



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

# VICTORIÆ REGINÆ.

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## *Cap. clxxviii.*

An Act for the more effectual Drainage and Improvement of certain Lands in the Wapentake of *Ouse and Derwent* in the East Riding of the County of *York*, and for other Purposes.

[24th July 1854.]

**W**HEREAS by reason of defective Drainage, or Liability to Floods, the Value of the Lands herein-after described, situate in the Wapentake of *Ouse and Derwent* in the East Riding of the County of *York*, is much diminished: And whereas it would be of great Advantage to the Owners and Occupiers of the said Lands if the same were constituted into a District, and placed under the Management of a Body of Commissioners, and if Powers for widening, deepening, and improving the existing, and of making and maintaining new Drains and other Works of Drainage in the said District were vested in such Commissioners, and if such Commissioners were authorized to levy Taxes and to raise Monies, limited as herein-after mentioned, for the Purposes of such Works, and to enter into Arrangements with the Commissioners of Drainage for adjoining Districts, or other Persons, Owners of adjoining Lands or Drains,

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and

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and to exercise other Powers usually vested in Drainage Commissioners: And whereas the Objects and Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Commencement of Act.

I. That the Act shall commence and take effect on the Fourth *Monday* after the passing thereof.

Short Title.

II. That in citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Wapentake of *Ouse and Derwent* Drainage Act, 1854."

Limits of Act.

III. That the Limits of this Act shall comprise and include the Lands within the District herein-after constituted; (that is to say,)

Such of the Lands in the several Townships of *Dunnington, Grimston, Kexby, Heslington Saint Laurence, Heslington Saint Paul, Gate Fulford, Water Fulford, Langwith, Ebrington, Wheldrake, Thorganby, Naburn, West Cottingham, Acaster Malbis, Deighton, Moreby, Escrick, Stillingfleet, Kelfield, Riccall, Skipwith, and Barlby*, all in the said Wapentake of *Ouse and Derwent*, as are included within a Line coloured Red on a Plan thereof signed in Duplicate by Sir *Edmund Samuel Hayes* Baronet, Member of Parliament, and One Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons.

Plan of Limits to be deposited with Clerk of the Peace.

IV. That within Two Months after the Commencement of this Act the other Part of the said Plan shall be deposited with the Clerk of the Peace for the East Riding of the County of *York*, who shall receive and retain it, and permit all Persons interested to inspect it, and make Copies and Extracts of and from the same, in like Manner, upon the like Terms, and under the like Penalty for Default, as by the Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, is provided with respect to the Documents therein specified.

Commissioners for Western District.

V. That *Yarburgh Yarburgh*, the Reverend *Joseph Dunnington Jefferson* Clerk, *Henry Preston*, the Reverend *Samuel Key* Clerk, *Thomas Clarke*, *George Pelsant Dawson*, the Reverend *John Ion* Clerk, the Honourable and Reverend *Stephen Willoughby Lawley* Clerk, *Thomas Wood Wilson*, *George Lane Fox*, *Wormley Edward Richardson*, the Reverend *Edward John Randolph* Clerk, *Thomas Henry*

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Henry Preston, John Arthur Parker Toulson, Robert Scholefield, Hewley Mortimer Baines, John Clifford, George John Lloyd, the Reverend William Lindsay Palmes Clerk, the Reverend Robert Bryan Cooke Clerk, George Dodsworth, Francis John Carr, William Hubie, Benjamin Reaston, Roger Barker, Joseph Forster, John Warnford, the Reverend William Lund Clerk, Colonel William Richardson, Francis Carr, Thomas Jelly, Thomas Lumley Dodsworth Esquire, and, subject as herein-after provided, every Person who for the Time being shall be qualified as herein-after mentioned and who shall make and sign the Declaration of Qualification required by "The Commissioners Clauses Act," incorporated herewith, shall, so long as they remain so qualified, be and be deemed Commissioners for putting the Provisions of this Act in execution.

VI. That every Commissioner in the said District under this Act shall be seised or possessed in his own Right, or in right of his Wife, or as Trustee, Committee, or Guardian of or for any married Woman, Lunatic, Minor, or other Person, of One hundred Acres of Land liable to be taxed under this Act, within any One or more of the said Townships. Qualification of Commissioners.

VII. Provided always, That where there is more than One Trustee, Committee, or Guardian for any married Woman, Lunatic, Minor, or other Person, only One of such Trustees, Committees, or Guardians to be appointed for that Purpose by the others, or the Majority of the other Trustees, Committees, or Guardians, (and which Appointment they are hereby authorized to make as often as Occasion shall require, by any Note in Writing under their Hands,) shall at any one Time act as a Commissioner in right of such married Woman, Lunatic, Minor, or other Person respectively. Only One of several Trustees to act.

VIII. That every such Commissioner who shall be so seised or possessed as aforesaid of One hundred Acres or more of any Lands subject to be taxed in the said District under the Powers of this Act, may, by Writing under his or her Hand, appoint some fit Person as his or her Deputy to act in the Execution of this Act in his or her Absence, and such Deputy during such Absence shall have the same Powers for executing this Act as his Principal would have had if present. Power to appoint Deputies.

IX. That the Commissioners for the Time being of the said District shall be called "The Wapentake of *Ouse and Derwent* Drainage Commissioners," and by that Name may sue and be sued, plead and be impleaded, and prosecute any Indictment or Information, or other Criminal Proceeding, and for the Purposes of this Act may purchase and hold Lands and Hereditaments, and Goods and Chattels, and dispose thereof Commissioners empowered to sue and be sued, and to hold Lands, &c.

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thereof to the Use and for the Purposes of the Commissioners, and shall have full Power and Authority to do, perform, and execute all Matters and Things by this Act provided and authorized, and for the Purposes thereof to have and use a Common Seal.

10 & 11 Vict.  
c. 16. incor-  
porated.

X. That "The Commissioners Clauses Act, 1847," with the Exception of the Clauses with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, shall be incorporated with and form Part of this Act.

First Meet-  
ing of Com-  
missioners.

XI. That the Commissioners shall hold their First Meeting at the House called the *De Grey* Rooms in the City of *York*, on the Fourth *Monday* after the Commencement of this Act, and then and there proceed to carry the Powers and Provisions of this Act into execution.

Commis-  
sioners may  
appoint  
Times and  
Places of  
Meetings.

XII. That, notwithstanding anything in "The Commissioners Clauses Act, 1847," contained, the Commissioners shall not be required to hold monthly Meetings for the Transaction of the ordinary Business of the Commissioners, but the Commissioners may from Time to Time appoint when and at what Place or Places the Meetings of the Commissioners shall be held, and in default of such Appointment the Meeting of the Commissioners shall be held monthly, as provided in such last-mentioned Act, and all the Provisions of such Act relating to monthly Meetings shall extend to the Meetings from Time to Time appointed to be held for transacting the ordinary Business of the Commissioners,

Power to  
appoint  
Committees.

XIII. That it shall be lawful for the said Commissioners at any Meeting to appoint One or more Committee or Committees, consisting of not less than Five of the Commissioners, for carrying into effect any of the Provisions of this Act, and the Commissioners may delegate to such Committees, or any of them, the Execution of all or any of the Powers of this Act, and may appoint the Period for which such Committee shall act, and at any subsequent Meeting, or at the Expiration of the Period for which such Committee shall be appointed, may continue, alter, or discontinue any such Committee, but no such Committee shall be appointed to act for a longer Term than until the Second Annual Meeting of the Commissioners next following its Appointment.

Quorum of  
Meetings of  
the Commis-  
sioners, &c.

XIV. That the Quorum of a Meeting of Commissioners shall be Seven, and the Quorum of a Meeting of any Committee of the Commissioners shall be Three,

Scale of  
Voting at  
Meeting of

XV. That at all Meetings of the Commissioners every Commissioner shall have One Vote, and an additional Vote for every One hundred

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hundred Acres of Land above the first One hundred Acres held by him as Owner, and subject to be rated under this Act, but no Commissioner shall have more than Twenty Votes. Commissioners.

XVI. That all Notices by this Act or any Act incorporated herewith required to be given by Advertisement, for the Publication of which no special Provision is made by this Act, shall be published in some Two or more Newspapers circulating in the City of *York*, and Two or more Newspapers circulating in the Town of *Kingston-upon-Hull*. Notices by Advertisement.

XVII. That, notwithstanding anything in "The Commissioners Clauses Act, 1847," contained to the contrary, any Summons or Notice, or any Writ or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, shall or may be served upon the Commissioners by the same being sent through the Post Office, directed to the Commissioners at their principal or other Office, or at the Office of their Clerk. Service of Summons, &c.

XVIII. That it shall not be necessary for the Auditors to be appointed under the Powers of "The Commissioners Clauses Act," incorporated herewith, to have the like Qualification, nor shall they be subject to the like Disqualification or Disability, as the Commissioners. As to Auditors.

XIX. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act or in the said "Lands Clauses Consolidation Act" shall authorize the Commissioners to purchase, take, or use any Lands for the Construction of new Drains or Watercourses, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof. 8 & 9 Viet. c. 18. incorporated.

