ANNO DUODECIMO

Georgii III. Regis.

CAP. XXXVII.

An Act for draining and preſerving certain Commons, Low Grounds, and Cars in the Pariſh of *Market Weighton*, and other adjacent Pariſhes in the Eaſt Riding of the County of *York*; and for making a Navigable Cut or Canal from *Market Weighton* to the River *Humber*.

WHEREAS certain Commons, Low Grounds, and Cars, within or near the Villages, Townſhips, or Pariſhes of Market Weighton, Blacktoft, Everingham, Harſewell, Seaton, Roſs, Holme upon Spalding Moor, Foggathrope, Gribthrope, Spaldington, Burſea, Hasſholm, Wholſea, North Cliffe, South Cliffe, Hotham, Houghton, Bromfleet, Faxfleet, Shipton, Sancton, and alſo a certain Common called Walling Fen, in the Eaſt Riding of the County of York, containing Twenty thouſand Acres of Land, or thereabouts, Preamble.

abouts, are subject to be overflowed, or otherwise annoyed with Water, and by that Means rendered in a considerable Degree unprofitable to the Proprietors thereof: And whereas the draining of the said Commons, Low Grounds, and Cars, and the making the Main or Principal Drain navigable from the River Humber, at or near a Place called Fossdike Clough, situate on the Banks of the said River, to or near a Place called Bow Bridge, at or near the Town of Market Weighton aforesaid, will be of great Utility to the Publick, and tend to the considerable Benefit and Advantage of the Proprietors of the said Commons, Low Grounds, and Cars; but the same cannot be effected without the Aid of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That John Lund of the City of York, Robert Foster of Burton Constable, in the County of York, John Raines of Burton Constable aforesaid, John Dunnington of Thorganby, in the said County of York, and Edward Johnson of the Town of Kingston upon Hull, Gentlemen, and their Successors, to be appointed as herein-after is expressed, shall be, and they are hereby appointed Commissioners for draining the said Commons, Low Grounds, and Cars, and for making the Main or Principal Drain navigable, and for executing and completing all and singular the Works, Matters, and Things which shall be necessary or proper for the carrying those Purposes into full and perfect Execution; and all and singular the Powers, Authorities, and Trusts by this Act given to and reposed in the said Commissioners hereby nominated as aforesaid, and their Successors, to be appointed as herein-after is expressed, shall remain and continue in them for all the Purposes hereafter expressed, until the Drainage and Navigation aforesaid shall be completely made, effected, and perfected, and the Award herein-after mentioned shall be signed and sealed by the said Commissioners, or their Successors, or the major Part of them respectively, without being subject to any

Commissioners.

Controul

Controul from the Trustees herein-after constituted and appointed, or any of them, in the Direction and Management of the said Drainage and Navigation, or any of the Works to be by the Order of the said Commissioners made, constructed, or carried on for or towards the effecting those Undertakings and Purposes respectively.

And for the preserving, supporting, and perpetuating such Drainage and Navigation, when the same shall have been effected and perfected by the said Commissioners or their Successors, and for the executing in the mean Time the several Powers and Trusts herein-after mentioned to be granted to and vested in the Persons next herein-after named, and their Successors, to be chosen and appointed as herein-after mentioned; be it further enacted by the Authority aforesaid, That the Right Honourable George Cavendish, commonly called Lord George Cavendish, the Right Honourable Frederick Cavendish, commonly called Lord Frederick Cavendish, the Right Honourable John Cavendish, commonly called Lord John Cavendish, the Right Honourable Richard Cavendish, commonly called Lord Richard Cavendish, the Right Honourable George Cavendish junior, commonly called Lord George Cavendish, the Right Honourable William Lord Viscount Gallway in the Kingdom of Ireland, Sir William Anderson, Sir Griffith Boynton, Sir Charles Hotham, Sir Digby Legard, Sir James Pennyman, Sir Joseph Pennington, Sir William Saint Quintin, Sir Savile Slingsby, Sir George Strickland, Baronets; Sir George Montgomery Metham Knight, the Reverend John Fountayne Doctor in Divinity, William Anderson, Almar, Ainsty, Francis Best, Thomas Barker, Thomas Bowman, Thomas Constable, William Cayley, John Cayley, Francis Drake, John Dealtry, Thomas Ellis, John Empson, Robert Evans, Thomas Eglin, James Foster, Ford, Richard Gee, Henry Goodrick, John Holmes, Randle Hancock, Samuel Johnson, Thomas Leak, Robert Midgley, Francis Matson, Thomas Moseley, John Preston, Ponsonby, John Robinson, Robert Robinson, James Stillingfleet, John Simpson, Isaac Thompson, Francis Tong, Thomas Wakefield, John Whaley, William Ward, James Willoughby, William

Welfit, Seymour, Clerks; Charles Anderſon, Robert Appleton, Teavil Appleton, William Ayre, Robert Athorpe, George Athorpe, Jonathan Acklon, John Arthur, John Arthur the younger, Thomas Athorpe, Hugh Bethel, William Bethel, Chriſtopher Bethel, Francis Boynton, Francis Beſt, John Bowman, Iſaac Broadley, Thomas Broadley, Richard Beatniffe, Leuyns Boldero Barnard, Henry Barnard, Leuyns Barnard the younger, Robert Burton, William Brown, John Broadley, Richard Bell, Francis Bailby, Thomas Barſtow, Chriſtopher Bayles, Joſeph Blyth, John Banks, William Battle, George Brook, John Brown, William Breighton, Richard Battle, Richard Burton, Cornelius Caley, William Conſtable, William Haggerſton Conſtable, Marmaduke Conſtable, Marmaduke William Conſtable, William Middleton Conſtable, John Courtneay, James Collins, Nathaniel Cholmley, John Chambers, Robert Clark, William Carr, Stephanus Caiſter, William Caiſter, John Croyſer, Michael Clarkſon, Henry Brewſter Darley, Richard Darley, William Dixon, William Denniſon, John Drinkrow, Henry Drinkrow, Robert Dewſberry, John Dunn, Joſhua Dunn, William Dickens, John Danſer, Roger Manwaring Ellerker, William Ellerker, Edward Ellerker, Henry Etherington, Samuel Everingham, John Edwards, Amaziah Empſon, Barnard Foord, George Flint, John Grimſton, Robert Grimſton, Chriſtopher Goulton, Roger Gee, Thomas Goulton, James Grabourn, Elliner Garton, Cary Gill, Cary Gill junior, Marmaduke Guy, George Gibſon, Athorpe Garton, Stanhope Harvey, John Hudſon, Randolphus Hewit, John Hewit, Thomas Haſſale, John Hodgſon, John Harland, William Hall, William Hill, Thomas Hill, William Hudſon, Burton Hall, Paul Harriſon, Richard Hodgſon, Abraham Haigh, Robert Jefferſon, Peter Johnſon, Ingram, John Johnſon, Henry Jubb, Simon Jewitt, Thomas Johnſon, Robert Knowleſly, Thomas Knowlton, Luke Lillingſton, Philip Langdale, Charles Langdale, William Langdale, Ralph Lutton, James Leighton, John Leeming, Charles Leybourn, William Leyborn, Henry Maiſter, Jonathan Midgley, William Meek, Carlton Monkton, George Montgomery Metham, John Millington,

ton, William Mountain, Timothy Mortimer, Thomas Muſgrave, Chriſtopher Megſon, Richard Mounton, Michael Newton, Marmaduke Nelſon, John Nicholl, Edward Nixon, Thomas Nixon, Timothy Newmarſh, Humphry Oſbaldeſton, John Oldfield, William Ombler, Charles Anderſon Pelham, William Preſton, Charles Pool, William Paul, Shermar Rookſby, Charles Robinſon, John Rickaby, Henry Diſney Woolhouſe Roebuck, John Raper, Rudſton Calverley Rudſton, William Reed, William Richardſon, James Richardſon, Thomas Rhodes, John Ramſey, William Sotheron, William Sotheron the younger, Philip Saltmarſh, Arthur Saltmarſh, Philip Saltmarſh the younger, John Scholefield, Philip Scholefield the younger, William Strickland, Thomas Sutton, Savage, William Stephenſon, William Scoulcroft, William Sonley, Richard Sterne, Charles Slingſby, Thomas Turner Slingſby, Robert Stockdale, Robert Spofforth the younger, Humphry Trafford, Beilby Thompſon, Richard Thompſon, Lillington Thompſon, William Vauſer, Henry Willoughby, Thomas Worſley, Banaſtre Walton, William Wilberforce, William Wilberforce junior, William Wilberforce the youngeſt, Samuel Watſon, William Weddel, Charles Witty, Thomas Williamſon, Joſeph Williamſon, Thomas Waldby, Thomas Walker, John Wakefield, Ralph Wiſe, William Whittaker, John Whittaker, William Williamſon, and William Waines, and their Succeſſors, to be appointed as herein-after is expreſſed, ſhall be, and they are hereby appointed Truſtees for the Drainage and Navigation aforeſaid, with ſuch Powers and Authorities as are herein-after expreſſed for the due and effectual Execution of their ſaid Truſt.

Qualification of Truſtees.

And be it further enacted, That no Perſon ſhall act as a Truſtee in the Execution of this Act, unleſs he ſhall advance the Sum of Two hundred Pounds, or more, towards carrying on the ſaid Navigation, or being a Perſon to whom ſuch Subſcription ſhall be aſſigned, or unleſs he ſhall at the Time of ſuch acting be ſeiſed of, or intitled to, an Eſtate of Lands, Tenements, or Hereditaments, in Poſſeſſion for his own Life, or the Life of another Perſon, of the clear yearly Value of Fifty

Fifty Pounds above Reprizes, or shall be Heir-apparent to some Person having an Estate in Lands, Tenements, and Hereditaments, of the clear yearly Value of Three hundred Pounds, or possessed of a Personal Estate of the Value of Two thousand Pounds: And in case any Person shall act as a Trustee in the Execution of this Act, who has not subscribed the Sum of Two hundred Pounds, or been the Assignee of such Subscription, or not having a Real or Personal Estate as aforesaid, or not being Heir-apparent to some Person having such Estate as aforesaid, every such Person so acting, shall forfeit the Sum of One hundred Pounds to any Person or Persons who shall inform and sue for the same; to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, in which it shall be sufficient to declare for so much Money due to such Prosecutor by virtue of this Act; and no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed to the Defendant in any such Action; and the Proof of such Qualification shall lie on the Person so prosecuted, and no other Proof shall be requisite on the Part of the Prosecutor than that the Defendant in such Action has acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner or Trustee in the Execution of any of the Powers given by this Act, (unless it be the Powers hereby given of administering Oaths), until he shall have taken an Oath to the Effect following:

Commissioners to take the following Oath.

I *A B* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Judgement, execute and perform the Powers and Trusts given to and reposed in me, by virtue of an Act for draining and preserving certain Commons, Low Ground, and Cars, in the Parish of *Market Weighton*, and other adjacent Parishes in the East Riding of the County of *York*, and for making a navigable Cut or Canal from *Market Weighton*, to the River *Humber*. *So help me* GOD.

Which Oath One of the said Commissioners, or Trustees respectively, is hereby authorised and impowered to administer to any other Commissioner or Trustee, at any Meeting of such Commissioners or Trustees respectively held by virtue of this Act.

Notice to be given for electing new Commissioners.

