment, and of the Day or Time so appointed for the Payment thereof, under the Hands or Hand of the said Commissioners, or any One of them, or of the Clerk, Collector, or Receiver to the said Commissioners, having been given to such respective Owner or Owners, Occupier or Occupiers of the Lands so taxed and assessed, or left at his, her, or their usual or last known Place or Places of Abode, or in Case such Notice shall not have been so given, then in case any such Owner or Owners, Occupier or Occupiers, shall refuse or neglect to pay any such Tax or Assessment, or any Part thereof, within or for the Space of Twenty-one Days next after the Delivery of such Notice as aforesaid, it shall be lawful for the Clerk, Receiver, or Collector for the Time being, or any other Person or Persons, by virtue of any Warrant under the Hands of the said Commissioners, from Time to Time, and by One or more Distress or Distresses, as the Case may require, to levy and raise every such Sum and Sums of Money so taxed and assessed, or such Part thereof as shall be unpaid, by Distress and Sale of any Goods or Chattels of such Owner and Owners, Occupier

For compelling Payment of Rates.

and

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

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

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

Unoccupied Lands to remain a Security for Assessments.

LI. Provided also, and be it further enacted, That in case no sufficient Distress can be found on the Lands to be drained or improved by virtue of this Act, by reason of their being unoccupied or untenanted, or otherwise, whereon to levy any Tax or Assessment, or any Part thereof, then and in such Case the Lands and Grounds charged with such Tax or Assessment shall remain a Security for Payment thereof, and the said Commissioners

missioners, or their Clerk, Receiver, or Collector for the Time being, shall, after Default of Payment for Twenty-one days, such Notice having first been given to such Owner or Owners, his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode as is herein-before directed, for Payment of Taxes and Assessments to be charged upon any Owner or Owners, Occupier or Occupiers of Land as aforesaid, and they are hereby authorized and empowered to enter into and upon, and to have, hold, possess, and enjoy the said Lands, Grounds, and Premises so charged, or to let the same from Year to Year, at the best Rent, and to take the Rents and Profits thereof, until such Taxes and Assessments, and all Arrears thereof, and all Expences occasioned by the Non-payment thereof shall be fully paid and satisfied; and the Residue thereof (if any) shall be paid into the Hands of the Clerk, Receiver, or Collector of the said Commissioners, and shall be by him paid to the Owner or Owners of such Lands, or his or their Agent or Agents, when demanded.

LII. And be it further enacted, That on all Leases at Rack Rent of any of the said Lands and Grounds 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, Grounds, or Tithes, shall in the Judgement of the said Commissioners have taken place in pursuance of this Act, shall, during the Remainder of such Leases, respectively pay to their respective Lessors or Landlords such additional Rent for the Lands, Grounds, or Tithes so improved, as the said Commissioners shall think just and reasonable.

Commissioners to determine what Advance Rents are to be paid in certain Cases.

LIII. And be it further enacted, That it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Sole or Aggregate, Rectors, Vicars, Tenants in Tail or for Life, or Tenants *pour autre Vie*, or for Years determinable on Lives, Governors, Guardians, Trustees, and Feoffees in Trust, Attornies, Committees, Executors, Administrators, and all other Persons whatsoever acting as Trustees, Attornies, or Governors for any Charity, or for any Infant, Lunatick, Idiot, Minor, Issue unborn, Persons beyond Seas, or otherwise incapable of acting for themselves, Husbands, Females Covert, and all and every other Person and Persons under any legal Disability whatsoever, possessed of or interested in any of the Lands and Grounds hereby intended to be drained and improved, from Time to Time, by any Deed or Writing under their Hands and Seals, with the Consent and Approbation of the said Commissioners, testified by Writing under their Hands and Seals, to charge and incumber such Part or Parts of the said Lands and Grounds intended to be drained and improved by virtue of this Act, as he, she, or they shall respectively be entitled to as aforesaid, with such Sum or Sums of Money as shall be by him, her, or them respectively paid in pursuance of this Act to the said Commissioners, and with Interest for the same from the Time or respective Times of Payment thereof; and for securing the Repayment of such Sum and Sums of Money, with Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands and Grounds, or any Part or Parts thereof, unto such Person or Persons as shall advance and lend the same respectively, for any

Enabling Tenants for Life to borrow Money.