XX. That it shall be lawful for the Commissioners, by Agreement with the Owners, Lessees, and Occupiers thereof, to purchase any Lands which the Commissioners may deem it expedient to purchase and use for any of the Purposes of this Act. Power to purchase Lands by Agreement.

XXI. That Ten Years from the Commencement of this Act shall be the prescribed Period for the Sale of superfluous Lands. Time for Sale of superfluous Lands.

XXII. That the Lands to be purchased or acquired by the Commissioners by virtue of this Act, and all Buildings thereon, and all Banks, Forelands, Sluices, Ditches, Tunnels, Drains, Bridges, Dams, Headings, Doors, Floodgates, Stanches, Culverts, Ways, and other Drainage Works purchased, acquired, or made by the Commissioners within the said District, except such as are reserved and excepted by

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this Act, and the Right and Property of and in all Engines, Mills, Machinery, Implements, Materials, Goods, Articles, and Things erected or provided or had by the Commissioners for the Purposes of this Act, shall belong to and be and the same are hereby vested in the Commissioners for the Purposes of this Act.

Warping  
Drains not to  
be interfered  
with.

XXIII. Provided always, That nothing in this Act contained shall vest in the Commissioners any Drains or Works now used or hereafter to be used for warping Lands in the said District, or authorize the Commissioners to interfere with such Drains, or to use the same for any of the Purposes of this Act, except with the Consent of the Owners, Lessees, and Occupiers thereof.

Power to  
drain into  
the Ouse.

XXIV. That it shall be lawful for the Commissioners to cause all or any of the Waters of the District under this Act to pass into the said River *Ouse*, either by all or any of the existing Channels, Watercourses, or Drains leading into the said River, or by any new Channels or Drains or Outfalls to be made by the Commissioners under the Powers of this Act; and the Commissioners may divert the Waters from any existing Channel into such new Channels or Outfalls as the Commissioners shall think expedient.

Works to be  
executed by  
the Commis-  
sioners.

XXV. That, subject to the Restrictions and Provisions in this Act and the Acts incorporated herewith contained, the Commissioners may execute within the said District all or any of the Works following; (that is to say,)

They may make, erect, repair, and maintain all such Sluices, Ditches, Doors, Tunnels, Culverts, Banks, Engines, Bridges, Machinery, Buildings, and other Works and Conveniences as they may deem requisite for the Drainage and Improvement of the Lands within the District, or any Part thereof; and may also, with the Consent of the Commissioners or other Persons having the Control thereof, connect any Cuts or Catchwater Drains or other Drains in the District with any Cuts or Catchwater Drains or other Drains in any adjoining District or Lands, and may also connect any such Banks with any Banks in any adjoining District or Lands:

They may enter upon and use, and may cleanse, scour, deepen, widen, straighten, and improve, any existing Banks, public and other Drains and Watercourses, within the District:

They may, by Agreement with the Owners, Lessees, and Occupiers thereof, enter upon and use any Lands necessary for the Purpose of constructing and may construct any new Drains or Watercourses thereon which the Commissioners may think necessary for the Drainage of such Lands, or of any other Lands which  
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can be most conveniently drained through the same, or of making any new Outfalls into the River *Ouse*, and may dig and take Earth and Soil from any Lands by Agreement with the Owners thereof, or may lay up and continue Earth and Soil or other Matters thereon, and may remove Trees and other Obstructions within the said District :

They may abandon or stop up so much of any of the present Drains and Watercourses as may be rendered unnecessary by any of the Drains or other Works executed by the Commissioners, or as it may be desirable to stop up for any Purpose, and where the Soil of the Drains or Watercourses so abandoned or stopped up is not vested in the Owners of the adjoining Lands, or any other Persons, the Commissioners may sell the same for the Purposes of this Act, first offering to sell the same to the Owners of such adjoining Lands :

They may make or cause to be made all such Surveys of the Lands, Works, and Hereditaments within the District as they may think fit :

They may lay out, construct, repair, and maintain, all such Drovers or Occupation Roads, with proper Banks, Ditches, or other Fences, as they may think requisite for the convenient Use and Occupation of any Lands within the District :

They may from Time to Time alter, repair, or discontinue the before-mentioned Works or any of them, and construct others in their Stead :

They may use or dispose of the Materials of any Works which may be taken down or removed or rendered unnecessary by any of the Works executed by the Commissioners :

And they may do all other Acts which they may deem necessary for rendering more efficient the Drainage of the District.

XXVI. Provided always, That no new Cut for Drainage to be made under the Powers of this Act shall be of a greater Width at the Bottom than Eleven Feet.

Width of  
Cuts for  
Drainage  
limited.

XXVII. That previously to commencing any of the Outfalls or Outlets of the Drainage into the River *Ouse*, or the Works connected therewith, the Commissioners shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of each and every of the said Outfalls or Outlets, and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and each and every of such Outfalls or Outlets and Works shall be constructed only in accordance with such Approval.

Plans to be  
submitted to  
Admiralty  
before Com-  
mencement  
of Works.

XXVIII. That

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Works affecting tidal Waters not to be constructed without Consent of the Admiralty.

XXVIII. That it shall not be lawful for the Commissioners to construct in, under, over, across, or through any tidal or navigable Water, any Work hereby or otherwise authorized to be made, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and under such Restrictions and Regulations, as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve, such Approval being signified as last aforesaid; and where any such Work, or any Work hereby requiring his or their Approval, shall have been constructed, it shall not be lawful for the said Drainage Commissioners at any Time to alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if either or any of such Works shall be commenced or completed, or be altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Drainage Commissioners, and the Amount thereof shall be a Debt due from the said Drainage Commissioners to the Crown, and be recoverable accordingly with Costs of Suit.

Admiralty may order a local Survey at Expense of Commissioners.

XXIX. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the said Drainage Commissioners in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the said Drainage Commissioners shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the said Drainage Commissioners, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the said Drainage Commissioners.

If Works affecting tidal Waters abandoned, &c. Admiralty may remove them at Expense of Commissioners.

XXX. That if any Work to be constructed by the said Drainage Commissioners in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit



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fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Drainage Commissioners, and the Amount thereof shall be a Debt due from the said Drainage Commissioners to the Crown, and be recoverable accordingly with Costs of Suit.

XXXI. That it shall be lawful for the Commissioners, by Agreement with the Commissioners, Owners, or Persons having the Control of any existing Drains, Banks, or other Works of Drainage, or of any Warping Drains in the said District, or in any District, Parish, Township, or Lands adjoining the same, to contract for the Purchase or Use, for the Purposes of this Act, of such Drains, Banks, or other Works of Drainage or Warping Drains, or for the Use of any existing Outfall into the River *Ouse*, or of any new Outfall to be made by any of the Parties to such Arrangement into the said River, or for the Construction and Maintenance at their joint Expense of any new Outfall or Drain or other Work which can be beneficial to the District or any Part of the District or Lands represented by the Commissioners, Owners, or Persons Parties to such Arrangement.

Powers to purchase or use and construct Works of Drainage for Benefit of adjoining Districts.

XXXII. That it shall be lawful for the Commissioners, upon the Application in Writing of the Owner in Fee Simple of any Lands not comprised within the said District but situate near to or adjoining to the same, as defined or extended under this present Provision, and whether draining into the River *Ouse* or into the River *Derwent*, to admit such Lands into the District, and to the Benefit of the Drainage by this Act authorized, upon such Terms as shall be agreed upon between the Owner of such Lands and the Commissioners; and upon the Admission of any Lands into the said District, and Publication of Notice thereof as herein-after provided, such Lands shall become subject to all the Powers and Authorities of the Commissioners, and to the Payment of the Taxes for the Time being authorized to be levied under this Act; and when and so often as any adjoining Lands shall be so admitted into and made Part of the said District for the Purposes of this Act, Notice thereof shall be given by the Commissioners once in each of Three successive Weeks in some One or more and the same Newspapers published in the City of *York* and in some One or more and the same Newspapers published in the Town of *Kingston-upon-Hull*, and after the Third Publication of such Notice the Lands therein described shall be deemed Part of the said District.

Adjoining Lands may be admitted into District upon Application of Owners.

XXXIII. That it shall be lawful for the Commissioners to construct and maintain any Steam Engines, Mills, or other pumping or lifting Power, for the Purpose of raising any Water into any of the Main Drains in the said District, or from Drains into the said River *Ouse*, and to construct and maintain, in connexion with such Engines,

Power to erect Steam Engines.

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Mills, and other Power, such Drains and other Works as the Commissioners shall from Time to Time think expedient.

Steam Engines may be used for other Purposes.

XXXIV. That it shall be lawful for the Commissioners to use any Steam Engines or other Motive Power which may be provided by them for the Purposes of the said Drainage for any other Purpose, or to let the same to any Persons for any other Purposes which the Commissioners may think expedient.

Commissioners to make Compensation for Damage.

If no Compensation awarded, Claimant to pay the Cost.