And be it further enacted, That upon the Death, Disqualification, or Refusal, or Neglect to act, after such Notice as herein-after mentioned, of any Commissioner hereby nominated, or to be elected and appointed as hereafter mentioned, the Trustees hereby nominated, or to be appointed by virtue of this Act, or any Seven or more of them, shall and may, from Time to Time, at any Meeting or Meetings in pursuance of this Act, (Twenty Days Notice at least being given in the Weekly News-paper called The York Courant, and in case there shall be no such Paper, then in some other News-paper usually circulated in the said County of York, of the Time and Place of such intended Meeting), elect One other Commissioner, not interested in the said Commons, Low Grounds, or Cars, or any of them, in the Room of every such Commissioner who shall happen to die, or be disqualified, or neglect or refuse to act, or who, after Notice in Writing, signed by the rest of the then acting Commissioners, or the major Part of them, of his being required to attend at any Meeting of the said Commissioners to be held in pursuance of this Act, shall decline or neglect to attend at such Meeting, without assigning any reasonable Cause for the same, to be approved by the rest of the said Commissioners; and every Person so to be elected, and signifying his Acceptance of such Trust under his Hand within Ten Days after such Election, shall have the same Powers and Authorities, to all Intents and Purposes, as if he had been named a Commissioner in this Act: Provided that if any Commissioner, hereby nominated as aforesaid, or who may be elected by virtue of this Act as aforesaid, shall at any Time hereafter become in any Manner interested in the said Commons, Low Grounds, and Cars, or any of them, such Commissioner, immediately after he shall so become interested therein, shall be, from thenceforth, incapable of acting

Commissioners interested in Commons, &c. incapable of acting.

as a Commissioner by virtue of this Act, and another Commissioner, with such full Powers as aforesaid, shall and may be elected in his Room, by the said Trustees, or any Seven or more of them, at a Meeting to be held in pursuance of such Notice as aforesaid, in the same Manner as if such Commissioner so becoming interested was dead; and if any such Commissioner, after he shall become interested in the said Commons, Low Grounds, and Cars, as aforesaid, or any of them, shall presume to act as a Commissioner in the Execution of this Act, such Commissioner shall forfeit and pay to the then acting Trustees, by virtue of this Act, the Sum of Fifty Pounds; to be recovered in the same Manner, and by the like general Manner of Declaring and Proof, as the Penalty for acting as a Trustee under this Act, not being qualified as this Act directs, is herein-before directed to be recovered.

Trustees dying, or refusing to act, others to be chosen.

And be it further enacted, That upon the Death, Refusal, or Neglect, to act, after such Notice as herein-after mentioned of any Trustee hereby nominated, or to be elected and appointed as hereafter mentioned, the Trustees hereby nominated, or to be appointed by virtue of this Act, or any Seven or more of them, shall and may, from Time to Time, at any Meeting or Meetings in pursuance of this Act, (Twenty Days Notice at the least being given in the Weekly News-paper called The York Courant, or other News-papers as aforesaid, of the Time and Place of such intended Meeting), elect some other Person, (qualified as herein before is required) to act as a Trustee under this Act, and such Person so elected shall be from thenceforth a Trustee, by virtue of this Act, for the Execution of all the Powers and Authorities hereby given to, and vested in the Trustees herein-before named, in the Room of every such Trustee who shall happen to die or refuse to act, or who, after Notice in Writing, signed by any Two or more of the then acting Trustees, of his being required to attend at any Meeting of the said Trustees, to be held in pursuance of this Act, shall decline or neglect to attend at such Meeting, without assigning any reasonable Cause for the same, to be approved by the said Trustees, or any Seven

or

or more of them, at any Meeting to be held in pursuance of this Act; and every Person so to be elected a Trustee, shall have the same Powers and Authorities, to all Intents and Purposes, as if he had been named a Trustee in this Act.

Trustees may act as Justices.

And be it further enacted, That such of the Trustees appointed, or to be appointed, in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may and is, and are hereby authorised and impowered to act as a Justice or Justices of the Peace within the Limits of his or their proper Jurisdiction respectively, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees; provided such Justice or Justices is or are otherwise qualified, and not interested in the Matter in Question, other than as a Trustee or Trustees.

Time and Place of Commissioners Meeting.

And be it further enacted, That the said Commissioners, or the major Part of them, shall meet within Six Weeks after passing this Act, at the House of William Vawser, known by the Sign of The Black Swan, in the Town of Market Weighton aforesaid, or at some other House in the said Town, and shall then proceed to the Execution of this Act; and the said Commissioners, or the major Part of them, may, from Time to Time, agree upon, and hold any future Meetings, with or without Adjournment, at such Times, and Place or Places, being within Twelve Miles distant from the said intended Navigation aforesaid, as they, or the major Part of them, shall think most convenient, for putting this Act in Execution.

Commissioners to hold One general annual Meeting.

Provided always, That the said Commissioners, or the major Part of them, shall, and are hereby required to hold One General Annual Meeting, for the Purposes herein-after expressed, at Market Weighton aforesaid, on the Fifth Day of May in every Year, not being Sunday, and in case the same shall happen to be Sunday, then on the Day next following, until all and every the Powers and Authorities given to the said Commissioners by this Act shall be fully and completely executed and performed.

Provided

Proviso.

Provided also, That nothing shall be done by the said Commissioners or Trustees, in the Execution of this Act, but at a Meeting to be held in pursuance of this Act, or in Consequence of some Order or Orders made at such Meeting or Meetings.

How Meetings are to be held.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorised and impowered, from Time to Time, both before and after the Execution of the Award by this Act directed to be made, to hold any Meeting or Meetings, with or without Adjournment, at such Time or Times, Place or Places, being within Twelve Miles distant from the said Navigation, as they the said Trustees, or any Seven of them, shall think most convenient; and if at any Meeting or Meetings appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall, from Time to Time, as often as such Case shall so happen, by Notice to be given in The York Courant, or some other News-paper as aforesaid, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, within Thirty Days after the Day for which such last Meeting was appointed.

Trustees not to hold a Place of Profit,

And be it further enacted, That no Person shall act as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act; and that the said Trustees, and every of them, at all and every the Meetings to be held for the Execution of this Act, shall bear and defray their own Expences; but that all other Charges and Expences they, or any of them, shall or may be put unto, by executing the Powers vested in them by this Act, shall be repaid or allowed to them, and they shall be indemnified against the same, by and out of the Monies arising from the Drainage or Navigation respectively by virtue of this Act.

Trustees at Meetings to defray their own Expences.

but shall be repaid all other Charges when executing their Powers, &c.

Commissioners to have Direction of Drainage.

And be it further enacted, That the said Commissioners, until the said Drainage and Navigation shall be

finally completed, and the said Commissioners shall have made their Award as herein-after directed, shall have the Direction and Survey of all the private Works of Drainage within the said Commons, Low Grounds, and Cars.

Outring and Division Dikes to be kept open.

And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the said Commons, Low Grounds, and Cars, or any Part thereof, to which any Leading, Outring, or Division Dike or Dikes, doth or shall belong, hath or have filled up, or shall fill up, or make any Dam, Heading, or Way over the same, without laying a sufficient Stock, Tunnel, or Bridge, in, under, or over it or them, or shall neglect or refuse sufficiently to reed, road, scour, cleanse, open, or repair such Leading, Outring, or Division Dike or Dikes, after Twenty-one Days Notice given to him, her or them, for that Purpose, by the respective Surveyor or Surveyors, Collector or Collectors, for the Time being, appointed by virtue of this Act, so that such Outring or Division Dikes may at all Times be made and kept of such Size and Dimensions as the said Commissioners, or the major Part of them, shall direct, and have a free and open Communication with the Main or Mother Drains to be made in pursuance hereof; then it shall and may be lawful for such Surveyor or Surveyors, Collector or Collectors, to cause such Dike or Dikes to be reeded, roaded, scoured, and cleansed, or enlarged in a sufficient Manner as aforesaid; and where there is not a sufficient Stock, Tunnel, or Bridge, in, under, or over such Dams, Headings, or Ways, to cause such Stock, Tunnel, or Bridge, to be taken up, and made so wide and deep as the same ought to be; and by Warrant or Warrants under the Hands and Seals of the said Commissioners, or the major Part of them, (which they, or the major Part of them, are hereby impowered to grant), to levy the Charge thereof upon the Goods and Chattels of such Owner or Owners, Occupier or Occupiers, by Distress and Sale thereof, (over and above the other Rates and Taxes chargeable, or to be charged, upon the same Ground and Premises, by virtue of this Act), rendering

the Overplus, (if any), to such Owner or Owners, Occupier or Occupiers, when demanded, after all Charges paid.

All Lands to be drained, and Works of Drainage or Navigation to be under the Direction of Commissioners, and to be discharged from the Jurisdiction of any Commission of Sewers.

And be it further enacted, That, for the more effectual Execution of this Act, all the Lands and Grounds whatsoever, within the said Commons, Low Grounds, and Cars, and all Works whatsoever already made, or to be made, or erected by virtue of this Act, for the Purpose of the said Drainage or Navigation, or the Improvement thereof, and also all Sewers, Drains, Watercourses, and all other Matters and Things whatsoever within the said Commons, Low Grounds, and Cars, shall, from and after the First Meeting of the Commissioners hereby appointed, be subject to the Controul, Direction, Survey, Order, and Jurisdiction, of the said Commissioners and their Successors, and, from and after the Execution of the said Award, to the Controul, Direction, Survey, Order, and Jurisdiction, of the said Trustees, and their Successors, and not to the Controul, Direction, Survey, Order, or Jurisdiction, of any Commission of Sewers, or any Law or Statute relating to Sewers; any former Law or Statute to the Contrary notwithstanding.

Commissioners may make Cuts, Drains, &c. and maintain the same.

And be it further enacted, That, for the effectual draining, preserving, and keeping dry the said Commons, Low Grounds, and Cars, and for making, preserving, and maintaining the said Navigation, it shall and may be lawful to and for the said Commissioners, or the major Part of them, and they are hereby authorised and impowered, at any of their Meetings to be held by virtue of this Act, in, upon, or through, the Lands and Grounds of any Person or Persons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, to make, dig, cut, erect, set up, enlarge, open, remove, alter, and maintain, or order and cause to be made, dug, cut, erected, set up, enlarged, opened, removed, altered, and maintained, and, from Time to Time, to be repaired and kept in Repair, all such Cuts, Trenches, Passages, Gutters, Watercourses, Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Staunches, Reservoirs, Drains, Wharfs, Quays, Landing-places,

Weigh-beams, Cranes, Banks, Fences, Cloughs, Engines, Paths, or Ways for towing or haling with Men, Horses, or otherwise, and other Works, Ways, Roads, and Conveniencies, in such Manner, Order, and Form, as the said Commissioners, or the major Part of them, shall think necessary and convenient, or to purchase any Cloughs or other Works which they shall think fit or proper for accomplishing the Drainage, and other Purposes by this Act intended; and also for making and keeping the said main Drain navigable and passable for Barges, Boats, Lighters, and other Vessels, to cleanse, scour, open, deepen, enlarge, or make strait the same; and also to cleanse, scour, open, deepen, enlarge, alter, divert, or conduct any other Streams, Brooks, or Watercourses, which do come or may be brought into the same, or made to communicate therewith (so that no Water in any Stream, Brook, or Watercourse, flowing from Londesbrough into the Foulney, be diverted or turned into the said navigable Canal before the same Water shall have entered the Foulney); and to dig, cut, or raise the Banks thereof as they shall see Occasion, and to make such new Cuts, Canals, and Trenches in, upon, or through, any Lands or Grounds, as the said Commissioners, or the major Part of them, shall think necessary or convenient for carrying on and completing the said Drainage and Navigation; and also to get, dig, take, and carry away Soil, Clay, Gravel, or Stone, and other Materials proper, requisite, and convenient for making, carrying on, altering, and continuing the said Works and Undertakings in or from any Grounds of any Person or Persons adjoining or lying contiguous to the said Works, or any of them, or in any other Places where such Materials can be most conveniently got (not being a House, Orchard, Garden, Yard, planted Walk, or Avenue to a House); and also to carry and convey the said Materials in, over, and upon such and all other Lands and Grounds necessary for the Conveyance thereof, and to place and lay any Earth, Clay, Gravel, Stone, or other Materials or Things necessary or convenient to be got or used in or upon account of the several Matters and Works aforesaid, on the Lands or Grounds near to the Place or

Places,

Places where such Works, or any of them, shall be making, erecting, altering, or repairing; and also to do and perform all such other Works, Matters, and Things, as the said Commissioners, or the major Part of them, shall, from Time to Time, adjudge proper or convenient for the Purposes of this Act; and to make Contracts with any Person or Persons for performing any of the Works, Matters, and Things, that shall be thought necessary in the Execution of this Act, Fourteen Days Notice being given by the said Commissioners, or the major Part of them, in The York Courant, or such other News-paper as aforesaid, of the Time and Place of their receiving Proposals for such Contracts, they the said Commissioners, or the major Part of them, their Agents, Workmen, or Servants, first making Satisfaction to the respective Owners of, and Persons interested in such Lands, Grounds, Tenements, or Hereditaments, as shall be used, removed, or prejudiced, in or by the Execution of any of the Powers hereby granted, in Proportion to their several and respective Interests therein, in Manner hereinafter directed.

Bridges to be made over Drains.