[Loc. & Per.]

9 L

Term

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

Lands on the South Side of Ottringham exempted.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect any Lands or Grounds situate on the South Side of the said Parish or Township of *Ottringham*, which at the Time of the passing of this Act shall be drained by separate Sewers and Drains under the Cognizance and Authority of the Commission of Sewers, except as herein-after is mentioned.

Providing for the Drainage of Lands, &c.

LV. Provided also and be it further enacted, That if at any Time after the passing of this Act, the Drainage of the Lands and Grounds situate on the South Side of the Parish or Township of *Ottringham*, and last herein-before mentioned, shall by Reason or Means of the warping and choaking of the said ancient Channel leading from the said Clough or Sluice at *No-Man's-Friend* aforesaid towards the River *Humber*, become obstructed and ineffectual, it shall be lawful for the Owners and Proprietors of the same Lands and Grounds, by any Writing under their Hands and Seals, or under the Hands and Seals of the Owners and Proprietors of or Persons in Possession and Receipt of the Rents and Profits of Three Fourth Parts of the same Lands and Grounds, to require the Commissioners acting under the Authority of this Act to cause the same Lands and Grounds to be drained and improved by and through the Cuts and Drains to be made in pursuance of this Act; and from and immediately after the making, signing, and sealing of such Writing as aforesaid, and Delivery thereof to the said Commissioners, they the said Commissioners shall cause all and singular the same Lands and Grounds to be drained and improved by such Cuts and Drains made or to be made within the same Lands and Grounds as they the said Commissioners shall direct and appoint, and by a new Cut or Drain leading from thence through Part of the said Parish of *Keyingham*, called *Salthaugh Grange*, into the said Cuts and Drains herein-before directed to be made and maintained, at such Place or Part thereof as the said Commissioners shall think proper, and also to make and do all such other Works of Drainage and Improvement of the said Lands and Grounds as to the said Commissioners shall seem necessary and expedient for that Purpose; and from and after the Delivery of

of such Writing, signed and sealed as aforesaid, to the said Commissioners, all and every the Powers and Authorities in and by this Act given, created, and contained, shall extend, and be deemed, adjudged, and taken to extend to all and singular the Lands and Grounds last hereby mentioned and intended to be drained and improved, as fully, extensively, and effectually, to all Intents and Purposes whatsoever, as if the same had been originally included and mentioned in this Act.

LVI. Provided always, and be it further enacted, That the Costs, Charges, and Expences of making the new Cuts and Drains, and other Works of Drainage last mentioned and authorized, shall be wholly paid and discharged by and out of a Tax or Assessment to be charged and assessed upon and payable out of the Lands and Grounds thereby intended to be drained and improved; and that from and after the Payment thereof, the same Lands and Grounds shall be and continue liable to be taxed and assessed by the said Commissioners according to the improved Value thereof, in the same Manner and Form, and under and according to all and every the same Directions, Powers, Authorities, Rules, Regulations, Provisoos, and Restrictions, to all Intents and Purposes, as if the same Lands and Grounds had been originally comprized and included in this Act, and as the other Lands and Grounds hereby intended to be drained and improved are directed to be taxed and assessed.

Providing for
the Charges of
that Drainage.