XXXV. That in the Exercise of the Powers by this Act granted the Commissioners shall do as little Damage as may be, and shall make full Satisfaction in manner herein and in any Act incorporated herewith provided to all Parties interested for all Damage sustained by them by reason of the Exercise of such Powers; and in case any Party shall claim Compensation, and the same shall be referred to Arbitration, or to a Jury, or to Two Justices, and he shall not be able to prove to the Satisfaction of such Jury or Arbitrator or Two Justices that he has sustained any Damage or Injury, the Jury, Arbitrators, or Justices, as the Case may be, may award such Costs, Charges, and Expenses, to be paid by the Party claiming Compensation, to the Commissioners, as they or he shall think just; and the Amount of such Costs, Charges, and Expenses shall and may be recovered by them in the same Manner as Penalties and Forfeitures imposed by this Act: Provided always, that whenever the existing Drains or Watercourses which shall be widened, deepened, straightened, or improved, or any new Cut or Works which shall be made or constructed under the Provisions of this Act, are intended and shall be for the Benefit of the said District generally, or of Part of such District, and not wholly of the Lands in or through which the same are so widened or deepened, or in which such new Cuts or Works shall be made, the Owner, Lessee, and Occupier of such Lands shall be entitled to additional Compensation, in the same Manner as if such Lands had been taken for the Purposes of this Act under compulsory Powers of Purchase.

When new Drains completed, Rights of Drainage through old Channels to cease.

XXXVI. That when and so soon as any new Drain or Watercourse shall be made and completed, so as to admit a free and perfect Passage of the Water through the same for the Purposes of Drainage, and not sooner, all Rights of Drainage through the old Channel, for which such new Drain or Watercourse is substituted, shall cease and be at an end if the Commissioners shall so direct.

In case of Stoppage of Drains from sudden Accident, Surveyors of

XXXVII. That if any public Drain or Watercourse under the Control of the Commissioners shall from sudden Slips or other Accident become stopped, so as to cause or threaten Injury to the adjoining Lands or Roads, it shall be lawful for the Surveyor of Highways of the Parish or Township in which such Slip or Obstruction

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tion shall have taken place, or for any Owner or Occupier of Land affected by such Slip or Stoppage, to cause the same to be remedied or removed, and the Drain to be opened, so as to allow of the free passage of the Water along the same; and the Cost incurred by any such Surveyor, Owners, or Occupiers, in or about the same, shall be repaid to him by the Commissioners out of the Taxes of the District in which such Drain shall be situate: Provided always, that Notice shall be sent of such Slip or Stoppage to the Office of the Commissioners within a reasonable Time.

Township  
may execute  
Repairs at the  
Expense of  
the Commis-  
sioners.

XXXVIII. That the several Owners or Occupiers of Lands subject to the Provisions of this Act shall at all Times well and sufficiently cleanse, scour, repair, and maintain the several Ditches, Banks, and other Works of interior Drainage, within or adjoining or belonging to their respective Lands; and in case any such Owner or the Occupier of such Lands shall at any Time neglect or refuse so to cleanse, scour, repair, or maintain any such Ditch or Bank upon or belonging to or adjoining his said Lands, for the Space of Twenty-one Days next after Notice in Writing so to do, under the Hands of any Three of the Commissioners, or of their Clerk, Water Bailiff, or other Officer, shall have been given to such Owner or Occupier, or left at his usual Place of Abode, he shall for every such Neglect or Refusal forfeit a Sum not exceeding Five Pounds, and the Commissioners may execute the Work so neglected or refused to be done, and all Charges and Expenses attending the same shall be reimbursed to the Commissioners by such Owner or Occupier, and by any other Persons draining through such Ditches, and now liable to the Expense of cleansing and maintaining the same, or the Banks thereof, in such Proportions as the Commissioners shall direct, and to be recovered in like Manner as Damages not specially provided for are recoverable under the Provisions of this Act, or any Act or Part of an Act incorporated herewith.

Works of in-  
terior Drain-  
age to be  
kept open.

In default of  
Owners or  
Occupiers,  
Commis-  
sioners may  
cause Work  
to be done.

XXXIX. That it shall be lawful for the Commissioners to adopt and make use of the Ordnance or any other existing Surveys, Maps, and Plans, parochial or otherwise, of all or any Part of the Lands or Grounds by this Act made liable to the Payment of any Tax or Assessment; and the Commissioners may, in their Discretion, from Time to Time order and direct all or any Part of the Lands or Grounds in the District to be surveyed and mapped; and it shall be lawful for any Person employed on such Survey, Map, or Plan, to enter on any taxable Lands or Grounds for that Purpose; and a Copy of or Extract from any Survey, Map, or Plan so adopted or made use of, and also the said last-mentioned Survey or Map, when authenticated to the Satisfaction of the Commissioners, and signed by any Five or more of them at any Meeting, shall be binding on the several Persons charged with

What Maps,  
Surveys, &c.  
may be used  
in carrying  
into effect  
Provisions of  
this Act.

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with the Payment of such Taxes and Assessments for their several Lands and Grounds, and shall be admitted in Evidence in all Courts whatsoever in all Cases, Suits, and Actions touching anything done in pursuance of this Act.

Commissioners to employ Valuers to class the Lands, and determine the Drains to be public Drains.

XL. That the Commissioners shall, at their First Meeting to be held under this Act, or at some Adjournment thereof, or at some subsequent Meeting to be held within Six Months next after the Commencement of this Act, nominate and appoint Two Persons having Experience in Works of Drainage, but not interested as Owner or Occupier, Agent or Trustee of Lands within the District, to be Valuers to view the several Lands in the said District intended to be taxed under this Act, and to ascertain the Situation and State and the Mode of existing Drainage of the said Lands respectively, and to estimate their Improvement in annual Value from the Works proposed to be executed under the Provisions of this Act, and to classify and divide the said Lands into Five different Classes, to be numbered respectively 1, 2, 3, 4, and 5, according to the different Degrees of Benefit which in the Judgment of the said Valuers the said Lands will derive from the said Works, and to exclude from the said Classes all Lands which in the Opinion of the said Valuers will not be benefited thereby; and also to determine which of the existing and proposed Drains and Watercourses in the District are to be deemed Main Drains, and to be maintained, cleansed, and made by the Commissioners out of the District Taxes levied in the District, and which of the existing and proposed Ditches, Watercourses, and Banks are to be deemed Works of interior Drainage, and to be cleansed and maintained by and at the Expense of the Owners or Occupiers of the said Lands, or of other Lands adjoining or draining through the same; and whether any of such Works of interior Drainage will be of general Advantage to the District or any Part thereof, and what Portion of the Expense of such Works or any of them shall be defrayed by the Commissioners out of the Rates, and what Portions thereof shall be paid by the Owners and Occupiers of the adjoining Lands and by the other Owners and Occupiers draining through the same. •

Certain Lands not to be liable to Drainage Taxes.

XLI. And whereas the Situation and State and the Mode of existing Drainage of the Lands belonging to *Henry Preston* of *Moreby Hall* in the said County, situate in the several Townships or Parishes of *Moreby*, *Stillingsfleet*, and *Kelfield*, and of the Lands belonging to the Reverend *Samuel Key* of *Water Fulford*, Clerk, situate in the Township of *Water Fulford*, are respectively so sufficiently ascertained as to render it certain that the Works proposed to be executed under the Provisions of this Act will not improve in annual Value, or otherwise benefit the said several Lands belonging to the said *Henry Preston* and *Samuel Key* Clerk respectively: Be it therefore enacted,  
That

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That the Valuers shall exclude from the said several Classes of Lands to be taxed under this Act all the said Lands belonging to the said *Henry Preston* and *Samuel Key* respectively, and such Lands shall not be liable to the Payment of any Taxes to be levied under the Powers of this Act.

XLII. Provided always, That the Valuers, in determining what Drains shall be public Drains, shall have regard to existing Liabilities, by Prescription or otherwise, to the Maintenance of such Drains, and also to the Nature and Extent of User thereof, and in classing the Lands may take into account the Discharge from Liabilities to such Maintenance, and may award Compensation to the Owners of existing Drains in any Cases in which the same may be proper.

Valuers to have regard to existing Liabilities.

XLIII. That the said Valuers shall prepare a Statement, in Writing under their Hands, of the Classification of the said Lands, and deliver the same to the Clerk to the Commissioners within Six Months from the Time they shall accept their Appointment, or within such further Time as the Commissioners may appoint; and such Clerk shall, within Fourteen Days after the Receipt of the same, cause Notice to be given by Advertisement in Two Newspapers published in the City of *York* and Town of *Kingston-upon-Hull*, and by such other Means as the Commissioners may think fit, that the said Statement has been so deposited, and will remain with him for Thirty Days, for the Inspection of all Persons intended to be taxed under the same.

Valuer to make Statement and deliver it to the Clerk.

XLIV. That the said Clerk shall cause Copies of the said Statement to be deposited, for Inspection by the Proprietors of Land and Parties interested, with the Parish Clerk or One of the Parish Constables, in so many Places within the said District to be fixed by the Commissioners at One of their Meetings, and to be so situate as that no Person resident within the said District shall be required to travel more than Six Miles for the Purpose of inspecting the Statement; and the Clerk shall give similar Notice of such Deposits as in the Case of Deposits with him of the Statement last herein-before mentioned.