Provided also, and be it enacted, That if by the making any Drain, Ditch, or other Work, by virtue or in pursuance of this Act, the Passage of any Person or Persons to or from any Part of his, her, or their Grounds with Cattle or Carriages shall be prevented or interrupted, the said Commissioners, or the major Part of them, shall, and they are hereby required, before or immediately after such Work shall be completed, to cause proper Bridges, Gates, Stiles, Fences, Passages, and Tunnels, to be made, erected, set up, and for ever after to be supported and maintained, for the convenient Passage of the Occupier or Occupiers respectively to and from the same with his, her, and their Cattle and Carriages, and to defray the Expences of erecting, making, and maintaining such Bridges out of any Monies arising by virtue of this Act from the Drainage and Navigation respectively.

Charges of the Act how to be paid.

And be it further enacted, That, for the raising and levying such Sum or Sums of Money as the said Commissioners, or the major Part of them, shall adjudge to be necessary for defraying such peculiar Share of the Charges

of obtaining this Act, as herein-after mentioned and directed to be paid, by or out of the Assessment upon Lands, and for carrying on and completing the said Drainage, and every incidental Purpose relating thereto, it shall and may be lawful to and for the said Commissioners, or the major Part of them, from Time to Time, as they shall see Occasion, to assess, tax, and charge the respective Owners and Occupiers of such of the said Low Grounds and Cars as are occupied and enjoyed in Severalty, and which shall be benefited by the said Drainage, by an Acre-tax with such gross Sum or Sums of Money as to the said Commissioners, or the major Part of them, shall seem requisite, so that the Whole of such gross Sum or Sums of Money so to be assessed for the carrying on and completing the said Drainage, shall not exceed the Sum of Forty Shillings for every Acre, and so in proportion for a less Quantity than an Acre: And the said Commissioners, or the major Part of them, shall, and they are hereby required to Rate and Proportion such respective Acre-tax, or Taxes, according to the Benefit arising from, and the Expences occasioned by, the Drainage of the respective Lands and Grounds so to be assessed; and shall make, or cause to be made, and fairly written upon Paper, a separate Acre-tax or Taxes for each of the Townships or Parishes, the Lands whereof are to be assessed and taxed as aforesaid, which shall contain and express the Names of the several Owners and Occupiers of Lands within the said Townships or Parishes respectively, for his, her, or their Number of Acres so to be assessed, and the Sums at which the same are so assessed, and shall therein cause to be inserted Thirty Days previous Notice of the Time and Place when and where, and of the Name or Names of the Person or Persons to whom the Payment thereof shall be made; to which Paper so written the said Commissioners, or the major Part of them, shall respectively subscribe their Names, and then cause the same to be affixed upon the Church Door of the respective Parish or Parishes so assessed and taxed: And also that it shall and may be lawful to and for the said Commissioners, or the major Part of them, from Time to Time, to tax and charge all and every the said Commons, and such of the said Low

Grounds and Cars which are not possessed or enjoyed in Severalty, but are subject to Rights of Common or Pasture, and which shall be benefited by the said Drainage, with such respective gross Sum or Sums of Money as they shall judge necessary for the Purposes of the hereby-intended Damage, so that the Whole of such gross Sum or Sums shall not exceed the Rate of Forty Shillings for every Acre; and the said Commissioners, or the major Part of them, shall cause a Paper or Papers in Writing, specifying and expressing the gross Sum or Sums so respectively to be taxed and charged upon the said Commons, Low Grounds, and Cars, subject to the Rights of Common of Pasture as aforesaid, and signed by them, to be affixed upon the Church Door of the Parish or Parishes within which the said Commons and the last-mentioned Low Grounds and Cars do lie; and in the said Paper shall insert Notice, not being less than Thirty Days, of the Day and Place when and where the said respective gross Sum or Sums are to be paid to them, or the Person or Persons they shall appoint to receive the same, which said Paper shall be a sufficient Notice to the several Persons interested in the Lands and Grounds so charged with such gross Sum or Sums for the Payment of the same.

Enforcing Payment of Taxes.

And be it further enacted, That if any Owner or Owners, Occupier or Occupiers, of any the said Low Grounds and Cars, so occupied and enjoyed in Severalty, shall refuse or neglect to pay such Sum or Sums, Rate or Rates, Tax or Taxes, charged upon him, her, or them respectively, within Thirty Days after the Time or Times appointed for the Payment of the same, as aforesaid, it shall and may be lawful for any Person or Persons, by virtue of any Warrant or Precept to him or them directed, under the Hands and Seals of the said Commissioners, or the major Part of them, (which Warrant or Precept the said Commissioners, or the major Part of them, are hereby impowered and required to grant, as Occasion shall require) to raise and levy the Sum or Sums so rated, taxed, or charged, by Distress and Sale of the Goods and Chattels of such Person or Persons making Default as aforesaid, wherever the same shall be found, and also of any Goods and Chattels, which shall be found on the Lands and Premises, in respect whereof such Sum

or

or Sums of Money shall be so assessed and charged; and if such Lands and Premises shall at any Time hereafter be untenanted, or unoccupied, or no sufficient Distress can be found for levying the said Taxes or Assessments, then the said Lands and Premises shall remain a Security for the Payment of the same; and the said Commissioners, or the major Part of them, in such Case, shall, (after Default of Payment for Six Calendar Months, having first given Three Calendar Months Notice in Writing to such Owner, or his Agent, or left at his, her, or their Place of Abode), and they are hereby authorised and impowered to let the said Lands and Premises from Year to Year, at the best Rent that can be procured for the same, and to take the Rents and Profits thereof, until the said Taxes and Assessments, and all Arrears thereof, and all Expences occasioned by the Non-payment thereof, shall be fully paid and satisfied; and the Residue, if any, shall be paid into the Hands of the Treasurer or Clerk of the said Commissioners, and by him paid to the Owner or Owners of such Lands, or his, her, or their Agent when demanded.

A Part of the Commons may be inclosed for defraying the Tax.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or the major Part of them, upon the Request of a Majority in Value of the Proprietors or Persons interested in any the said Commons, Low Grounds, and Cars, subject to Rights of Common, as aforesaid, or in case the said gross Sum or Sums, tared and charged as aforesaid, shall be in Arrear or unpaid for the Space of Thirty Days next after the Time to be appointed for Payment thereof as aforesaid, to inclose, or cause to be inclosed, such Number of Acres of and from the said Commons, Low Grounds, and Cars, tared or charged with such gross Sum or Sums, as they shall think sufficient to defray the same, and also the Charge of making such Inclosure, the Residue of the said Lands and Grounds (in case the said inclosed Part shall not be sufficient to raise and pay the said gross Sum or Sums) still remaining liable to pay the said gross Sum or Sums, so that the Whole of such inclosed Lands do not exceed One Tenth Part of the Whole of such Commons and Low Grounds and Cars; and that the said

Commissioners, in whom such inclosed Part or Parts are hereby declared to be vested, shall and may, from Time to Time, grant a Lease or Leases of the Part or Parts so to be inclosed unto any Person or Persons, at and for the best Rent they can get for the same, for any Term not exceeding Fourteen Years; and that the Rent or Rents arising from such inclosed Part or Parts, after the aforesaid gross Sum or Sums of Money shall be paid, shall be applied, so far as the same will extend, towards defraying the Expences of erecting and making Banks, Engines, Drains, and other Works necessary for the Purpose of Drainage; or it shall and may be lawful to and for the said Commissioners, or the major Part of them, to borrow and take up at Interest such Sum or Sums as shall be equal to the said gross Sum or Sums, and the Charges occasioned by such Inclosure or Inclosures as aforesaid, and for securing the Re-payment thereof, with Interest, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to grant and demise such inclosed Part or Parts, to such Person or Persons as shall advance the Money so to be borrowed, his, her, or their Executors, Administrators, or Assigns, for any Term or Number of Years, as the said Commissioners, or the major Part of them, shall think fit; every such Grant and Demise to be made with a Proviso to cease and be void on Payment by the respective Proprietors of, and Persons interested in, the Lands so to be mortgaged, his, her, or their Heirs or Assigns, of the principal Money so to be borrowed, with Interest for the same, as aforesaid, within Six Calendar Months after such principal Money shall be so borrowed.

When any Part of *Walling Fen* shall be inclosed, the Proportion of Lands liable to pay Tithes shall be settled according to the Proportion of the Land Tax payable by each Parish, &c.

And be it further enacted, That when any Part of the said Common called Walling Fen shall be inclosed for the Purposes of this Act, the Proportion of Lands liable to pay Tithes to each Parish, Township, or Place, having Right of Common on the said Fen, shall be settled and ascertained by the said Commissioners, or the major Part of them, according to the Proportion of the Land-tax payable by each and every such Parish, Township, or Place; and such Determination shall be entered and signed by the said Commissioners, or the major Part of them, in One of the Books to be kept for the entering of the

Bye-laws, Orders, Constitutions, and Proceedings, of the said Commissioners and Trustees.

The Rector of *Hotham* may borrow Money on his Glebe Lands, &c.

And be it further enacted, That it shall and may be lawful to and for the Rector of the Parish of Hotham for the Time being, and he is hereby authorised and impowered, by and with the Consent of the major Part of the said Commissioners, and after the Execution of the Award herein directed to be made, by and with the Consent of Seven or more of the said Trustees, to charge the Glebe Lands and Grounds belonging to the said Rectory, and which shall be assessed, taxed, and charged, with any Rates and Taxes by virtue of this Act, with any Sum or Sums of Money for defraying the said Rates and Taxes, not exceeding the Sum or Sums charged on such Glebe Lands and Grounds, for the Purposes of this Act; and for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, demise, or otherwise subject the said Glebe Lands and Grounds, unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively, for any Term or Number of Years, so as every such Grant, Mortgage, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as every such Grant, Mortgage, or Demise, contain a Proviso that the Rector of the said Parish for the Time being shall not be liable, upon becoming Rector of the said Parish, to the Payment of a further or larger Arrear of Interest than for One Year preceding the Time of the Death, Resignation, or Cession of the last Incumbent.

Proviso.

Provided always, That the Rector of the said Parish for the Time being shall not only keep down the Interest of such Sum or Sums of Money so borrowed upon the Credit of the said Glebe Lands and Grounds, but shall also annually pay off and discharge One Tenth Part of such Sum or Sums of Money, until the Payment of the whole Sum or Sums so borrowed shall be completed; any Thing to the Contrary thereof notwithstanding.

Mortgages to be deemed personal Estates.

And be it further enacted, That all Mortgages to be made or granted as aforesaid, shall be deemed personal Estates, and shall and may be respectively assigned, transferred, and assignable, from Time to Time, by Indorsements without Stamps; and that a Memorial of all such Mortgages and Monies from Time to Time lent thereon, and Assignments thereof respectively, shall be entered in a Book, to be kept for that Purpose by the Treasurer or Clerk to the said Commissioners, who shall, at the Request of every Mortgagee, Grantee, or Assignee respectively, enter the same, without demanding or receiving any other Fee or Reward than the Sum of Three Shillings and Sixpence for every such Entry.

Survey to be made in Writing, and delivered to Commissioners.

And be it enacted, That a true and distinct Survey shall be made of all the several Lands and Grounds which the said Commissioners, or the major Part of them, shall adjudge and determine to be liable to be rated and tared by virtue of and within the Meaning of this Act, by such Person or Persons as the said Commissioners, or the major Part of them, shall appoint; and such Survey shall be reduced into Writing; and the Number of Acres, Roods, and Perches, within the said Commons, Low Grounds, and Cars, or other Grounds to be benefited thereby, shall be therein specified and described; and such Survey shall be delivered to the said Commissioners, or the major Part of them, within Thirty Days after the same shall have been completed, and shall be verified upon the Oath of the Person or Persons so making the same; which Oath any One of the said Commissioners is hereby impowered and required to administer.

Commissioners to determine Boundaries of Commons.