LVII. And be it further enacted, That the said Commissioners shall, and they are hereby required, immediately after the passing of this Act, or as soon after as conveniently may be, by One or more sufficient internal Drain or Drains, with good and sufficient Cloughs, Shuttles, and other Works, or by such other Ways, Means, or Device as the said *William Chapman*, or some other able and experienced Engineer, shall advise and direct, well and sufficiently drain and preserve the Lands and Grounds of *Edward Constable* Esquire, in the said Parish of *Keyingham*, called or known by the Name of *Keyingham Marsh*, and to assess, tax, and charge the same Lands and Grounds with any Sum and Sums of Money for the making and completing the Works of Drainage hereby directed, and also as the Quota or Proportion of or for the same Lands and Grounds for and towards the general Expences of making and completing the Works of Drainage in and by this Act directed and intended, amounting in the Whole to the Sum of One thousand and five hundred Pounds, but no more; and shall and may, after the making and completing the said Works of Drainage, assess, tax, and charge the same Lands and Grounds with the yearly Sum of Twenty Pounds, but no more; as the Quota and Proportion of and for the same Lands, for and towards the supporting, maintaining, and keeping in Repair the same Works, and executing this Act; which said several Sums may be levied and raised upon and out of the same Lands and Grounds, by such and the like Ways and Means as any other Tax or Assessment is herein before directed to be levied and raised.

Commissioners directed
to drain *Keyingham Marsh*.

LVIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to make Use of the Drains made and to be made and repaired by virtue of the said former Act and this Act, extending from the said Creek or Haven called

Part of the
Drains to be
used for the
Purpose of
Navigation.

Stone

Stone Creek to a certain Bridge in the said Parish of *Roofs* called or known by the Name of *Roofs Bridge*, and to or near a certain Place in the said Parishes or Townships of *Roofs* and *Owstwick*, or One of them, called *Owstwick Car Gate*, for the Purpose of conveying Corn, Lime, Coals, and other Goods, in Boats or Barges; and by and out of any Money which shall come to their Hands by virtue of this Act, to cause to be made and constructed so many Boats, Barges, and Vessels, and of such Form and Dimensions, as shall be suitable and proper for the Carriage and Conveyance of such Goods upon the said Drains; and to make and erect at or near the Clough or Sluice herein-before directed to be built and constructed at *Stone Creek* aforesaid, a good and suitable Wharf or Quay, and Basin, with a Crane, Gin, or other Engine or Engines, and other Work or Works, for the Purpose of loading and unloading such Goods into and from the said Boats, Barges, and Vessels; and also to demand, recover, and receive such Sum or Sums of Money for the Carriage and Conveyance of such Goods, as the said Commissioners at any Meeting or Meetings to be held as aforesaid, shall from Time to Time fix and appoint; and the several Sums of Money so to be received, they the said Commissioners are hereby directed and required to pay and apply for and towards the general Purposes of this Act.

Navigation not to be used until a Majority of Four Fifths of Low Lands consent.

LIX. Provided always, and be it further enacted, That the said Commissioners shall not proceed to put or carry into Execution any of the Purposes last above mentioned, until a Majority in Value of the Owners and Proprietors of the said Low Lands and Grounds, to the Amount of Four Parts out of Five in Value of the same Lands and Grounds, according to the Second Valuation herein before directed to be made by the said Commissioners, shall, by some good and sufficient Deed or Instrument under their Hands and Seals, give and declare their Consent and Authority to the said Commissioners for so doing.

Water not to be penned up nearer than One Foot from the Surface of the Low Lands.

LX. Provided also, and be it further enacted, That the said Commissioners shall not for any of the Purposes aforesaid, dam or pen up the Water in the said Drains to any greater Height, or nearer to the Surface of any of the said Low Lands and Grounds, than the Measure or Distance of One Foot.

Injuries sustained in consequence of this Act, to be redressed by the Justices at Sessions.

LXI. And be it further enacted, That in case any Person or Persons whomsoever shall receive or sustain any Injury or Damage by, from, or in consequence of any Matter or Thing committed or done under or by virtue of this Act, or omitted to be done contrary to the Intent and Meaning of this Act, and for which no Remedy is hereby provided, it shall and may be lawful for all and every such Person and Persons to prefer his, her, and their Complaint, before His Majesty's Justices of the Peace, assembled at the Court of General Quarter Sessions of the Peace in and for the said East Riding of the County of *York*, who are hereby required to hear and determine all such Matters of Complaint in the Nature of an Appeal, and to award such Damages and Satisfaction, and Costs on either Side, as to the same Court shall seem reasonable: Provided always, that such Matters of Complaint be preferred, heard, and determined, within the Term of Twelve Calendar Months next after any such Injury or Damage be received or sustained.