Copies of Statement to be deposited.

XLV. That if any Owner or Occupier of Land so taxed as aforesaid shall be dissatisfied with such Apportionment of the Taxation, or with such Classification of the Drains, and shall give Notice in Writing of his Objections thereto to the said Valuers or to the Clerk to the Commissioners within Thirty Days next after the Notice of the Delivery of the said Statement shall have been advertised, they the said Valuers shall appoint some convenient Time and Place, not earlier than Twenty-one Days from the first giving of such Notice, for holding a Meeting to hear the said Objections; and the said Valuers at such Meeting shall hear and finally determine the same, and shall be at liberty to make

Owners, &c. may make Objections, giving Notice of the same

Valuers to hear and determine Objections.

[Local.]

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any

*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

any Corrections in the said Taxation they may think fit; and the Determination of such Valuers shall be final and conclusive, unless and until the same shall have been altered as herein-after mentioned: Provided nevertheless, that no Land shall be put in a higher Class of Taxation, unless the Owner shall have had Ten Days Notice in Writing of the said Meeting, and of an Objection having been made to the classing of such Land, or unless a Meeting of the said Valuers shall be appointed, if required by such Owner, to hear and determine any Objection made by him to the proposed Alteration in the classing of the said Lands.

Umpire to  
be appointed.

XLVI. That the Commissioners shall, at the Time of appointing the said Valuers, nominate some fit Person who shall have had Experience in Works of Drainage, as a Third Valuer or Umpire, who shall hear and determine all Points in difference between the Valuers which may arise upon such Valuations; and the Determination of such Umpire upon such Points of Difference, when reduced into Writing and signed by him, and delivered to the Clerk to the Commissioners, shall be binding and conclusive, unless and until the same shall have been altered as herein-after mentioned.

Appoint-  
ment in case  
of Death, &c.

XLVII. That in case the said Valuers or Umpire, or either of them, or any Person hereafter appointed a Valuer or Umpire, shall die, or neglect or refuse or become incapable to act as a Valuer or Umpire, before the Duties of the said Valuers or Umpire shall have been fully performed, then and in such Case it shall be lawful for the Commissioners at any of their Meetings to appoint some Person who shall have had Experience in Works of Drainage to be a Valuer or Umpire in the Room or Stead of the Valuer or Umpire so dying, neglecting, refusing, or becoming incapable to act as aforesaid: Provided always, that Notice of the Intention to elect and appoint a Valuer or Umpire shall at all Times be given in the Advertisements of the Meeting at which such Election and Appointment are to take place.

Valuers to  
make Decla-  
ration before  
Meeting.

XLVIII. That no Person shall be capable to act as a Valuer or Umpire until he shall have made and subscribed the Declaration following; (that is to say,)

‘ I *A. B.* do solemnly and sincerely declare that I will faithfully,  
‘ impartially, and honestly, according to the best of my Skill and  
‘ Ability, execute and perform the several Trusts, Powers and  
‘ Authorities vested and imposed on me for classing and taxing  
‘ Land, by virtue of “ The Wapentake of Ouse and Derwent Drainage  
‘ Act, 1854,” according to Equity and good Conscience, and without  
‘ Favour or Affection, Prejudice or Partiality, to any Person or  
‘ Persons whomsoever.’

And

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And which Declaration shall be made and subscribed before any Commissioner authorized to act in execution of this Act, and shall be delivered to the Clerk of the Commissioners, and kept by him with the Documents belonging to them.

XLIX. That the Valuation and Classification, when made, of the several Lands subject to such Classification shall be final and conclusive and binding on all Parties interested, unless and until the same shall have been altered in manner herein-after mentioned. Apportionment final.

L. That if any Person shall think himself aggrieved by any Valuation, Classification, or other Order made by the said Valuers or their Umpire, he may, at any Time within One Month after the same is made, give Notice of his Intention to appeal to the Commissioners, but no such Appeal shall be entertained unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners; and the Commissioners at their next Meeting after the Expiration of the said Fourteen Days Notice, or at some Adjournment of such Meeting, shall hear and determine the Appeal, and the Decision of the Commissioners shall be final, unless the same shall be appealed against in the Manner hereafter provided. Parties may appeal to the Commissioners.

LI. That if any Person think himself aggrieved by any Valuation, Classification, or other Order made by the said Valuers or their Umpire, or by any Decision of the Commissioners made upon any Appeal against the same, he may at any Time within One Month after such Valuation, Classification, Order, or Decision is made, give Notice of his Intention to appeal to the next Quarter Sessions holden not less than Fourteen Days after such Notice, but no such Appeal shall be entertained at such Quarter Sessions unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given by the aggrieved Party to the Commissioners. Parties may appeal to the Quarter Sessions against the Taxes.

LII. That the Court shall hear and determine the Appeal in a summary Way at the Quarter Sessions for which any such Notice of Appeal is given, or at the following Sessions when the Court thinks fit to adjourn the Appeal to the following Sessions, and the Decision of the Court shall be final and conclusive on all Parties. Quarter Sessions to hear Appeal, whose Decision shall be final.

LIII. That no Order of the said Justices or Court of Quarter Sessions upon any such Appeal as aforesaid shall be removed by Certiorari or otherwise into any of Her Majesty's Courts at *Westminster*. No Order of Justices, &c. to be removed by Certiorari.

LIV. That the Commissioners shall cause every such Valuation and Classification to be printed, and a Copy thereof, signed by Five of the Commissioners and countersigned by the Clerk, to be deposited with Copy of Valuation and Classification to be

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deposited  
with the  
Parish Clerk  
of every  
Township in  
the District.

with the Parish Clerk of every Parish or Township in the District ; and such Clerk shall receive the said Valuation and Classification, and shall retain the same in the Parish Chest, and shall permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner and upon the like Terms and under the like Penalty for Default as is provided by the Act 7th *William* the 4th, and 1 *Victoria*, Chapter 83, in the Case of Plans and other Documents deposited with Parish Clerks under the Standing Orders of either House of Parliament.

Commis-  
sioners may  
have the  
Lands re-  
valued and  
classified.

LV. That from Time to Time, and when and as often as by reason of the Execution of further Works of Drainage in the said District the Commissioners shall be of opinion that the existing Valuation and Classification of the Lands has ceased to be just and equitable, it shall be lawful for the Commissioners to nominate and appoint Two Persons having Experience in Works of Drainage to view the Lands included in the existing Valuation and Classification, and also any other Lands in the same District not included in such Valuation and Classification ; and such Valuers shall revise the existing Valuation and Classification of the Lands in such District, and shall make such Alterations in such Valuation and Classification as may appear to such Valuers to be just and reasonable ; and all the Provisions of this Act relating to the Valuers under the First Valuation and Classification, and relating to their Powers and Proceedings, and to the Statement to be made, the Appeals against the same, the Notices to be given, the Copies to be deposited with Parish Clerks, and the Inspection and obtaining Copies thereof, and to the Appointment of an Umpire, and all other Provisions relating to the First Valuation and Classification, shall be applicable to every subsequent Valuation and Classification of the Lands in the District to be made by the Valuers to be appointed by the Commissioners for that Purpose, and to all Proceedings by such Valuers, or connected therewith ; and every such revised Valuation and Classification shall be binding upon all Parties, and shall be acted upon until any subsequent Re-valuation and Classification of the same Lands shall be made under this Act.

Revised Va-  
luations  
when com-  
pleted to be  
in substitu-  
tion for for-  
mer Valua-  
tion.

LVI. That when and so soon as any revised Valuation and Classification of the Lands in the District shall have been completed and finally settled, the Tax shall be charged and assessed according to the Prices and Sums at which the Lands shall have been classed and fixed by the Valuers or their Umpire in such revised Valuation and Classification ; and such revised Valuation and Classification shall from thenceforth be in substitution for the existing Valuation and Classification, except in respect of any Tax which may have been made or appointed to be paid by the Commissioners previous to the Completion of such revised Valuation and Classification.

LVII. That



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LVII. That when the Classification and Valuation of the Lands in the District shall have been fixed and determined by the said Valuers, it shall be lawful for the Commissioners in General or Special Meeting assembled, from Time to Time, in every Year as Occasion shall require, to assess and tax all the Lands in every Parish or Township in the said District which shall have been included by the said Valuers in any of the said Five Classes of Land, and the Owners and Occupiers of such Lands respectively, with such equal Sum or Sums of Money *per Acre* as the Commissioner shall think fit, not exceeding for the Lands in each Class the Taxes following; (that is to say,)

Class 1. Two Shillings and Sixpence *per Acre* :

Class 2. Two Shillings *per Acre* :

Class 3. One Shilling and Sixpence *per Acre* :

Class 4. One Shilling *per Acre* :

Class 5. Sixpence *per Acre* :

And so in proportion for any less Quantity than an Acre :

And such Taxes payable in such District shall be called "The Drainage Taxes;" and the first of such Taxes shall become due and payable on the First Day of *January* next after the Commencement of this Act, and all the subsequent respective Taxes on the First Day of *January* in every Year, and such respective Taxes shall be paid to such Persons and at such Time and Place as the Commissioners shall from Time to Time direct.