And whereas some Doubts may arise as to the exact Extent of the Commons liable to be tared by virtue of this Act, be it further enacted, That where the Boundaries between any Two or more Commons now lying open, and in common adjoining to each other, are doubtful, and not at present certainly known, it shall and may be lawful for the said Commissioners, or the major Part of them, and they are hereby authorised and required to meet and view the said Commons, Ten Days Notice of such Meeting being given in the Parish Church or Chapel of each Town interested in the said Commons, on some

some Sunday immediately after Divine Service, and by Notice, in Writing, fixed on the Church or Chapel Door, by the Examination of Witnesses upon Oath, (which Oath any One of the said Commissioners is hereby impowered to administer) or by such other Evidence as they shall think material, to settle, fix, determine, and ascertain the Limits and Boundaries of such Commons; and such Determination being expressed and declared by some Instrument in Writing, under the Hands and Seals of the said Commissioners, or the major Part of them, shall be final and conclusive to all Intents and Purposes; which Instrument in Writing shall, within Six Calendar Months next after the executing the same, be inrolled with the Clerk of the Peace for the East Riding of the County of York.

Commissioners to determine Disputes about Lands liable to be overflowed.

Provided always, and be it enacted, That in case it shall be alledged by any of the said Proprietors, that any specifick Lands belonging to him, her, or them respectively, and which shall be comprehended in, and charged or chargeable with any such Rate, Tax, or Assessment, as aforesaid, are or ought to be deemed High Lands, and that the same have not been subject to be overflowed or otherwise annoyed by Water, the Truth and Justice of such Allegation shall be determined by View of the major Part of the said Commissioners; and no Tax or Assessment shall be paid or payable, or liable to be raised or levied, in respect of such Land so charged, until such Determination shall be made by the said Commissioners; and such Commissioners, or the major Part of them, shall set forth their Determination in Two or more distinct Writings, and shall sign the same, and One of such Writings shall be delivered to the Owner of such Lands, or his known Agent; and in case of more Owners than One of such Lands, then such Writing shall be delivered to the Churchwardens and Overseers of the Poor of such Parish or Parishes, Place or Places, in which such Lands do lie, and the other of such Writings shall be delivered to the Clerk of the said Commissioners.

In what Manner Disputes about high Lands shall be settled.

Provided always, and be it enacted, That in case it shall be alledged by any of the said Proprietors, (within Twenty-four Days after Notice given, of the

Sum or Sums at which his, her, or their respective Lands or Grounds are tared and assessed as aforesaid) by the Determination, upon View of the said Commissioners, or the major Part of them, that any specifick Lands belonging to him, her, or them respectively, and which shall be comprehended in, and charged with, any such Rate, Tax, or Assessment, as aforesaid, are or ought to be deemed High Lands, and that the same have not been subject to be overflowed or otherwise annoyed by Water, or being strictly within the Description of Low Lands, and having been subject to be annoyed with Water, shall be charged or chargeable with any greater or higher Tax than the due Proportion that such Land ought to bear contrary to the true Intent and Meaning of this Act; that then, and in either and every of such Cases, the same shall be settled and determined by a Jury in the same Manner, and under the same Powers, Directions, and Penalties, as are herein given and granted in Cases of Disputes concerning the Purchase of Lands, Tenements, and Hereditaments, to be made use of for the Purposes of this Act; and in case the said Lands shall be deemed Low Lands liable to be tared, or in case the said Lands shall not be deemed to be overcharged, then, and in either of the said Cases, the Person or Persons so alledging as aforesaid, shall pay all the reasonable and necessary Expences of summoning and maintaining such Jury and the Witnesses, and the other Expences attending the same.

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

And be it further enacted, That the Tares to be charged and assessed as aforesaid, by virtue of this Act, shall be paid by the Tenants of the Land charged with the same respectively; and such Tenants shall and may retain and deduct the same out of the Rents payable by them respectively, to the Owner or Owners of such Lands.

except Tenants whose Leases will not expire till after the End of Seven Years,

Provided always, That in case any Tenant shall hold any Lands so to be tared by virtue of and under any Lease for any Term of Years which will not expire until the End of Seven Years, to be computed from the Day of the passing of this Act, then such Tares shall be paid by the Lessor or Lessee, or in such Shares and Proportions

portions between the Lessor and Lessee of such Lands, as shall be adjudged, ascertained, and determined by the said Commissioners, or the major Part of them.

Provided also, That all Persons holding their Lands under any Bishop's Lease, College Lease, or Church Lease, not at Rack-rent, shall pay the whole Taxes in respect of the Lands so tared, and shall not be intitled to any Deduction out of their Rents in respect thereof. and Tenants under Church and College Leases.

And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to restrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the said intended navigable Cut or Canal shall be made, under or by virtue of this Act, from making, erecting, or using any Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, in or upon their respective own proper Lands, Grounds, or Wastes, adjoining or near to the said Cut or Canal hereby authorised to be made, or from landing any Goods or Merchandise, or other Things thereupon, or upon the Banks lying between the same, and the said new-intended Cut or Canal, or for making and using proper and convenient Places for Boats, or other Vessels, to lie in, turn, or pass by each other, so that the making, erecting, or using thereof respectively, shall and do not obstruct or prejudice the Navigation of the said intended Cut or Canal, or the Towing-paths, or Sides thereof; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing-places, Cranes, Weigh-beams, and Warehouses respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds or Wastes, who shall make and erect such Wharfs, Quays, Landing-places, Cranes, Weigh-beams, or Warehouses, upon their own respective Lands, Grounds, or Wastes respectively, his, her, and their Heirs and Assigns, so that the Rates, Tolls, or Duties granted to the said Commissioners, or the major Part of them, for Tonage and Wharfage, shall not be thereby reduced or altered. Lords of Manors, or Landowners may erect Warehouses.

Commissioners may build after 12 Calendar Months, Notice given to the Owners.

Provided always, and be it enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months after Notice given in Writing by or on Behalf of the said Commissioners, or the major Part of them, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, make, erect, and maintain, in substantial Repair, in the Opinion of the said Commissioners, or the major Part of them, proper and sufficient Warehouses and Buildings agreeable to a Plan or Plans thereof, which is and are hereby required and directed to be delivered to such Lord or Lords, Owner or Owners, at the same Time or Times when such Notice or Notices shall be given as aforesaid, on the respective Part or Parts of the Lands, Grounds, and Wastes, comprised and described in such Notice; then, and in every such Case, the said Commissioners, or the major Part of them, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, for erecting such sufficient Warehouses and Buildings, agreeable to such Plan or Plans so delivered as aforesaid, making Satisfaction for the same in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

Anser Dam, Thornton Dam, Temple Dam, and *Hodlet Cloughs*, may be taken away with Consent of Commissioners or Trustees.

And be it further enacted, That the several Persons liable to cleanse and scour the several Drains and Sewers called Anser Dam, Thornton Dam, Temple Dam, and Hodlet, and also to maintain and keep in Repair the several Cloughs belonging to the said several Drains or Sewers, and standing upon the Banks of the said River Humber and the River Ouze, in the said East Riding, and their several and respective Heirs and Assigns, shall, at the Expiration of Three Years, at any Time or Times after the said Drainage and Navigation shall be completed, by and with the Consent of the said Commissioners, or the major Part of them, during the Continuance of their Authority as aforesaid, or of the said Trustees, or any Seven of them, after the Authority of the said

Commissioners shall be determined (as the Case shall happen to be) at any of their Meetings to be held by virtue of this Act, but not otherwise, be exonerated and discharged of all further Charges and Expences of cleansing or scouring the said several Drains or Sewers, and also of maintaining and keeping in Repair the said several Cloughs for the Purposes of Drainage; and that then and from thenceforth it shall and may be lawful to and for the said several Persons, and their several and respective Heirs and Assigns respectively, to take up and remove all the Brick, Stone, Iron, Timber, and other Materials of or belonging to the said several Drains and Cloughs, and to sell and dispose of the same respectively at their own Will and Pleasure, and for their own respective Use and Benefit, any Law, Statute, Usage, or Custom, to the Contrary thereof notwithstanding.

If the Commissioners shall continue *Hodlet Clough*, the same shall be maintained in the same Manner as the other Works.

Provided always, and be it further enacted, That if the said Commissioners, or the major Part of them, during the Continuance of their said Authority, or the said Trustees, or any Seven of them, shall, after the said Cut or Canal shall be made from the said River Humber through a Place called Osmadike Marr, at any of their Meetings as aforesaid, think it expedient or proper to make use of and continue the said Clough and Sewer leading thereto, called Hodlet, for the Purpose of an assistant Drainage, for the Benefit of the several Townships and Places intended to be drained by virtue of this Act, that then, and at all Times thenceforth, the said Clough and Sewer shall be maintained, repaired, and kept open by a general Charge, in such and the like Manner as all the other Works to be made by virtue of this Act for the Purposes of the said intended Drainage are to be maintained and supported.

Works vested in Commissioners until their Award, and then in Trustees.

And be it further enacted, That the Estate and Property of and in the several Locks, Cloughs, Engines, and all and singular other Works to be made use of for the Purposes of such Drainage or Navigation respectively, and of the Materials of which the same shall consist, and also all Materials which shall be actually got or collected to be made use of in such Works, shall be, and they are hereby vested in the said Commissioners, and their Successors,

Succeſſors, to be appointed as aforeſaid, until they ſhall have ſigned and ſealed their Award, as herein after directed; and from and after the ſigning and ſealing of ſuch Award the ſame ſhall be, and are hereby veſted in the Truſtees herein-before named, or to be elected, as aforeſaid; and they the ſaid Commiſſioners, or the major Part of them, during the Continuance of their ſaid Intereſt therein, and after the Determination of ſuch Intereſt, then the ſaid Truſtees, or any Seven or more of them, are hereby impowered to bring, or cauſe to be brought, any Action or Actions, in the Name of their Treaſurer or Clerk, or to prefer or order the preferring of Indictments againſt any Perſon or Perſons who ſhall injure or diſturb them the ſaid Commiſſioners or Truſtees reſpectively in the Poſſeſſion, Uſe, or Enjoyment of the Premiſes, or any of them.

Commiſſioners may remove Obſtructions.

And be it further enacted, That the ſaid Commiſſioners, or the major Part of them, are hereby authoriſed, and ſhall have Power, from Time to Time, to remove, or cauſe to be removed, all Impediments, Annoyances, and Obſtructions whatſoever, from Time to Time, being in or near any Drain or Work, ſubject to their Power, Ordering, or Direction, by virtue of this Act; and in caſe the Perſon or Perſons who ſhall occaſion any ſuch Impediment, Annoyance, or Obſtruction, ſhall refuſe or neglect to remove the ſame in ſuch Manner as the ſaid Commiſſioners, or the major Part of them, or their Agents, Officers, or Workmen ſhall require, by the Space of Six Days after Notice in Writing given for that Purpoſe, every ſuch Perſon or Perſons ſo neglecting or offending, on Conviction before any Juſtice of the Peace for the Eaſt Riding of the County of York, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Juſtice; and for want of ſufficient Diſtreſs ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Common Gaol or Houſe of Correction for any Time not exceeding Three Calendar Months, nor leſs than Twenty-one Days, or until ſuch Penalty ſhall be

be paid, or otherwise compounded for; which Composition the said Commissioners, or the major Part of them, are hereby impowered to make.

The Course of the Navigation.

And be it further enacted, That the said Commissioners, or the major Part of them, shall begin the said main Drain or navigable Canal at or near the said Foss Dyke Clough, situate upon the Banks of the said River Humber, and shall carry on, complete, and finish the same, and all and singular the Works to be made or erected thereon from or near the said Foss Dyke Clough progressively upwards, before the said main Drain or navigable Canal, or any the said Works shall be begun in or upon the higher Parts of the intended Course of the said main Drain or navigable Canal.

Works for Navigation not to prejudice the Drainage.

Provided always, and be it enacted, That no Works shall be done for effecting or perfecting the said Navigation in pursuance of the Powers and Authorities in this Act contained, which shall be the Means or Occasion of Detriment, Prejudice, or Hindrance, to the draining of the aforesaid Commons, Low Grounds, and Cars, or to the Works to be made for such Drainage, or to the conveying or discharging the Water and Floods from any of the Lands lying within the said Commons, Low Grounds, and Cars, which shall be rated or taxed for the Purposes of this Act.

No Lock to pen up the Water higher than within Three Feet of the Surface of the Land.

Provided also, and be it enacted, That no Lock or Staunch shall be erected for the Purpose of Navigation which shall pen up the Water higher than within Three Feet of the natural Surface of any of the Lands and Grounds above such Lock or Staunch; and such Lock or Staunch shall be opened or pulled up whenever the Water shall run above Four Inches over the Top of such Lock or Staunch.