LXII. And

LXII. And be it further enacted, That the said Commissioners shall and may, from Time to Time, have full Power and Authority to make such Bye Laws, Rules, and Orders, touching or concerning the Cuts, Drains, Sewers, Banks, Cloughs, Engines, Dams, Tunnels, Shuttles, Bridges, and other Works, Matters, and Things aforesaid, so as the same be printed, and not repugnant to the Laws of this Realm, and to impose such reasonable Fines or Forfeitures on every Person not conforming to such Bye Laws, Rules, or Orders, as the said Commissioners shall think fit, not exceeding in any One Case the Sum of Five Pounds; which said Fines or Forfeitures shall be levied and recovered by such Ways and Means as the said Commissioners shall direct, such Bye Laws, Rules, and Orders being first ratified and confirmed by the Majority of Votes of the Proprietors of the Lands and Grounds hereby directed to be drained and improved, who shall be assembled at any Meeting (such Votes to be constituted in the same Manner and in respect of the same Quantity of Property as is herein-before directed with respect to the electing of a Commissioner), to be held for that Purpose within any of the Parishes, Townships, or Places aforesaid, of which Fourteen Days previous Notice shall be given in all the said Parish Churches, and also in all the publick Newspapers printed and published at the said Town of *Kingston-upon-Hull*, and with the Approbation and Consent of the Majority of Votes of such Proprietors, who shall be assembled at any Meeting of Proprietors to be holden as aforesaid, 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 Commissioners, 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; 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.

Enabling the
Commission-
ers to make
Bye Laws.

Bye Laws to
be published.

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

Orders and
Proceedings
to be entered
in Books.

by any Person or Persons interested therein, paying to the said Clerk the Sum of One Shilling for every One hundred Words.

Commissioners acting under said former Act to make out their Accounts to the Commissioners appointed by this Act, and thenceforth to be indemnified.

LXIV. And be it further enacted, That the several Persons who at and before the passing of this Act shall be acting in the Execution of the said former Act, shall and they are hereby required, within the Space of Three Calendar Months next after the passing of this Act, to make out and deliver to the Commissioners hereby nominated and appointed, a full, true, and final Account of all Monies by them levied, received, disbursed; and paid under the Direction and Authority of the said former Act; and shall produce and shew to the Commissioners hereby appointed, all necessary and proper Vouchers for such Payments and Disbursements; and shall pay unto the said Commissioners appointed by this Act all such Sum and Sums of Money as upon such Account shall appear to be and remain in the Hands of the said Commissioners acting under the said former Act; and having so done, and having received a Certificate thereof under the Hands of the said Commissioners appointed by this Act, which Certificate they are hereby required to give, they the said Commissioners acting under the said former Act, their Heirs, Executors, and Administrators, shall be, and they are hereby declared to be released, indemnified, and discharged of, from, and against all and singular Acts and Deeds whatsoever by them or any of them respectively committed or done in or about the Execution of the said former Act.

Arrears of Assessments under the former Act to be received by the Commissioners under this Act.

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

Commissioners enabled to make Contracts.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners to receive Proposals from, and enter into, and make and execute Contracts with any Engineers, Artificers, and Workmen, for draining the said Lands and Grounds, and for making and repairing any Cuts, Drains, Embankments, Cloughs, Sluices, Tunnels, Bridges, Shuttles, and other Works, and for providing proper Engines, Utensils, and Materials for the Purposes aforesaid, and all Articles, Matters, and Things concerning the same: Provided nevertheless, that the said Commissioners, in the making of all or any of such Contracts, 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 the least in all the Newspapers printed and published in the said Town of *Kingston-upon-*

upon-Hull, of the Time and Place of Meeting for the Purpose of making such Contracts.