LVIII. And whereas the Situation and State and the Mode of the existing Drainage of the Lands now belonging to the Reverend *Joseph Dunnington Jefferson*, situate in the Townships of *Thorganby* and *West Cottingwith*, and included within the Limits of this Act, are respectively such as to render it certain that the Works proposed to be executed under the Provisions of this Act will not improve in annual Value or otherwise benefit more than Three hundred Acres of the said Lands: Be it therefore enacted, That the Valuers shall not under any Circumstances include more than Three hundred Acres of the said Lands of the said *Joseph Dunnington Jefferson* in the Classes of Lands to be taxed under this Act.

LIX. That if the Valuers shall not have completed their First Valuation and Classification of the said Lands by the First Day of *January* next after the Commencement of this Act, then the said Drainage Taxes shall be assessed by the Commissioners at some Meeting to be held within Three Months next after the Completion of the said Classification of the said Lands by the said Valuers; and if One Year only shall have elapsed since the Commencement of this Act, the said Taxes shall become due at the End of Three Months after the same shall have been so assessed; but if such Classification shall not have been completed before the First Day of *January* in the Second Year after the Commencement of this Act, then the Commissioners shall

[*Local.*]

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assess

Power to levy Rates and Taxes on the Land in each of the Classes herein named.

As to the Lands of the Rev. J. D. Jefferson in the Townships of Thorganby and West Cottingwith.

Time for assessing Taxes.

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assess the Annual Taxes for the First Year after the Commencement of this Act, and the Annual Taxes for the Second Year after the Commencement of this Act, and both Years Taxes shall become due at the End of Three Months after the Completion of the said Classification of Lands.

Power to  
levy Special  
District  
Taxes for  
extraordi-  
nary Works  
in particular  
Districts.

LX. That in every Case in which any extraordinary Work shall in the Judgment of the Commissioners be desirable to be executed in the District, but which Work can only be for the Benefit of a certain Parish, Township, or District, or of certain Lands in any Parish, Township, or District, and not for the General District, it shall be lawful for the Commissioners by their Order to declare that such Work is a Special District Work for the Benefit of the Parish, Township, or District, or of certain Lands in any Parish, Township, or District to be mentioned in such Order; and it shall also be lawful for the Commissioners, for the Purpose of executing and maintaining such Work, from Time to Time as Occasion shall require, at any General or Special Meeting of the Commissioners, to assess and tax all the Lands in the Parish, Township, or Special District, or the Lands to be benefited by such Work, either in One uniform Rate, or according to the Class or Classes into which such Lands may be divided under the Provisions of this Act, as the Commissioners may think just and reasonable, and the Owners and Occupiers of such Lands, with such further Sum or Sums of Money *per Acre* as the Commissioners shall think fit, not exceeding Two Shillings and Sixpence *per Acre* on such District or Lands, or on any of the Five Classes of Lands which may be subjected to such Rates, to be called "The Special District Rate for the Parish or District of, or for certain Lands in the Parish or District of \_\_\_\_\_," unless Three Fourths in Value of the Owners of the Lands so liable to be taxed shall consent in Writing to the levying and assessing of any higher Rate of Tax for the Purposes of such extraordinary Work, and then not exceeding the higher Sum *per Acre* to which such Three Fourths in Value of the said Owners shall have assented: Provided always, that the Liability of any Lands to any such Special District Tax shall not exonerate or discharge the same Lands from any General Drainage Tax to which the same shall be then liable unless the Commissioners by the Order or Assessment of such Special District Tax shall otherwise direct; and such Commissioners shall have Power from Time to Time to discharge such Lands from such General Drainage Tax, either wholly or in part, and to such Extent as they in their Discretion shall think proper.

Form of  
Taxation.

LXI. That any Taxation or Assessment made under the Provisions of this Act may be in the Form specified in the Schedule (A.) to this Act annexed, or to the like Effect.

LXII. That

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LXII. That public Notice of the Time and Place appointed for the Payment of the several Taxes hereby authorized to be charged by the Commissioners shall be given by advertising the same, at least Twenty-one Days before the Time appointed for Payment thereof, in not less than Three Newspapers, Two usually circulated in the City of *York*, and the other in the Town of *Kingston-upon-Hull*; and such Notice shall also, within the same Twenty-one Days, be affixed once in a conspicuous Place on One of the principal outer Doors of the Parish Church of each Parish in which any Lands subject to such Tax shall be situate.

Public Notice of Assessment of Taxes to be given.

LXIII. That the Order for every Tax made under the Powers of this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by any Five or more of the Commissioners; and every such Tax or Assessment, when made, shall be signed in like Manner, and shall be open to the Inspection of all Persons rated or liable to be rated under this Act, without Fee or Reward; and every such Tax shall be paid to such Persons, and at such Times and Places, as any Five or more of the Commissioners shall order or direct.

Orders for Taxes.

LXIV. That the Commissioners may make any such Tax as aforesaid prospectively in order to raise Money to pay Charges and Expenses to be incurred thereafter, or retrospectively in order to raise Money to pay Charges and Expenses already incurred.

Taxes may be retrospective or prospective.

LXV. That the Occupiers of all Lands within the said District who shall be rated to the Taxes to be assessed under the Powers of this Act shall pay the same, and may deduct the Amount so paid out of the Rents payable by them; and the Owner or Lessee of such Lands shall allow such Deductions out of the Rent, and every such Occupier shall be discharged of so much Money as the Taxes so paid by him shall amount to, as if the same had been actually paid to such Owner or Lessee as Landlord; but such Occupiers shall not be entitled so to deduct any Monies which they may have paid, or become liable to pay, for any Penalty or Expenses which may have been incurred or become payable by reason of the Nonpayment by such Occupiers of any Tax made under the Powers of this Act at the Time when the same ought to have been paid.

Occupiers to pay Taxes, and may deduct same from their Rents.

LXVI. Provided, That no Occupier of any Lands charged with any Taxes imposed under the Powers of this Act, who shall be the Lessee thereof under a Lease from any Corporation, sole or aggregate, or under any beneficial Lease for Lives, or under any Lease or Agreement of which, at the Time appointed by the Commissioners for the Payment of the said Taxes in any Year, there shall be Five Years unexpired,

No beneficial Lessee to deduct Taxes where Five Years are unexpired in the Lease.

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unexpired, shall be entitled to deduct the Amount of the said Taxes out of the Rent reserved by any such Lease or Agreement.

Creditors not to set off Interest against Taxes.

LXVII. That no Person being a Creditor on the Taxes imposed by this Act, and being an Owner or Occupier of any of the Lands to be taxed by virtue thereof, shall at any Time set off any Part of the Interest payable to him as such Creditor as aforesaid from any Sum of Money which shall be payable by him for such Taxes or Penalties.

Penalty for Nonpayment of Taxes.

LXVIII. That if any Person liable to pay any Tax made under the Powers of this Act shall neglect or refuse to pay such Tax or any Part thereof to the Person authorized to receive the same, at the Time and Place appointed for Payment thereof, for the Space of Twenty-one Days next after such Time appointed for Payment thereof, such Person shall forfeit and pay to the Commissioners One Tenth Part of the Amount of the Tax so due from such Person, the same to be recoverable in like Manner as the same Tax, and in addition thereto, and to be applied by the Commissioners for the Purposes of this Act.

Owners of unoccupied Property to pay Taxes.

LXIX. That when any Lands in respect of which the Occupier thereof, if the same were occupied, would be liable to pay any Tax made under the Provisions of this Act, shall be unoccupied at the Time of making such Tax, the Owner of such unoccupied Premises shall be liable to and shall pay the Amount of such Tax.

Power to employ Parish Officer to collect Taxes.

LXX. That, for the Purpose of facilitating the Collection of any Taxes by this Act authorized, and of diminishing the Expense thereof, it shall be lawful for the Commissioners to agree with the Surveyor of Highways, or Collectors of any Highway Rate, County Rates, or other Rate within the several Parishes or Townships in the said Districts, or in any Parish or Township within the same, for the Collection of any Taxes to be made in such District under the Powers of this Act, and for the Payment to such Persons of such Remuneration for the Collection of such Taxes as the Commissioners shall think proper; and it shall be lawful for any such Surveyor, or other Person collecting the said Taxes, to exercise all the Powers by this Act granted for collecting and enforcing Payment of such Taxes.

Taxes to be recovered by Distress.