Owners may make Cuts, Canals, or Watering-places.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, in any Way to restrain or prevent the several Owners and Proprietors of Lands and Grounds within any of the said Commons, Low Grounds, and Cars, hereby intended to be drained from making such Cuts, Canals, or Watering-places, in, over, and upon, their respective Lands and Grounds, as they

shall, from Time to Time think proper, so as such Cuts, Canals, or Watering-places, do not damage or prejudice either the Drainage or the Navigation intended to be made and effected by this Act.

Owners of adjacent Grounds may be admitted to the Benefit of Drainage by Agreement with Commissioners or Trustees.

And be it further enacted, That in case the Owners of any Lands or Grounds, or the Majority of the Owners of, and Persons interested in, any Commons in the said East Riding of the County of York, adjoining or lying near the said Commons, Low Grounds, and Cars, intended to be drained by virtue hereof, though not within the Parishes, Townships, or Places mentioned in this Act, shall signify in Writing to the said Commissioners, or the major Part of them, or the said Trustees, or any Seven of them, at any of their Meetings, their Desire that such their respective Commons, Lands, or Grounds, should be admitted to the Benefit of Drainage through all or any of the Cuts, Drains, or other Works to be made by virtue of this Act, it shall and may be lawful to and for the said Commissioners, or the major Part of them, during the Continuance of their Authority, and after the Determination thereof, for the said Trustees, or any Seven or more of them, at their annual Meeting, to extend the Boundaries of this Act, so as to take in and comprehend such Commons, Lands, or Grounds; and also to rate and tax such Commons, Lands, or Grounds, with such yearly or gross Sum or Sums of Money, or otherwise, as shall be agreed upon by and between the said Owners and the said Commissioners or Trustees, as the Case may happen to be; provided that it shall appear to the said Commissioners or Trustees that such Extension shall not be to the Prejudice of any other Grounds or Lands the Owners whereof shall not have joined in such Application, or to the Prejudice of the Drainage hereby intended, Notice thereof having been given in the weekly News-paper called The York Courant, or some other News-paper as aforesaid, Twenty Days at the least before such annual Meeting.

Adjacent Grounds how to be taxed.

Provided always, and be it enacted, That such Sum or Sums of Money so agreed upon to be paid for every Acre so admitted to the Benefit of Drainage, shall not exceed the highest Rate or Proportion of the Rates and

Taxes

Taxes charged by this Act upon an Acre of Land or Ground within the Boundaries of this Act; and that after such Admission and Taxation such Commons, Lands, and Grounds, shall be, and be deemed and taken to be within the Boundaries of this Act, and be Part of the Lands intended to be drained thereby; and that all the Powers, Authorities, Provisions, Limitations, Penalties, Forfeitures, Matters, and Things, in this Act contained, as well in respect of Works and Drainage, and the imposing, levying, collecting, and Application of Taxes, and the raising of Money on the Credit thereof, or otherwise, shall extend, and be construed to extend, to such Lands and Grounds, and the Rates and Taxes to be laid thereon; any Thing herein contained to the Contrary thereof notwithstanding.

Commissioners to purchase Lands for building Houses for Lock-keepers, &c.

And be it further enacted, That the said Commissioners, or the major Part of them, shall have full Power and Authority, and are hereby impowered to agree with the Proprietors of, and Persons interested in any Lands, Tenements, or Hereditaments, on which they the said Commissioners, or the major Part of them, shall judge necessary to build Houses for Persons looking after the Locks, or to be made use of in any Manner, in Whole, or in Part, for the Purposes of this Act, either for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors, or Persons interested therein, for the Damage they may respectively sustain; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes-covert, or Persons under any other legal or natural Disability; and to and for all and every Person or Persons whomsoever who are or shall be seised, possessed of, or interested in,

in, any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey, unto the said Commissioners, or the major Part of them, or to such Person or Persons as they, or the major Part of them, shall appoint, the Fee-simple and Inheritance, or the whole Estate and Interest of such Person or Persons, or Bodies Politick, Corporate or Collegiate, Aggregate or Sole, or other Persons whomsoever, of and in such Lands, Tenements, and Hereditaments, for the Purposes aforesaid; or to agree with the said Commissioners, or the major Part of them, for any Recompence to be made for any Damages occasioned by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements, shall be valid and effectual in the Law, to all Intents and Purposes, not only so as to alienate, convey, and transfer, the Estate and Interest of the Person or Persons actually entering into, making, and executing the same, but also all Rights, Estate, Interest, Use, Property, Claim, and Demand whatsoever, both in Law and Equity, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes-covert, or other Person or Persons whomsoever, and all claiming or to claim, by, from, or under them, any Law, Statute, Usage, or Custom, to the Contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever so conveying as aforesaid, are hereby indemnified for what they, or any of them, shall do in pursuance, and according to the true Intent and Meaning, of this Act.

Where Persons shall refuse or neglect to treat,

And it is hereby further enacted, That if any such Bodies Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, interested or concerned as aforesaid, for the Space of Thirty Days after Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, intended to be cut, alter-

ed, dug, or used, for any of the Purposes in this Act aforesaid, shall neglect or refuse to treat, or shall not agree with the said Commissioners, or the major Part of them, or, by reason of Absence, shall be prevented from treating, touching the Matters aforesaid; then, and in every such Case, the said Commissioners, or the major Part of them, are hereby impowered, from Time to Time, to issue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of York for the Time being, or in case such Sheriff shall be immediately interested in such Matter in Question, then to One of the Coroners of the said County, commanding such Sheriff or Coroner to impanel, summon, and return a Jury; and the said Sheriff or Coroner respectively, to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four Men, qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in his Majesty's Courts at Westminster, to appear before the said Commissioners, or the major Part of them, at such Time and Place, as in such Warrant or Warrants shall be appointed, not being less that Twenty-one Days after such Warrant shall be served upon the said Sheriff or Coroner respectively, upon Pain to forfeit, for every Default in not making such Return, Five Pounds; to be sued for and recovered in the Manner herein-after directed; and also to return in Issues upon every Person so impanelled and returned, not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings; which shall be levied by Distress and Sale of the Goods and Chattels of the Person not appearing as aforesaid, by Warrant or Warrants under the Hands and Seals of the said Commissioners, or the major Part of them: And in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Chal-

Trustees may issue a Warrant to the Sheriff, &c. to summon a Jury.

Jurors may be challenged.

Witneſſes may be ſummoned, and examined upon Oath.

lenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or the major Part of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occaſion ſhall require, to ſummon and call before them all and every ſuch Perſon or Perſons as ſhall be thought neceſſary to be examined as Witneſſes, touching the Matters in queſtion; and the ſaid Commiſſioners, or the major Part of them, may order and authoriſe the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in queſtion; which Jury upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or the major Part of them, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or the major Part of them, are hereby impowered to adminiſter) ſhall inquire of, aſſeſs, and aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for ſuch Damages as may or ſhall be ſuſtained as aforeſaid, and to ſettle and aſcertain in what Proportion the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and the ſaid Commiſſioners, or the major Part of them, ſhall give Judgement for ſuch Purchaſe-monies or Recompence ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict and the Judgement thereupon pronounced by the ſaid Commiſſioners, or the major Part of them, ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Parties, Bodies Politick, Corporate, and Collegiate, and all Perſons whomſoever.

Verdict to be concluſive.

Witneſſes or Jurymen refuſing to be ſworn, to be fined by the Commiſſioners,

Provided alſo, and be it enacted, That if any Perſon or Perſons, ſummoned as aforeſaid to give Evidence, ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed in the Warrant or Warrants granted by the ſaid Commiſſioners, or the major Part of them; or appearing ſhall refuſe to be ſworn or examined by, or give Evidence before the ſaid Commiſſioners, or the major Part of them; or if any Perſon, ſummoned as a Juryman as aforeſaid, ſhall after his Appearance refuſe to be ſworn, or being ſo ſworn refuſe

fuſe to give, or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premiſes, contrary to the true Intent and Meaning of this Act; every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſionees, or the major Part of them, ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding the Sum of Five Pounds; to be levied on the Goods and Chattels of the Perſon or Perſons ſo offending, by Warrant or Warrants under the Hands and Seals of the ſaid acting Commiſſioners, or the major Part of them, by Diſtreſs and Sale of the Offender's Goods, rendering the Overplus, (if any), to the Owner thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale are deducted.

Expences of the Jury how to be paid.

And be it further enacted, That in caſe any Jury, to be ſummoned and ſworn as aforeſaid, ſhall give a Verdict for more Monies, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, or for any Damages to be done thereto, than what ſhall have been offered by or on Behalf of the ſaid Commiſſioners, or the major Part of them, before the ſummoning of any ſuch Jury for ſuch Recompence or Satisfaction, that then all the reaſonable and neceſſary Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, and of taking ſuch Inqueſt, ſhall be paid and defrayed by the ſaid Commiſſioners, or the major Part of them, out of the Monies to ariſe by virtue of this Act; but if any ſuch Verdict ſhall be given for no greater Sum, or a leſs Sum than ſhall have been ſo previouſly offered by or on Behalf of the ſaid Commiſſioners, or the major Part of them, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, to be ſettled by the ſaid Commiſſioners, or the major Part of them, ſhall be borne and defrayed by the Owners of, or Perſons intereſted in, the ſaid Lands, Tenements, or Hereditaments ſo in Queſtion; and the Expences ſo aſcertained ſhall be deducted and taken out of the Monies ſo aſſeſſed and adjudged, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed within the Intent and Meaning of this Act to be a full Satisfaction

tisfaction for such Lands, Tenements, Hereditaments, or Damages respectively.

Commissioners may proceed on Works, after Satisfaction made.

And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall be agreed upon between the said Commissioners, or the major Part of them, and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any such Party or Parties, or to the principal Officer or Officers, Treasurer or Receiver, of any such Bodies Politick, Corporate, or Collegiate, of if he, she, or they, cannot be found, or refuse to accept such Money, upon Payment thereof to the Clerk or Treasurer of the said Commissioners, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Party or Parties, principal Officer or Officers, Treasurer or Receiver respectively, the said Commissioners, and all Persons employed or authorised by them, or the major Part of them, shall have full Power and Authority to enter upon the Lands, Tenements, or Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Lands, Tenements, and Hereditaments, for the Purposes of this Act; and they shall be, and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate whatsoever, shall from thenceforth be, to all Intents and Purposes, divested of all Right, Title, and Claim, Interest, and Property, to and in the same.

Commissioners to enter upon, and take Surveys of Lands, &c.

Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or the major Part of them, or such Person or Persons as they, or the major Part of them shall appoint, without any previous Payment or Tender of Recompence, to enter upon and take a Survey and Level of, and to mark out any Lands, Tenements, or Hereditaments, which they the said Commissioners, or the major Part of them, shall think necessary to be used for any of the Purposes of this Act, doing thereby as little Damage as may be, and making Satisfaction as soon as conveniently may be, for all Damages which shall be thereby occasioned, in case such Damages exceed the Sum of Five Shillings;

and

and in case such Damages shall not amount to the Sum of Five Shillings, then no Satisfaction shall be paid, or recovered, or sued for on account thereof, in any Court whatsoever.

Bodies Politick, &c. to have Satisfaction for Damages.

And be it further enacted, That if any Person or Persons, Bodies Politick or Corporate, at any Time after the said Commissioners, or any Person or Persons employed or authorised by them, shall have begun to carry this Act into Execution for making the said Drainage and Navigation, or shall have completed the same, shall happen to sustain any Damage or Injury in his, his, her, or their Lands, Grounds, or Hereditaments, for which they shall have had no Recompence or Satisfaction, through any Neglect or Default of the said Commissioners, or their Agents, Workmen, or Servants, or by reason of any Alteration which shall be made by them, or any or either of them, on account of the Works to be made by virtue of this Act, or from any other Cause; then, and in every such Case, if the said Commissioners, or the major Part of them, and the Parties by whom such Damages shall have been sustained, shall not agree touching such Damages, the said Commissioners, or the major Part of them, shall inquire of and ascertain such Damages by a Jury, to be impanelled and returned as aforesaid, and give Judgement for the Party or Parties aggrieved, who shall recover the same accordingly, in the same Manner and Form as the Damages and Recompences are hereby appointed to be assessed and adjudged for any Lands, Tenements, or Hereditaments, which shall be in any-wise made use of, cut, or damnified, in the Execution of any the Works by this Act directed and authorised.