LXVII. And be it further enacted, That the said Commissioners, with their Engineers, Collectors, Receivers, Treasurers, Surveyors, Superintendants, and other Officers acting or employed under or by virtue of this Act, shall have full Licence, Liberty, and Authority from Time to Time, and at all seasonable Times, either on Horseback or on Foot, to go and travel, pass and repass, as well into and over all the said Lands and Grounds hereby intended to be drained, as also the High Lands adjoining thereto, when and so often as Occasion shall require, for the due and proper Execution of this Act, doing as little Damage as may be, and making Compensation for such Damage as shall be done upon all Lands not drained by virtue or under the Authority of this Act.

Commissioners to enter upon Lands in all the said Parishes, for the Purposes of this Act.

LXVIII. And be it further enacted, That Once in every Year, that is to say, in the Month of *June*, Inspection shall be had by the said Commissioners, of the Receipts and Disbursements of such Money as shall be collected, received, or disbursed by virtue of this Act, up to the First Day of *May* then last past; and all Accounts relating to the same, whether of the said Commissioners or any other Person, shall then, or within Thirty Days after, be adjusted and made up by the said Commissioners then assembled as aforesaid, at which Time the Collector or Collectors, Receiver or Receivers of the said Rates and Sums of Money to be raised as aforesaid, is and are hereby required to attend with their separate and distinct Books of Account of the Receipts and Disbursements above mentioned, and with all Vouchers for the same; and upon Consideration and Examination thereof upon Oath, if required by the said Commissioners (which Oath any One of His Majesty's Justices of the Peace for the said East Riding is hereby required and empowered to administer), the said Commissioners are hereby required to allow and pass the said Accounts of such Collector and Collectors, Receiver and Receivers, or such Part or Parts thereof as to them shall seem just and reasonable; and such Account or Accounts, or such Part or Parts thereof as shall be so allowed by the said Commissioners under their Hands, and all other Accounts relating to the Execution of this Act, shall be fairly entered in Two or more Books to be kept for that Purpose, One of which said Books shall be lodged and deposited with the Clerk to the said Commissioners, and the other or others of such Books shall be lodged with some or One of the said Commissioners; and the said Book so to be lodged and deposited with the said Clerk shall and may be inspected and perused at all seasonable Hours, by and at the Request of any Person or Persons taxed and assessed by virtue of this Act, paying for such Inspection and Perusal the Sum of One Shilling.

Accounts to be made up.

LXIX. And be it further enacted, That if at any Meeting of the Owners or Proprietors of the said Lands and Grounds to be held in pursuance of this Act, for the Purpose of electing a Commissioner or Commissioners, Ten of such Owners or 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-one Votes, then such Meeting shall be adjourned to that Day Sevensnight, to be held at the Place

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

Place where such Meeting was appointed to be held, and so *toties quoties* until Ten Owners or Proprietors shall be present in Person, and until there shall be present, either as Principals or Proxies, or as both Principals and Proxies, Persons entitled to Twenty-one Votes.

Penalty on Persons voting who are not qualified.

LXX. And be it further enacted, That if any Owner or Proprietor who shall not be qualified as aforesaid to vote, or as a Proxy duly constituted, shall nevertheless presume to vote at any Meeting or Meetings to be held in pursuance of or by virtue of this Act, either for the Purpose of electing a Commissioner or Commissioners, or of making or repealing any Bye Law, Rule, or Order, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Recovery and Application of Penalties.

LXXI. And be it further enacted, That all Penalties or Forfeitures for any Offence against this Act, or which shall be inflicted by any Bye Law, Rule, or Order to be made in pursuance of this Act, the Recovery whereof is not herein-before otherwise directed, shall, in case of Non-payment thereof on Conviction of the Offenders respectively, 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 and required 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 for such County, Riding, or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, 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 Collector or Collectors, Receiver or Receivers of the said Commissioners, to be applied and disposed of towards the general Purposes of this Act.