LXXI. That if any Person rated under the Authority of this Act fail to pay any of the said Taxes and Penalties due from him for the Space of Twenty-one Days, any Five of the Commissioners may issue a Warrant of Distress under their Hands and Seals, and the Bailiff or other Person to whom any such Warrant shall be addressed shall and may seize and distrain any Goods or Chattels of the Person so failing to pay any such Taxes, being in or upon the Lands of such Person in respect of which such Taxes shall be payable; and in case

no

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no sufficient Distress can be found thereon whereby to levy the Amount of the Taxes so due or unpaid, then such Bailiff or other Person may seize and distrain any other Goods or Chattels of the Person not paying the said Taxes, which may be found in any other Place within *Great Britain*; and all such Distress may be impounded, sold, replevied, dealt with, and disposed of, as may by Law be done in the Case of Distress for Rent in arrear, on any Lease for Years, and the Surplus arising from the Sale of any such Goods and Chattels, after satisfying such Sum of Money and the Expenses of the Distress and Sale, shall be returned on Demand to the Party whose Goods shall have been distrained.

LXXII. That the Warrant of Distress for the Recovery of any Tax payable under the Provisions of this Act may be in the Form specified in the Schedule (B.) to this Act annexed, or to the like Effect, and any Demand or Summons shall not be necessary previously to executing such Warrant.

Form of  
Warrant of  
Distress.

LXXIII. That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser "*ab initio*" on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not  
unlawful for  
Want of  
Form.

LXXIV. Provided always, That in case no sufficient Distress can be found for levying any Taxes which shall be so unpaid as aforesaid upon the Lands chargeable therewith, then such Lands shall remain a Security for Payment thereof, together with the Penalties which shall have been and shall be incurred by the Nonpayment thereof, and all Goods and Chattels which shall at any Time thereafter be found thereon may be distrained and sold in the Manner herein-before provided, until all Arrears of the said Taxes, and such Penalties, and the Charges of such Distress, and other Costs and Charges which shall have been incurred by reason of the Nonpayment of such Taxes respectively, shall be fully paid and satisfied to the said Commissioners or their Treasurer or Collector.

Lands to re-  
main liable  
if no Distress  
found.

LXXV. That if any Tax by this Act authorized to be made shall be unpaid for the Space of Twelve Months next after the same ought to have been paid, and no sufficient Distress can be found upon the Lands on which the Tax so in arrear shall have been assessed, then and in every such Case the Commissioners, or any Five or more of them, at any Meeting assembled, may demise so much of such Lands

Lands may  
be let for  
Payment of  
Taxes.

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as

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as they shall judge sufficient to any Person who may be willing to take the same for any Term of Years, not exceeding Three Years, at the best yearly Rent which can be had or gotten for the said Lands, and shall apply the Rents arising therefrom in Payment of such Tax, and the Interest and Penalties due in respect thereof, and of any Charges or Expenses incurred by the Commissioners by reason of the Nonpayment of such Tax and by reason of the Proceedings consequent thereon, and shall render the Overplus of such Rents, if any, from Time to Time to the Persons appearing to be entitled thereto; and it shall be lawful for the Commissioners to distrain for any Rent so reserved in like Manner as they might have done if they had been actual Owners of the Lands so demised: Provided always, that before any such Lands shall be so let, Notice of the Intention to let the same, and of the Time and Place at which such Letting will take place, and a short Description of the Land so to be let, shall, Twenty-one Days at least before the Day appointed for such Letting, be posted on One of the principal Doors of the Parish Church of the Parish in which such Lands shall be situate.

Taxes may be recovered by Action.

LXXVI. That if any Taxes which shall be due or payable by virtue of this Act or any Part thereof shall not be paid within Thirty Days after the same shall become payable, then and in every such Case it shall be lawful for the Commissioners to recover such Taxes and all Arrears thereof, and all Penalties for Nonpayment thereof, and with Costs of Suit, by Action or other Proceedings to be brought in any Court of competent Jurisdiction against the Person or any of the Persons liable to pay the same.

Power to Commissioners to receive Taxes in advance, allowing Discount for the same.

LXXVII. That it shall be lawful for the Commissioners, if they shall think fit so to do, at any Time or Times to receive from any Person who may be desirous of advancing the same the Amount of the Taxes, or any of them, to which any Land belonging to him may be liable to be assessed under this Act for any Year or Number of Years, and to allow Discount for the same at such Rate, not exceeding Five Pounds *per Centum per Annum*, as may be agreed upon by the said Commissioners and the Person making such Payment, from the Time the same shall be made to the Time when the Taxes so paid in advance would be payable under the Provisions of this Act; and every Receipt for any Sum so paid in advance shall be a Discharge for the Taxes in respect of which the Payment shall have been made.

Application of Money received in advance of Taxes.

LXXVIII. That any Sums of Money which may be received by the Commissioners under the Powers herein contained in advance of any Taxes charged by this Act shall, in case any Debts charged on such Taxes shall remain due, be applied, so far as the same will extend, in Discharge of such Debts.

LXXIX. That

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LXXIX. That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on Mortgage or Bond, on the Credit of the Taxes of the District, any Sum or Sums of Money which they may think necessary for carrying the Provisions of this Act into effect, and in the event of any Part of such Sums of Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, so that there be not at any One Time more than the Sum of Ten thousand Pounds due on the Credit of the Taxes levied in the District; and for securing the Repayment of the Sum so borrowed with Interest the Commissioners may assign the Taxes hereby authorized to be imposed or received by them, or any Part thereof, with all Powers and Remedies for recovering and enforcing Payment thereof, to the Person who shall lend such Money, or some Person appointed by him; and every such Mortgage may contain any Provisions for continuing the Loan, and for the Payment of the Sum thereby secured by Instalments, and for reducing the Rate of Interest reserved, on Payment thereof within such Period after the Time appointed for Payment thereof as shall be in that Behalf agreed upon; and upon any such Loan any Receivers and Collectors may be appointed, and Provisions may be made for the future Appointment of such Receivers and Collectors, and such Receivers and Collectors shall act under such Circumstances, and have such Powers, and be remunerated in such Manner as shall be in that Behalf agreed upon; and it is hereby declared that the Receipt of the Commissioners under their Common Seal shall be sufficient Discharges for the Money borrowed under this present Provision, and that the Person advancing any such Money shall not be bound or concerned to see to the Application of the Money advanced by him, or be liable for the Misapplication or Nonapplication thereof, or be concerned to inquire whether the Sum advanced by him ought to be raised.

Power to  
borrow on  
Credit of  
District  
Taxes.

LXXX. That it shall be lawful for the Commissioners to borrow on Mortgage of any Special District Tax hereby authorized to be levied, when the same shall arise, any Sums not exceeding in the whole the Sum of Five thousand Pounds; and the Commissioners may pay off any Sums so borrowed and reborrow the same, so that there be not owing at any One Time on the Security of the said Special District Tax more than the Sum of Five thousand Pounds in the whole; and any Mortgage Deed of any Special District Tax may be in the same Form, and may contain, as well on the Part of the Commissioners as of the Mortgagees, any Powers, Covenants, or Provisions which under this Act may be inserted in any Mortgage of the Taxes of the District: Provided also, that it shall not be lawful for the Commissioners to reborrow any Sum paid off out of the Sinking Fund by this Act provided for paying off the said Principal Sum.

Power to  
borrow on  
Mortgage of  
Special Dis-  
trict Tax.

LXXXI. That

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Sum to be set apart as a Sinking Fund.

LXXXI. That the Sum to be set apart and appropriated out of the Taxes comprised in any Mortgage as a Sinking Fund to be applied in paying off the Principal Monies which shall have been borrowed or secured thereon shall not be less in each Year than One Twenty-fifth Part of the Monies so borrowed and secured.

Arrears may be enforced by Appointment of a Receiver.

LXXXII. That it shall be lawful for the Mortgagees of the Commissioners to enforce the Payment of Principal and Interest due on any Mortgage made under the Powers of this Act by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall, as regard Mortgages of the Taxes of the District, not be less than One thousand Pounds in the whole, and shall, as regards Mortgages of any Special District Tax, not less than Five hundred Pounds in the whole.

Mortgagees may levy Taxes if the Commissioners neglect.

LXXXIII. That in case the Commissioners shall at any Time while any Money shall remain due on any Mortgage made under the Powers of this Act, neglect or refuse to exercise all or any of the Powers hereby given to them for raising Taxes so as to meet and provide for the Payment of the Principal Money or Interest due on any such Mortgage, or on any Part thereof respectively, according to the Terms of such Mortgage, then and in every such Case it shall be lawful for the Mortgagees for the Time being of the Taxes by this Act authorized and comprised in any such Mortgage, or any of them, their Executors, Administrators, and Assigns respectively, for the Purpose of obtaining and enforcing the Payment of Interest or the Repayment of Principal Monies due on any such Mortgage, (as the Case may require,) to have and exercise (so far as regards the Taxes included in their respective Mortgages) the same or the like Powers, Rights, and Remedies for assessing, taxing, and charging the several Lands within the District for which such Monies shall have been raised, and for collecting, receiving, and enforcing the Taxes so assessed, as are by this Act, and the several Acts and Part of Acts incorporated herewith, given to the Commissioners for the like Purposes.

Application of Monies raised by Mortgage, &c.