All Verdicts, &c. to be inrolled, and filed with the Clerk of the Peace.

And be it further enacted, That all Verdicts and Judgements which shall be made and given in relation to any such Lands, Tenements, and Hereditaments, so to be used for the Purposes of this Act as aforesaid, (such Verdicts and Judgements being signed by the major Part of the said Commissioners who shall be present at the taking of such Inquest), shall be delivered to and filed by the Clerk of the Peace for the East Riding of the County of York; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever;

and all Persons shall have Liberty to inspect the same, and to take Copies thereof, upon paying for every such Inspection the Sum of One Shilling, and for every such Copy, not exceeding One hundred Words, the Sum of Two-pence, and so in proportion for any greater Number of Words.

For exchange of Lands.

And whereas the Lands and Grounds of several of the Land-owners may, by the Execution of the Powers of this Act, be so separated as to render the Occupation thereof inconvenient; be it further enacted, That it shall and may be lawful to and for any Bodies Politick, Corporate, and Collegiate, and other Land-owners under any Disability, by and with the Consent of the said Commissioners, or the major Part of them, or of the said Trustees, or any Seven or more of them, to be testified by any Writing or Writings to be by them sealed and delivered in the Presence of, and attested by Two or more credible Witnesses, to contract for, sell, and dispose, or to convey in Exchange, in lieu of other Lands, all or any Part of such Lands or Grounds so separated to any Person or Persons whomsoever, for such Price, or Prices in Money, or other Equivalent, as to the said Commissioners, or the major Part of them, or to the said Trustees, or any Seven or more of them, shall seem reasonable, so as that such Price or Prices be not less than after the Rate of Thirty Years Purchase; and that all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the Contrary thereof notwithstanding: And all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, so conveying and exchanging as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, so to be made as aforesaid, shall, at the Expence of the said Commissioners or Trustees, be inrolled in the publick Register Office for the said East Riding; and true Copies thereof, attested by the proper Officer, shall be allowed to be good Evidence in all Courts whatsoever, for which Inrolment, or Copy thereof, shall be

be taken the Sum of Two-pence for every One hundred Words, and so in proportion for a greater or less Number of Words, and no more.

And be it further enacted by the Authority aforesaid, That, in consideration of the great Charges and Expences which must necessarily be sustained in making, maintaining, and supplying with Water the said Main Drain or Cut, intended to be made navigable as aforesaid, and in making and maintaining all other Works for the Use and Purpose of the said Navigation, there shall be paid, from and after the Feast of Saint Michael next coming, at such Place or Places, upon or adjoining to the said Main Drain or navigable Cut, as the said Commissioners, or the major Part of them, shall, by any Instrument in Writing under their Hands and Seals, appoint, unto the Collector or Collectors, (to be nominated as herein-after is directed) by all and every Person or Persons who shall carry or convey any Goods, Wares, Merchandises, or Commodities whatsoever, up or down the said navigable Canal, any Sum or Sums of Money, not exceeding Four Shillings for every Ton of Grocery's Goods, Wares, and Merchandises, Two Shillings for every Chaldron of Coals, (containing Thirty-two Bushels to the Chaldron); One Shilling for every Ton of Stone; One Shilling and Sixpence for every Chaldron of Lime, (containing Thirty-two Bushels to the Chaldron); Sixpence for every Ton of Manure of all Sorts; Two Shillings for every Thousand of Tiles; One Shilling for every Thousand of Bricks; and Eight-pence for every Pack of Wool, (containing Sixteen Stone to each Pack); and so in proportion for any greater or less Quantity: Which respective Sum or Sums of Money, the said Commissioners, or the major Part of them, shall, by any Instrument in Writing under their Hands and Seals, appoint, to be paid in due Proportions, according to the Expences attending or occasioned by the making navigable such specifick Distance of the said navigable Cut or Canal, as any of the said Goods, Wares, Merchandises, or Commodities, shall be carried or conveyed upon; and the said Sum or Sums, or any Part thereof so proportioned, shall and may be Tolls.

demanded and taken as a Toll, for navigating upon the said Cut or Canal, from the said River Humber to Market Weighton, at such Place or Places as the said Commissioners, or the major Part of them, shall in such Instrument direct: And in case of Neglect or Denial of Payment on Demand of such Tolls, or any Part thereof, such Collector or Collectors is and are hereby authorised and required to seize and detain any such Goods, Wares, Merchandises, and Commodities, or the Boats or Vessels conveying the same; and in case such Tolls, shall not be paid within the Space of Five Days next after such Seizure made, it shall be lawful for the said Collector or Collectors to sell such Goods, Wares, Merchandises, Commodities, Boats, or Vessels, rendering the Overplus (if any) to the Owners, after the said Tolls together with the reasonable Charges of such Seizure, Detention, and Sale, shall be satisfied and paid.

Exemptions. Provided always, That nothing herein before contained shall extend to charge with any of the said Tolls or Rates any Boats which shall be upon the said navigable Cut for Pleasure only, or any Boat or other Vessel, laden with Materials for the Purposes of Drainage or Navigation hereby directed to be made.

Rates for Corn, &c. Provided always, and be it enacted, That for every Quarter of Wheat, Rye, Beans, Pease, Lentils, Barley, Malt, Oats, or other Grain, or Seeds whatsoever, passing or repassing upon the said navigable Canal, there shall be paid the Sum of Eight-pence; and for every Sack of Flour (containing Five Bushels to the Sack) Sixpence, and no more; and so in proportion for any greater or less Quantity: Which respective Sum and Sums of Money so appointed to be paid as aforesaid, shall and may be demanded, taken, recovered, and applied, in such Manner, and at such Place or Places, as the other Tolls or Rates herein-before specified are herein directed to be demanded, taken, recovered, and applied.

40 *s.* Penalty on Persons taking Benefit of Exemptions illegally. Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons shall claim or take any Benefit of any of the Exemptions by this Act granted, not being intitled to the same, such Person or Persons shall, for every such Offence, forfeit and pay the

the Sum of Forty Shillings; to be recovered, levied, and applied, in such Manner as other Forfeitures and Penalties are directed by this Act to be recovered, levied, and applied.

Taxes and Tolls vested in Commissioners, &c.

And be it further enacted, That all the Money which shall be raised, levied, and collected, by virtue of this Act, for or towards the carrying on and completing the Drainage of the said Commons, Low Grounds, and Cars, herein-before mentioned, and also all Tolls and Duties to be raised by virtue of this Act for or towards the carrying on and completing the said Navigation, shall be, and the same are hereby vested in the said Commissioners, or their Successors, to be nominated as herein-before mentioned, until such Drainage and Navigation shall be finally completed and perfected, and the Award of the said Commissioners shall be executed as herein-after mentioned; and from and after the signing and sealing such Award, all the Money which shall then have been raised by the said Commissioners for those Purposes, or any of them, by virtue of this Act, and also all the Monies which shall then have been tared and assessed by the said Commissioners, or the major Part of them, by virtue of this Act, but shall not have been then received, and all and singular the Powers and Authorities herein before granted to the said Commissioners for the collecting, raising, and levying the same, shall, immediately from and after the signing and sealing of the said Award by the said Commissioners, be vested in the said Trustees herein-before named, and their Successors, to be chosen and appointed as aforesaid; and the said Commissioners, or the major Part of them, are hereby authorised, in the First Place, and before any other Disbursements, to pay and discharge all the Charges and Expences of soliciting and obtaining this Act, and other necessary Expences relating thereto; which said Charges and Expences shall be divided between the Proprietors of the said Lands so intended to be drained and the Subscribers to the said Navigation, in such Proportions as the said Commissioners, or the major Part of them, shall think just and reasonable; and also all the Charges and Expences of the said Commissioners, and all other Charges and Expences

Application of the same.

Peculiar Charges of Drainage upon Lands.

which are indiſcriminately occaſioned by the ſaid intended Drainage and Navigation; but with reſpect to all the peculiar Charges and Expences, as well of carrying on and finiſhing the ſaid intended Drainage as of maintaining, preſerving, and keeping in Order, for all Times to come, all the Drains to be made or enlarged for that Purpoſe, other than the maintaining the main Drain or navigable Canal, the ſame ſhall be and are hereby directed to be borne and defrayed wholly out of the Money to be raiſed by ſuch rateable and proportionate Taxes and Aſſeſſments as aforeſaid, upon the ſaid Commons, Low Grounds, and Cars; and with reſpect to all the peculiar Charges and Expences, as well of the making, carrying on, and completing the ſaid main Drain or navigable Canal, as of maintaining, preſerving, and keeping in Order, for all Times to come, ſuch main Drain or navigable Canal, and all and ſingular the Works which ſhall be made, done, or conſtructed, for the Purpoſe of effecting, completing, and carrying on the ſaid intended Navigation, or any Thing relative thereto, and the Charges and Expences of all Purchaſes of Lands or other Hereditaments to be made for the Purpoſe of the ſaid intended Navigation, and all Monies which ſhall be paid as a Satisfaction for Damages done to any Lands or Hereditaments which ſhall be uſed for the ſame or the like Purpoſe, and all other incidental Charges and Expences which ſhall be occaſioned by or by Means of the ſaid intended Navigation, the ſame ſhall be and are hereby directed to be borne and defrayed wholly out of the Money ſubſcribed, or to be ſubſcribed, by the ſeveral Contributors to the ſaid intended Navigation; and for that End the aforeſaid Commiſſioners, by their Treaſurer or other Officer, are hereby required to procure and keep One or more Book or Books of Account, in which ſhall be entered fairly and diſtinctly the ſeveral Sums of Money which ſhall be received from Time to Time by virtue of this Act, to be applied towards the carrying on and finiſhing the ſaid intended Drainage, and the Works relating thereto, and the ſeveral Sums of Money which ſhall be paid and diſpoſed of for the ſame Purpoſe; and One or more other Book or Books of Account, in which ſhall

Peculiar Charges of Navigation upon the Contributors.

To keep Books for that Purpoſe.

shall be entered fairly and distinctly the several Sums of Money which shall be received from Time to Time by virtue of this Act, to be applied towards the carrying on and finishing the said intended Navigation, and the Works and Expences relating thereto, and the several Sums of Money which shall be paid and disposed of for that Purpose.

Surveyors are to attend Commissioners, &c.

And be it hereby further enacted, That the said Commissioners, or the major Part of them, at their several annual Meetings herein-before mentioned, shall be attended by the Surveyor or Surveyors of the Works of such Drainage and Navigation respectively, with the Plans, Surveys, and other Means of Information in his or their Custody relating to such respective Works, and shall also be then attended, if they then think fit, by all and every other Person or Persons appointed or employed by the said Trustees as aforesaid, in the Execution of this Act, who shall then also produce all such Books and Papers in their Custody relating to the said Drainage and Navigation respectively, as shall be required by the said Commissioners so assembled, or the major Part of them, to be so produced; and the said Commissioners, or the major Part of them, shall, at such respective annual Meetings, examine the State and Progress of all such Works respectively committed to their Care and Direction by this Act, and the State of the several and respective Funds hereby provided for the said intended Drainage and Navigation; and shall then cause a fair Account to be drawn out of the gross Sums of all Receipts and Disbursements to that Time had and made on account of the said Drainage and Navigation respectively; and the said Trustees, or their Successors, to be appointed as aforesaid, or any of them, may be present, if they think fit, at any such annual Meetings of the said Commissioners, and may call for and inspect all or any of the Accounts, Papers, and Writings, relative to the said intended Drainage and Navigation respectively, without any Controul or Hindrance from any Person whatsoever.

and shall draw a fair Account of all Receipts and Disbursements on account of Drainage and Navigation respectively.

Truſtees may reduce the Tolls.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, at any Meeting to be had for that Purpoſe, in purſuance of Notice to be given Twenty-one Days before ſuch Meeting, by Writing, to be affixed upon the Dwelling-houſe of the Collector of the ſaid Tolls and Rates for the Time being, and alſo to be inſerted in The York Courant, or ſuch other publick News-papers as aforeſaid, Four ſeveral Weeks before ſuch Meeting, with the Conſent of the Proprietors of at leaſt Two-thirds of the Shares of the ſaid Navigation, to leſſen or reduce the ſaid Tolls and Rates hereby granted, or any of them, as they ſhall think proper, of which Reduction the like publick Notice ſhall be given as aforeſaid; and may afterwards, from Time to Time, at any ſuch Meeting (of which ſuch Notice ſhall be given as aforeſaid), advance the ſaid Tolls and Rates, or any of them, again to any Sum or Sums of Money, not exceeding the Tolls and Rates herein-before ſpecified; and that no ſuch Reduction of the Tolls and Rates hereby ſpecified ſhall be confined to any particular Part of the ſaid navigable Canal, but that ſuch Abatement of the ſaid Tolls and Rates ſhall take place, or be made in ſuch Proportion and Degree as herein-before directed for collecting the ſame.