Proceedings not to be quashed for want of Form.

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

Form of Conviction.

LXXIII. 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*),

BE

BE it remembered, That on the _____ Day of _____ A. B. is
 convicted before _____ of His Majesty's Justices [or, Justice]
 of the Peace for the East Riding of the County of *York*, by virtue of
 an Act made in the Forty-second 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 commit-
 ted, as the Case shall be]. Given under our Hands and Seals [or, my
 Hand and Seal] the Day and Year aforesaid.

LXXIV. 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, Rule, or Order to be made as aforesaid, or any Penalties to be levied by virtue thereof, may appeal to the Justices of the Peace for the said East Riding, against any such Order, Conviction, Judgement, or Penalty, at the next general Quarter Sessions of the Peace to be held for the said Riding after the Cause of such Appeal shall happen, the Person or Persons so respectively appealing first entering into a Recognizance, with Two sufficient Sureties, to the Satisfaction of the said Justices, 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, 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.

Allowing Ap-
 peal to the
 Quarter Ses-
 sions.

LXXV. 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.

Limitation of
 Actions.

Not to recover, but for special Damages.

LXXVI. 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.

i

Commissioners not accountable for each other, or their Officers, etc.

LXXVII. Provided always, and be it further enacted, That the said Commissioners shall not be answerable One for another, but each for himself and his own Acts only; nor for any Sum or Sums of Money but what each of them 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 entrusted, deposited, or lodged; nor for any Officer employed under them; and that the said Commissioners, 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 himself and themselves respectively, and pay and allow unto his and their Co-commissioners and Co-commissioner, 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 in the Execution thereof, or otherwise relating thereunto.

Saving the Rights of Lords of Manors.

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

Publick Act.

LXXIX. 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.

The SCHEDULE referred to by the foregoing Act.

Deepening and widening the old Drain from *Roofs Bridge* to the Junction with *Owstwick Drain*; mean Depth Seven Feet, Width of Bottom Seven Feet, Slopes Eighteen Inches.

Deepening and widening the old Drain from thence to the Head of *Owstwick Carr*; mean Depth Seven Feet, Bottom Width Seven Feet, Slopes Eighteen Inches.

Deepening and widening the old Drain from the Junction of *Owstwick* and *Roofs*, through *Burton-Pidsea* and *Halfbam Carrs* to *Halfbam Bridge*; mean Depth Six Feet Six Inches, Bottom Width Nine Feet, Slopes Eighteen Inches.

Deepening and widening the old Drain from *Halfbam Bridge* to *Keyingham High Bridge*; mean Depth Eight Feet, Bottom Width Nine Feet, Slopes Eighteen Inches.

Deepening and widening the old Drain from *Keyingham High Bridge* to *Thorney Croft*; mean Depth Nine Feet Six Inches, Bottom Width Nine Feet, Slopes Eighteen Inches.

Deepening and widening the old Drain from *Thorney Croft* to *Sands Bridge*; mean Depth Ten Feet, Bottom Width Nine Feet, Slopes Eighteen Inches.

Deepening and widening the Remainder of the old Drain from *Sands Bridge* to the North End of the parallel Banks, being the Point of Deviation; Depth Eleven Feet Six Inches, Bottom Width Nine Feet, Slopes Eighteen Inches.

New Cut obliquely across from the old Drain to the Drain between the parallel Banks; Length Two hundred Yards, Depth Eleven Feet Six Inches, Bottom Width Nine Feet, Slopes Eighteen Inches.

Deepening and widening the old Drain between the parallel Banks; Depth Seven Feet Six Inches, Bottom Width Nine Feet, Slopes Eighteen Inches.

New Cut from the parallel Banks to *Stone Creek*; Length Two hundred and Twenty Yards, Depth Ten Feet, Bottom Width Nine Feet, Slopes Eighteen Inches.

Clough or Sluice at *Stone Creek*, Ten Feet Run.