LXXXIV. That all Principal Sums to be raised by way of Mortgage on the Credit of the Taxes of the District shall be carried to the Principal Account of the District, and shall be applied in the first place in paying the Costs, Charges, and Expenses of and incident to the applying for and obtaining this Act, and in the next place in executing within the District such Works of Drainage as the Commissioners shall from Time to Time direct to be executed therein.

LXXXV. That



*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

LXXXV. That all Monies to be received from the Taxes to be levied under this Act in the said District, and the Money arising from the Sale of Land or otherwise in such District, shall be carried to the Revenue Account, and shall be applied as follows ; (that is to say,) Application of Revenue.

First, in paying the Expenses of Management incurred by the Commissioners :

Second, in paying the Interest for the Time being payable on the Principal Sums owing on the Credit of the Taxes levied within the District :

Third, in setting aside the annual Sum directed to be annually set apart as a Sinking Fund to pay off the Principal Monies owing on the Credit of the Taxes of the District :

Fourth, in maintaining and improving the general Works of Drainage within the District, and Payment of Compensations, and generally in carrying this Act into execution.

LXXXVI. That all Monies to be received from any Special District Tax which may be levied for the Execution of any extraordinary Work in any Special District shall be carried to a separate Account, and shall be applied as follows ; (that is to say,) Application of Special District Tax;

First, in paying the Interest for the Time being payable on any Principal Sum of Money borrowed and secured on such Special District Tax :

Second, in setting aside the Sum by this Act directed to be set apart as a Sinking Fund to pay off the Principal of such Monies :

Third, in maintaining and improving the Work for which such Special District Tax is levied :

And any Principal Sum which shall be borrowed on the Credit of such Special District Tax shall be applied in executing the extraordinary Work for the Purpose of which such Special District Tax was authorized ; and if after executing and completing the same there shall be any Surplus of such Monies, the same shall be applied in aid of the Sinking Fund for paying off the same Principal Monies. and of Principal Monies raised thereon.

LXXXVII. That it shall be lawful for the Commissioners from Time to Time to make such Byelaws as they shall think fit for all or any of the following Purposes ; (that is to say,) Power to Commissioners to make Byelaws.

For regulating the Use of the Drains, and the Times of opening and closing the Sluices and other Works therein :

For regulating the Time and Manner of cleansing the same, and the Prevention and Removal of Obstructions therein :

For the general Management of the Works in the District under the Control of the Commissioners.

LXXXVIII. And the Commissioners may from Time to Time, as they shall think fit, repeal or alter any such Byelaws : Provided always, Byelaws may be repealed  
 [Local.] 33 I that

*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

or altered  
from Time to  
Time.

that such Byelaws shall not be repugnant to the Laws of *England* or the Provisions of this Act, and such Byelaws shall be reduced into Writing and have affixed thereto the Common Seal of the Commissioners, and shall be confirmed and published in manner herein-after mentioned.

Byelaws may  
be enforced  
by Imposi-  
tion of  
Penalties.

LXXXIX. That it shall be lawful for the Commissioners, by the Byelaws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Forty Shillings for each Breach of such Byelaws: Provided always, that such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby shall be sought to be recovered, to order the whole or Part only of such Penalty to be paid.

Byelaws not  
to come into  
Operation  
until con-  
firmed.

XC. That the Byelaws made under the Authority of this Act shall not come into operation until the same be allowed by some Judge of some of the Superior Courts, or by the Justices at the General Quarter Sessions holden in and for the East Riding of the County of *York*; and it shall be incumbent on such Justices, on the Application and Request of the Commissioners, to inquire into any Byelaws tendered to them for that Purpose, and to allow or disallow the same as they shall think meet.

Notice of  
Intention to  
apply for  
Confirmation  
of Byelaws  
to be given  
by Advertise-  
ment.

XCI. Provided always, That no such Byelaws shall be so allowed or confirmed as aforesaid unless Notice of the Intention of the Commissioners to apply for a Confirmation of the same have been given in Two or more Newspapers of the County of *York*, One Month at least before the hearing of such Application; and any Person desiring to object to any such Byelaws, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the hearing of the Application for the Allowance or Confirmation thereof, may, by himself, or his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

A Copy of  
proposed  
Byelaws to  
be open for  
Inspection.

XCII. That, for One Month at least before any such Application for Allowance or Confirmation of any Byelaws, a Copy of the proposed Byelaws shall be kept at the principal Office of the Clerk of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward, and the Commissioners shall furnish any Person who shall apply for the same with a Copy thereof or any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Byelaws to  
be binding on  
all Parties.

XCIII. That all Byelaws made and confirmed according to the Provisions of this Act, when so published and put up as required by  
this

*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

this Act, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

XCIV. That the Production of a written or printed Copy of the Byelaws requiring Confirmation by a Judge of the Superior Courts or the Court of Quarter Sessions, authenticated by the Signature of the Judge, or of the Chairman of the Court who shall have approved of the same, shall be Evidence of the Existence and due making of such Byelaws in all Cases of Prosecution under the same, without Proof of the Signature of such Judge or Chairman; and with respect to the Proof of the Publication of any such Byelaw, it shall be sufficient to prove that a Board containing a Copy thereof was put up and continued as required by this Act with respect to such Boards, and in case of any of such Boards afterwards being displaced or damaged, that the same was or were replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Boards, or any of them, did not contain Copies of such Byelaws, or were or was not put up or continued as directed by this Act.

Proof of  
Publication  
of Byelaws.

XCV. That the said Byelaws, when confirmed, shall be printed, and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same without Charge; and a Copy thereof shall be painted or placed on Boards, and put up in some conspicuous Part of the principal Office of the Clerk of the Commissioners, and also on some conspicuous Part in or near each of the Drains to which the same applies; and such Boards, with the Byelaws thereon, shall be from Time to Time renewed as Occasion shall require; and the Byelaws so to be put up in the principal Office of the Clerk of the Commissioners shall be open to Inspection without Fee or Reward, and in case the Clerk to the Commissioners shall not permit the same to be inspected at all reasonable Times he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Publication  
of Byelaws.

XCVI. That it shall be lawful for the Commissioners to let, either by Public Auction or Private Contract, the Grass and Herbage growing and accruing in or upon any of the Occupation Roads or Drove ways, or the Banks erected thereon, or other Ground belonging to or vested in the Commissioners under the Powers of this Act, to any Persons willing to take the same for the Purpose of mowing but not of grazing such Grass and Herbage, for any Term not exceeding Three Years, and upon such Rents and Conditions, and with, under, and subject to such Covenants, Proviso es, and Agreements, as may be agreed upon between them; and every Lease of such Grass and Herbage may be executed by any Five or more of the

Power to  
grant Leases  
of Herbage  
growing on  
Roads, &c.

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the Commissioners on behalf of the Commissioners, and shall be binding and conclusive upon the Commissioners and their Successors.

Power to catch Moles and other Vermin.

XCVII. That the Commissioners shall have Power and they are hereby authorized to destroy all such Moles and other Vermin as shall be found in and about the Lands within the Limits of this Act, and also in and about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person or Persons, at such Wages and Salary as they shall think proper, and that they, and such Person or Persons as they shall so employ, shall and lawfully may enter into and upon the said Lands and Banks, or any or either of them, for that Purpose.

Penalty on throwing Rubbish into the Drains.

XCVIII. That if any Person, upon any Pretence whatsoever, after the passing of this Act, except for the Repair and Maintenance of the Works by this Act authorized, shall unload or cast out of any Boat, or from any Carriage, or from any House, Warehouse, or other Building, Quay, Yard, Garden, Bank, Place, or Ground, any Ballast, Sand, Stones, Chalk, Rubbish, Filth, Gravel, or Ashes, or any other gross Substance whatsoever, into any of the Drains or Watercourses within the Limits of this Act, the Master or Owner of any such Boat or Carriage, or any other Person or Persons so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons committing certain Offences.

XCIX. That every Person who commits any of the following Offences shall be liable to a Penalty not exceeding Five Pounds for every such Offence; (that is to say,)

Every Person who sets or places any Fishing Net, Eel Trap, Eel Leap, or other Device or Thing in any Drain, Dyke, Ditch, Cut, Stream, or Watercourse made or maintained by the Commissioners within either of the said Districts, whereby the Current and Passage of the Water shall or may be prevented, obstructed, or diminished:

Every Person who, without the previous Consent in Writing of the Commissioners, shall let any Water from the River *Ouse* into any of the Drains within the said District:

Every Person who shall at any Time obstruct the Commissioners, or any Person employed by them, in the Performance of anything which they are respectively empowered or required to do by this Act or Part of Act incorporated herewith.

Penalties for Encroachments.

C. That every Person who shall make, erect, build, or plant, maintain or continue, any Building, Hedge, Stile, Gate, or Fence upon any of the Banks or Forlands of the Banks or other Lands vested in or belonging to the Commissioners, and shall not remove any such Building,

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Building, Hedge, Gate, Stile, or Fence, for the Space of Twenty-one Days next after Notice in Writing so to do shall have been given to him or left at his usual Place of Abode by the Commissioners or their Clerk, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Sum not exceeding Twenty Shillings for every Day during which the Offence shall be continued.