Commiſſioners to compute the Charges of Drainage and Navigation reſpectively, and allot each Proprietor his Share of the Tolls.

And whereas ſeveral of the Truſtees herein-before named, and ſeveral other Perſons, have undertaken and agreed, at their joint Charges and Expences, to advance all the Money which ſhall be neceſſary for the Purpoſe of completing the ſaid intended Navigation, and making and perfecting the ſeveral Works which ſhall be found requiſite for the carrying on with Effect the ſaid intended Navigation in ſuch navigable Canal, in Conſideration of their having, and being intitled to, ſuch Shares of the Tolls and Rates to be collected and paid for Goods paſſing upon the ſaid navigable Canal, when ſo made, as ſhall be proportionable to the Share which each Undertaker ſhall bear of the Charges and Expences attending the ſame; be it therefore further enacted, That the ſaid Commiſſioners, or the major Part of them, ſhall, as ſoon as may be after the ſaid intended Drainage or Navigation

vigation shall be completed, compute and ascertain the whole Charges and Expences of the said intended Drainage, and of all the Works which shall have been made, done, or constructed, for the Purpose of making and completing the said intended Drainage; and shall also separately and distinctly compute and ascertain the whole Charges and Expences of making and perfecting the said intended Navigation, and of all the Works which shall have been made, done, or constructed, for the specifick Purpose of the said intended Navigation, and all the Money which shall have been laid out and expended in purchasing Land, or making Satisfaction for Damages to Lands, requisite to be had and used for the same specifick Purpose, or on account thereof, and all other Charges and Expences whatsoever relating thereto; and the said Commissioners, or the major Part of them, shall also, upon a careful Examination of the several Sums contributed and paid by each and every Person towards the Charges and Expences occasioned by the said intended Navigation, allot and assign to each such Contributor such Share of the Tolls and Rates to be so collected and paid by virtue of this Act, for Goods passing upon the said navigable Canal, as shall be fairly and justly proportionable to the several and respective Sums of Money so to be contributed and paid for the making and perfecting the said intended Navigation; and shall cause to be fairly entered, by their Clerk, in a Book to be kept for that Purpose, the Christian and Surnames, at Length, of all the said Contributors, in One Column, and shall set in another Column, over against the Name of every such Contributor or joint Contributors, the gross Sum so advanced by him, her, or them respectively, and in a Third Column the Share of the said Tolls and Rates so to be by them allotted and assigned to him, her, or them, as aforesaid; and the respective Shares of the said Tolls and Rates, so to be allotted and assigned as aforesaid, shall be and are hereby vested in the several and respective Persons to whom the same shall be so allotted and assigned, and their several and respective Executors, Administrators, and Assigns, to their own proper Use and Benefit respectively; and all and every the said

Shares shall be deemed to be personal Estates, and transmissable as such; and a Transcript of the Name or Names of each Contributor or joint Contributors, and of the gross Sum by him, her, or them, so contributed and paid as aforesaid, and of the Share of the said Tolls and Rates so allotted or assigned to him, her, or them, as aforesaid, and signed by the Clerk to the said Commissioners, shall be sufficient Evidence of the Share belonging to each and every such Contributor of the said Tolls and Rates, in all Courts whatsoever.

Commissioners to pay Interest of Money subscribed until the Works are completed.

And it is hereby further enacted, That it shall and may be lawful for the said Commissioners, or the major Part of them, out of the Money so to be contributed for the making and perfecting the said intended Navigation, until the same shall be completed, to pay all and every Person and Persons who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums of Money as shall, from Time to Time, be demanded in respect thereof, towards carrying on and completing the said intended Navigation, Interest for the same, after the Rate of Five Pounds for every One hundred Pounds by the Year, from the Time that each of such Sums shall be respectively advanced as aforesaid, such Interest to be paid and payable at Market Weighton aforesaid.

Commissioners (after Works are completed) to divide and arrange the Number of Acres of each Proprietor into different Species of Land, and tax accordingly.

And be it further enacted by the Authority aforesaid, That when the said intended Drainage, and also the said intended Navigation, and all the Works necessary or proper for those several Purposes, shall be perfected, then the said Commissioners, or the major Part of them, are hereby authorised and required, as soon as conveniently may be, to divide, arrange, and distinguish the Number of Acres of each and every Proprietor in the said Low Grounds and Cars so held in Severalty into such and so many different Species or Denominations of Land, according to the Manner of proportioning the Tax as herein-before mentioned; and after such Survey and Arrangements shall be made, settled, and adjusted, as aforesaid, the said Commissioners, or the major Part of them, shall, by an Award or Instrument in Writing to be signed and sealed by them, or the major Part of them, specifying such

such Arrangements, tax, charge, and assess the Lands of all and every such Proprietor in the said Low Grounds and Cars by the Acre, or otherwise, as they shall think most equitable (on Consideration of the said Surveys and Arrangements), with his, her, or their respective Quota or Proportion of the whole Expence attending the said Drainage to that Time: And in case the Quota or Proportion of any such Proprietor so to be taxed and assessed by the said Commissioners, or the major Part of them, as aforesaid, shall exceed what such Proprietor shall have been taxed or assessed at and paid, or shall have been raised upon his said Lands, by virtue or in pursuance of the Powers and Authorities herein-before given to the said Commissioners, or the major Part of them, then such Proprietor shall, within Twenty-one Days after Notice shall be given to him by the said Commissioners, or the major Part of them, in Writing under their Hands, of such Excess, pay the same to the Treasurer of the said Commissioners for the Time being; or otherwise, in case of Neglect or Default of such Payment, the said Commissioners, or the major Part of them, shall, and they are hereby authorised and required to raise the same Excess by Mortgage of the Lands of the said Proprietors in the said Low Grounds and Cars, by such Writing, and in such Manner, as herein-before is directed and mentioned; and shall pay and apply, or order to be paid and applied, such Excess, when paid or raised as aforesaid, in or towards paying and refunding to such other of the Proprietors in the said Low Grounds and Cars, such Sum and Sums of Money as they shall have respectively paid, or have raised upon their said respective Estates, by or in pursuance of the Methods herein before prescribed, over and above what their respective Quotas and Proportions, to be taxed and assessed by the said Commissioners, or the major Part of them, as aforesaid, shall amount unto; and the Remainder of every such Excess (if any shall be) shall be applied towards the repairing the Works then made for the Purpose of the said general Drainage, or making and repairing such other new Works as shall be thought necessary for that Purpose; and in case the Excesses aforesaid shall not be sufficient

If any Proprietor has overpaid his Proportion, the same to be refunded.

rient to refund the said Proprietors, or any of them, what they shall have overpaid as aforesaid, then such Deficiencies shall be made good to them out of the next Rates and Assessments to be made by virtue of this Act.

Award (containing Arrangements and Taxation) shall be entered in a Book, and also be inrolled in the publick Register Office.

And be it further enacted, That the said Award or Instrument in Writing, containing the Arrangements and Taxation of the said Low Grounds and Cars, and the Quota to be borne by the respective Commons, being ingrossed on Parchment, and signed and sealed as aforesaid, shall be kept by the Clerk to the said Trustees, along with the Book or Books of the Orders and Proceedings of the said Trustees under this Act; and shall also be inrolled at the publick Register Office for the said East Riding of the said County of York, as a Rule or Precedent of Proportion for all future Taxations to be made and raised pursuant to this Act; and the said Register, or his Deputy for the Time being, is and are hereby required to inroll the said Award in the proper Book for inrolling of Bargains and Sales, a true Copy of which Inrolment, or any Part thereof, under the Hand of the said Register, or his Deputy, shall be allowed as Evidence in all Courts of Law and Equity, and the said Register, or his Deputy, shall be intitled to such Fees for such Inrolment, and Copies thereof, or any Part thereof, as are allowed to the said Register for inrolling any Bargain and Sale, and Copy thereof, or Part thereof; and the said Register and his Deputy shall permit and suffer any Person whatsoever, from Time to Time, and at all Times within the Office Hours of Attendance, to peruse and inspect the Inrolment of the said Award at the said publick Office, paying to the said Register, or his Deputy, for every such Perusal or Inspection, One Shilling, and no more.

Trustees may inspect Commissioners' Accounts; on any Misbehaviour may displace them.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven of them, by Notice in Writing under their Hands to be delivered to the Clerk and Treasurer of the said Commissioners, or left at their last respective Places of Abode, to require the said Commissioners, Once in every Year, during the Continuance of their said Trust, and also Once after their said Trust shall be determined, to produce, at a Meeting of the said Trustees, to be held at a Time and

Place to be ſpecified in ſuch Notice, (which Time ſhall not be leſs than Three Weeks after the Delivery of ſuch Notice) the Accounts of all the Money which ſhall at and before the Time of every ſuch Meeting reſpectively have been received, paid, and expended, by the ſaid Commiſſioners, or any of them, on the ſeparate and diſtinct Accounts of the ſaid Drainage and Navigation, with the Vouchers for the ſame (except as to ſuch ſmall Payments for which Vouchers are not uſually required); and the Clerk or Treaſurer of the ſaid Commiſſioners, receiving any ſuch Notice as aforeſaid, ſigned by ſuch Truſtees, ſhall forthwith communicate the ſame to all the ſaid Commiſſioners, who ſhall thereupon, and are hereby required to produce ſuch Accounts and Vouchers at every ſuch Meeting of the ſaid Truſtees held for that Purpoſe, and to give the Truſtees aſſembled at ſuch Meeting all the reaſonable Satisfaction in their Power, as well concerning the Particulars of ſuch Accounts, as concerning the due Execution of the ſeveral Truſts repoſed in the ſaid Commiſſioners by this Act; and in caſe the ſaid Commiſſioners, or any of them, ſhall refuſe, or wilfully neglect to produce ſuch Accounts and Vouchers as aforeſaid before the ſaid Truſtees, or any Seven of them, at any ſuch Meeting held for that Purpoſe in purſuance of ſuch Notice as aforeſaid, or to anſwer to any reaſonable Queſtions propoſed to them by any of the ſaid Truſtees, at ſuch Meeting, concerning the due Execution of the ſaid Truſts, or any of them, or ſhall not anſwer any ſuch Queſtion or Queſtions to the Satisfaction of the major Part of the Truſtees preſent at ſuch Meeting, it ſhall and may be lawful to and for the major Part of ſuch Truſtees ſo aſſembled to cauſe Notice to be given in the ſaid York Courant, or other ſuch publick News-paper as aforeſaid, for a General Meeting of the ſaid Truſtees, to be held at a Time and Place to be preſixed in ſuch Notice, Ten Days at leaſt before the Time of ſuch Meeting; and alſo to cauſe a Summons in Writing, under the Hands of ſuch major Part of the ſaid Truſtees ſo aſſembled as aforeſaid, to be delivered to or left at the laſt Place of Abode of any ſuch Commiſſioner or Commiſſioners ſo refuſing or wilfully neglecting as aforeſaid,

whereby such Commissioner or Commissioners shall be required to attend at such General Meeting of the said Trustees, to shew Cause why he or they should not be amoved from being a Commissioner or Commissioners for the Execution of this Act; and in case a sufficient Number of Trustees shall not appear at the Time and Place to be expressed in such Notice, then another like Notice for such General Meeting of the said Trustees, and a like Summons to such Commissioner or Commissioners, to attend at such General Meeting, shall be delivered or left as aforesaid, and so, from Time to Time, until such General Meeting of Trustees shall be held in pursuance of such Notice; and in case such Commissioner or Commissioners so to be summoned as aforesaid shall not attend at such General Meeting of the said Trustees, in pursuance of such Summons, or shall not justify his or their Conduct in the Execution of the Trusts reposed in him or them by this Act, to the Satisfaction of the major Part of the Trustees so assembled at such General Meeting, the said Trustees so assembled at such Meeting, or the major Part of them, may, if they think fit, amove such Commissioner or Commissioners from his or their Office and Trust reposed in him or them by this Act, and some other fit Person or Persons may be nominated as a Commissioner or Commissioners, in the Manner herein-before directed, in the Room of the Commissioner or Commissioners who shall be so amoved as aforesaid.