CI. That if any Person shall, without the Assent of the Commissioners, suffer his Cattle, Stock, or Swine to stray upon or graze or to root up the Soil, or otherwise damage any Bank made or used or to be made or used under the Authority of this Act, or if any Person shall drive any Waggon, Cart, or other Carriage upon any of the Banks already made or hereafter to be made within the said District, unless such Bank be made upon a common Roadway, and sufficient Room for the Passage of such Waggon, Cart, or other Carriage shall not be left along the Side of such Bank, every such Person shall be liable to a Penalty not exceeding Five Pounds.

To prevent the driving of Carriages on the Banks.

CII. That all Penalties and Forfeitures which under the Provisions of this Act, or of any Act or Part of any Act incorporated herewith, shall become payable by any Person other than the Commissioners, shall be awarded and paid over to the Commissioners, and shall be by them applied for the Purposes of the District in respect of which such Penalty shall have been incurred or paid.

Application of Penalties.

CIII. That any Notice, Demand, or other such Document required or deemed necessary to be given, made, or delivered by the Commissioners or their Clerk, or any of their Surveyors, Collectors, or other Officers, under or by virtue of the Provisions of this Act, to any Person, (except in Cases where it is specially provided that any such Document may be transmitted by Post,) may lawfully be served by delivering the same to such Person, or by delivering the same to his Wife or Servant, or any Inmate, at his usual or last known Place of Residence or Business.

Service of Notices or other like Documents on Persons in general.

CIV. That after the Commencement of this Act all the Powers and Jurisdictions now vested in any Court or Commission of Sewers in or over all or any of the Lands comprised in the said District, under or by virtue of any of the Statutes for the Time being in force relating to Sewers, shall cease and determine, and such Lands shall thenceforth be exempt from the Powers and Jurisdiction of any such Court of Commissioners; but any of the Powers for the Time being conferred by the said Statutes for the Draining of Lands may be exercised by the Commissioners under this Act within the Limits of this Act.

Lands in District exempted from Jurisdiction of Commissioners of Sewers.

[*Local.*]

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CV. That

*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

Saving the  
Rights of the  
Crown.

CV. That nothing whatsoever contained in this Act, or in any of the Acts herein referred to, shall extend to authorize the Commissioners to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors, or to render any Lessee or Tenant of Her Majesty liable to any Rate or Tax to be assessed by virtue of this Act, it being the Intention and Meaning of this Act that all Lands and Hereditaments belonging to Her Majesty shall be entirely and absolutely exempted from the Operation of the same.

Saving the  
Rights of  
other Drain-  
age Commis-  
sioners under  
Local Acts.

CVI. Provided always, That the Powers by this Act given to the Commissioners shall not take away, alter, or prejudice any Rights, Powers, and Authorities now subsisting and capable of taking effect of any other Commissioners appointed by or under the Provisions of any Act of Parliament for draining or improving any of the Lands within the Limits of this Act.

Not to affect  
the Liability  
of other Per-  
sons to scour  
out the  
Drains.

CVII. Provided also, That nothing in this Act contained shall extend, or be construed to extend, to affect or alter the Liability of or the Obligation on any Body or Bodies Politic or Corporate, or any Commissioners, or on any other Persons, to scour out the Drains and Watercourses within the Limits of this Act, or any of them, or to do or repair any of the Banks or other Works hereby directed or authorized to be done or repaired, or to fix the same upon the Commissioners, or upon the Owners or Occupiers of Lands and Grounds hereby directed to be taxed, rated, or assessed, or any of them, but such Liability shall remain as if this Act had not been made, except as is herein otherwise expressly provided; and for the Purpose of enforcing the Execution of any of the said Works, or of any other Works affecting the Drainage, to the Repair or Maintenance of which such Bodies or Persons may be liable, or of executing the same and recovering the Costs thereof, the Commissioners shall have and may exercise all the same Powers and Authorities as by the Laws for the Time being in force relating to Sewers, or any Commission or Court of Sewers, if in force within the District, might have and exercise for such Purposes or any of them, or otherwise in relation thereto.

CVIII. Saving

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*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

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CVIII. Saving always to all and every other Persons, Bodies General Saving. Politic, Collegiate, and Corporate, and their Heirs, Successors, Administrators, or Assigns, all such Estates, Rights, and Interests, not prejudicial to the said Drainage, as they had and enjoyed of, in, to, or out of, or in respect of the Lands, Grounds, and Premises hereby intended to be drained and improved before the passing of this Act, or could or might have had or enjoyed in case the same had not been passed.

CIX. That all the Costs, Charges, and Expenses of and incidental Expenses of Act. to the applying for, obtaining, and passing of this Act shall be paid by the said Commissioners.

*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

*Form of Assessment.*

We, the undersigned, being Five of the Wapentake of Ouse and Derwent Drainage Commissioners, acting under "The Wapentake of Ouse and Derwent Drainage Act, 1854," present at a Meeting held pursuant to the said Act on the \_\_\_\_\_ Day of 18 \_\_\_\_ at \_\_\_\_\_ of the Clock in the Forenoon, at the \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ do hereby assess, rate, tax, and charge the Lands mentioned in the annexed Book, also signed by us, and in such Book distinguished by the Numbers by which the same Lands are distinguished on a certain Plan made or adopted by the said Commissioners in pursuance of the said Act, and called "Plan of Wapentake of Ouse and Derwent Drainage, pursuant to Act of Parliament, A.D. 1854," and being within the Limits of the District bounded and described as in the said Act mentioned, and the respective Owners and Occupiers of the said Lands whose Names are mentioned in each Page of the said Book, with the severally Amounts and Sums, and at the Rate for every Acre of the said Lands, according to the Class of such Lands particularly set forth in the Schedule hereunder written, and so in proportion for any greater or less Quantity than an Acre; and the Commissioners order and direct that the Taxes hereby imposed shall be deemed a District Tax, or (as the Case may be) a Special District Tax, and shall be paid to Mr. \_\_\_\_\_ the Collector appointed by the Commissioners to receive the same, at the Dwelling House of the said \_\_\_\_\_ situate in the \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ next, between the Hours of Ten in the Forenoon and Four in the Afternoon of that Day.

SCHEDULE ABOVE REFERRED TO.

Occupier.	Owner.	Parish or Hamlet.	No. on Plan.	Description.	Quantity.	No. of Class.	Rate of Tax per Acre.	Amount.

SCHE-



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*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

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## SCHEDULE (B.)

*Form of Warrant of Distress.*

We, the undersigned, being Five of the Wapentake of Ouse and Derwent Drainage Commissioners, acting under "The Wapentake of Ouse and Derwent Drainage Act, 1854," do hereby under the Powers of the said Act authorize and require you, and any and each of you, to enter into and upon  
in the Possession and Occupation of  
situate at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
and numbered \_\_\_\_\_ on the Plan mentioned in the Taxation or  
Assessment of the \_\_\_\_\_ Tax by the said Commissioners of  
Drainage, on the \_\_\_\_\_ Day of \_\_\_\_\_ 18\_\_\_\_  
and into and upon all Messuages and Tenements standing thereon, or  
belonging thereunto, with the Appurtenances, and to levy the Sum of  
\_\_\_\_\_ due, and by them directed to be paid at a Time now  
passed by the said \_\_\_\_\_ for a Tax imposed by the  
said Commissioners of Drainage upon the said \_\_\_\_\_  
and upon the said \_\_\_\_\_ as the Occupier thereof, in  
and by the said Taxation, and now in arrear and unpaid, together  
with \_\_\_\_\_ for a Penalty incurred by the  
said \_\_\_\_\_ by his Default in not paying the said  
Tax, by Distress of any Goods or Chattels which shall be found  
on the said Premises, and in case no sufficient Distress can be  
found thereon, then to seize and distrain any other Goods or Chattels  
of the said \_\_\_\_\_ which may be found  
in any other Place in Great Britain, and the Goods and Chattels  
so distrained to impound on the Premises, or to take, lead, drive,  
carry away, and keep for the Space of Five Days, at the Costs  
and Charges of the Owner or Owners thereof, giving or leaving  
the Notice required in such Case by the Statutes in such Case made  
and provided; and in case of the Nonpayment of the said several  
Sums of Money, and the Charges attending such Distress and  
Removal, and of the non-replevyng of the Goods and Chattels  
distrained within Five Days next after such Distress made and Notice  
given as aforesaid, then we further authorize and require you, any  
and each of you, to cause the Goods and Chattels so distrained to be  
appraised and sold according to the Provisions of the said Act,  
for and towards Satisfaction of the said Monies, and the Charges  
of taking, keeping, removing, appraising, and selling the said Goods  
[Local.] 33 L and

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*The Wapentake of Ouse and Derwent Drainage Act, 1854.*

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and Chattels, and to deal with the Overplus (if any) as directed by the said Act, and for so doing this shall be your sufficient Warrant and Precept.

Witness our Hands and Seals this                      Day of

L. S.

L. S.

L. S.

L. S.

L. S.

To  
and each of them.

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