Taxes may be laid to maintain Works, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, and their Successors, or any Seven or more of them, shall have Power and Authority, and they are hereby required to raise, from Time to Time, upon the Lands and Grounds occupied and enjoyed in Severalty, such annual Sum or Sums of Money as may be necessary for the Purpose of maintaining and repairing all and every the several and respective Works of Drainage which shall be then made and perfected, and for Payment of Salaries of Officers, and all other incidental Expences attending the said Drainage, by all such Ways and Means as the said Commissioners are herein-before authorised to raise the same, by and according to the Arrangement herein-before directed, so as the Sum or

or Sums of Money so to be raised by the said Trustees, or their Successors, shall not exceed, in any One Year, the Sum of Five Shillings per Acre of the Lands and Grounds so to be tared and assessed; and also, from Time to Time, to tax the several and respective Commons, Low Grounds, and Cars, subject to Rights of Common, with such annual Sum or Sums of Money as they shall find necessary for the Purposes aforesaid; to be raised in the Manner herein-before prescribed, as the Mode of raising the Money to be charged on such Commons, Low Grounds, and Cars, subject to Rights of Common, by the said Commissioners, so as such Sum or Sums of Money so to be raised by the said Trustees shall not exceed, in any One Year, the Sum of Five Shillings per Acre; any Thing herein-before contained to the Contrary notwithstanding.

Power for further Subscription.

And be it further enacted, That, in case the Money already subscribed for the Purpose of effecting and perfecting the said intended Navigation shall be found insufficient for the completing and maintaining the said navigable Canal, and the several Works hereby authorised to be made for the Uses and Purposes of the said intended Navigation, and all necessary Charges and Expences relating thereto; then, and in such Case, it shall and may be lawful to and for the present Subscribers to the said Undertaking to raise and contribute among themselves, or by the Admission of new Subscribers, any farther or other Sum of Money, for completing and perfecting the said Navigation; and every Subscriber towards raising such farther or other Sum or Sums of Money, shall stand interested in all the said Tolls and Rates to be collected as aforesaid, proportionably to the Sum he or she may subscribe thereto, as beneficially, to all Intents and Purposes, as if such farther Sum had been originally subscribed to the said Undertaking; any Thing herein contained to the Contrary notwithstanding.

Trustees may appoint Officers, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may be, and they are hereby authorised and impowered, at any Meeting to be by them held in pursuance and for the Purposes of this Act, from Time to Time, to appoint, by Writing under

under their Hands, such Person or Persons as they shall think fit to be Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, of the Tares and Assessments, Rents and Profits of Lands which may be inclosed from the said Commons as aforesaid, Tolls and Rates, respectively granted, or to arise and become due and payable by virtue of this Act, and of any Money which may be raised by Mortgages, or otherwise, as aforesaid, for the several and respective Purposes of this Act, or which may in any Manner belong to the several and respective Funds of the said Drainage and Navigation aforesaid, or either of them, and to assign and appoint to each such Officer their several and respective Charges and Employments, and such Salaries and other Gratuities for performing the same, as the said Trustees, or any Seven or more of them, shall, from Time to Time, think proper and reasonable, so as all and every such Treasurer and Treasurers, Collector and Collectors, and Receiver and Receivers, do give Security to the Satisfaction of the said Trustees, or any Seven or more of them, for the faithful and due Execution of their respective Offices; and such Collector or Collectors, Receiver or Receivers, and all other Persons who shall receive any Money by virtue of this Act, shall, from Time to Time, and at all such Times as he or they shall be required by the said Trustees, or any Seven or more of them, by Writing under their Hands, pay, or cause to be paid, into the Hands of the Treasurer or Treasurers of the said Trustees for the Time being, all and every Sum and Sums of Money which he and they shall respectively have received by virtue of this Act; and the said Trustees, or any Seven or more of them, may also, by Writing under their Hands, appoint a Clerk or Clerks, Surveyor or Surveyors, and such other Officer or Officers, as they shall think fit to employ in the Execution of this Act, with such Salaries or other Gratuities as they shall, from Time to Time, think reasonable; and it is hereby expressly directed, that the Salaries or other Gratuities so to be assigned or appointed to or for every such Treasurer, Collector, Receiver, Clerk, Surveyor or other Officer, for or in respect of the said Drainage,

Drainage, be, from Time to Time, paid by and out of the ſeparate and diſtinct Fund hereby appropriated for ſuch Drainage, and the Salaries, or other Gratuities, ſo to be aſſigned or appointed to or for every ſuch Treaſurer, Collector, Receiver, Clerk, Surveyor, or other Officer, for or in reſpect of ſuch Navigation, be, from Time to Time, paid, by and out of the ſeparate and diſtinct Funds hereby appropriated for ſuch Navigation; and that any ſuch Treaſurer, Collector, Receiver, Clerk, Surveyor, or other ſuch Officer ſo to be appointed as aforeſaid, ſhall be, from Time to Time, removeable by the ſaid Truſtees, or any Seven of them, at any Meeting to be held for that Purpoſe.

Separate Books to be kept, &c.

And be it further enacted, That the ſaid Treaſurer or Treaſurers reſpectively, ſhall provide One or more Book or Books of Account for the Purpoſe of keeping the Accounts relative to the ſaid intended Drainage, and One or more Book or Books of Accounts for the Purpoſes of keeping the Accounts relative to the ſaid intended Navigation; and ſhall fairly, in the proper Book or Books ſo to be provided, enter an Account of all Monies by him or them received and diſburſed for or in reſpect of ſuch ſeveral Purpoſes reſpectively, ſpecifying the Times when, and the Perſons from and to whom ſuch Monies reſpectively ſhall be received and diſburſed, and on what Occaſions, and for what Purpoſes; and each ſuch Book, or a true Copy thereof, ſigned by the ſaid Treaſurer or Treaſurers, together with the Vouchers for ſuch Diſburſements, and alſo all Books and Papers in his or their Cuſtody relating to the Execution of this Act, ſhall be produced to the ſaid Commiſſioners, or the major Part of them, at their annual General Meeting, to be held as aforeſaid; and alſo at any other of their Meetings, when the ſaid Commiſſioners, or the major Part of them, ſhall require the ſame; and alſo ſhall be produced to the ſaid Truſtees, or any Seven or more of them, at any Meeting of the ſaid Truſtees, when the ſame ſhall be by them required; and the ſaid Treaſurer or Treaſurers, ſhall alſo verify the ſaid Account or Accounts upon Oath, if thereunto required of them by the ſaid Truſtees, or any Seven or more of them, at any ſuch of their Meetings as aforeſaid; (which Oath the ſaid Truſ-

tees, or any Two or more of them, at any such Meeting, are hereby impowered to administer); and the said Trustees, or any Seven of them, are hereby authorised to give such Treasurer or Treasurers a Discharge for all such Monies as shall appear to them to have been truly accounted for; the said Trustees, or any Seven or more of them, shall also, at such Time or Times, as they shall think proper, summon before them, and, if they think fit, examine upon Oath (which Oath the said Trustees, or any Seven or more of them, are hereby impowered to administer) all or any such Collectors, Receivers, Clerks, Surveyors, and Persons employed in or intrusted with the Receipt or Expenditure of any of the Monies to be raised by virtue of this Act, and all Collectors, Receivers, Clerks, Surveyors, and Persons employed in or intrusted as aforesaid respectively, shall attend the said Commissioners and Trustees at any of their Meetings, when their Attendance respectively shall be required, and shall render to the said Trustees, or any Seven or more of them, from Time to Time, whensoever they be thereunto required, a true and perfect Account in Writing of all Monies so by them respectively received and paid, with the Vouchers for such Payments, and also all Books and Papers in their Custody relating to the Execution of this Act: And in case any such Treasurer, Collector, or Receiver, Clerk or Clerks, or other Officer or Person, shall be found in Arrear, or refuse to account or to pay the Money remaining in his Hands, according to the Directions of the said Commissioners, or the major Part of them, or of the said Trustees, or any Seven or more of them respectively, according to the several Powers and Authorities given to them by this Act, or shall not, after Twenty-one Days Notice in Writing, signed by any Seven or more of the said Trustees, and personally served upon him or them, or left at his or their last Place of Abode, refuse or neglect to attend the said Commissioners, or the major Part of them, at any of their Meetings, and the said Trustees, or any Seven or more of them, at such Time and Place as shall be specified in such Notice, having no reasonable Excuse for such Non-attendance, to the Satisfaction of the said Trustees, or any Seven or more of them, and

shall not, at such Time and Place, produce and deliver up to the Trustees assembled at such Time and Place, or as and to whom they shall direct, all such Books of Account, and other Books, Papers, and Writings whatsoever, as shall be in his or their Custody or Power, concerning or anyways relating to the Office, which any such Person or Persons shall then hold by virtue of this Act; in every such Case, it shall be lawful for any Justice of the Peace acting for the said East Riding of the said County of York, by Warrant or Warrants under his Hand and Seal, to commit every such Officer and Person so offending to the Common Gaol, there to remain without Bail or Mainprize until he shall have truly accounted with the said Trustees, or any Seven or more of them, and shall have paid to them, or to such Person or Persons as they shall direct, all the Money which shall be due and owing on the Balance of such Account, by such Officer or other Person so offending, and also shall have delivered up to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall direct, all such Books, Papers, and Writings as aforesaid, or compounded with or satisfied the said Trustees, or any Seven or more of them, (which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make, as they shall see Cause).

Penalty on Officers not accounting.

And, for the more easy collecting the said Tolls, be it further enacted, That every Person having the Charge of any Boat or Vessel, passing on the said Cut or Canal, shall give a true Report or Account in Writing, to the best of his Knowledge, signed by himself, to the Collector or Collectors of such Tolls, and at such Place or Places as shall be appointed by the said Commissioners, or the major Part of them, of the Weight, Quantity, and Number of the Goods, Wares, Merchandises, and Commodities, which shall be in, or belonging to such Boat or Vessel, and also of the Weight, Quantity, or Number of such Goods, Wares, Merchandises, and Commodities, as shall have been discharged or taken out of such Boat or Vessel, before the Arrival thereof at the Place where such Account or Report

Masters to give an Account in Writing of their Goods.

port is to be given, and also of the Name or Names of the Owner or Owners thereof; and in Failure of giving such Account or Report, or in case a false Account or Report shall be given, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Two Pounds, over and above the Payment of such Tolls; and if any Difference shall arise between any Collector of the said Tolls and the Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, Merchandises, or Commodities, or Persons acting in his or their Behalf, concerning the Weight, Quantity, or Number of the same, it shall be lawful for any such Collector, to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all or any Part of such Goods, Wares, Merchandises, and Commodities; and in case the same shall appear to be of a greater Weight, Quantity, or Number, than such Person declared the same to be of, in every such Case, such Person shall pay the Costs and Charges of such weighing, measuring, or gauging; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the said Tolls and Rates are appointed by this Act to be recovered: But if any such Goods, Wares, Merchandises, or Commodities, shall appear to be of no greater Weight, Quantity, or Number, than such Person declared the same to be of, then such Collector shall pay such Costs and Charges, and shall also pay to such Person, or to the Owner or Owners of such Goods, Wares, Merchandises, and Commodities, One Shilling for every Hour that such Boat or Vessel shall be so detained; and in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace acting for the said East Riding of the County of York, rendering the Overplus, (if any be), to the Owner or Owners of such Goods and Chattels: And the said Trustees, or any Seven or more of them, may, if they think fit, out of the Money to be raised by the said

Tolls and Rates by virtue of this Act, reimburse the said Collectors the Monies so paid by, or levied upon them, for the Detention of any such Boat or Vessel, but shall not be compellable so to do.

Boats shall be measured and marked.

And be it further enacted, That it shall and may be lawful to and for any Person or Persons authorised by the said Trustees, or any Seven or more of them, to measure any Boat, Barge, Lighter, or other Vessel passing upon the said Cut or Canal, by putting Weights into the same, and to set Figures or Marks at each End of every such Boat, Barge, Lighter, or other Vessel, on the Outside thereof, shewing how far every Ton Weight of Lading put into such Boat, Barge, Lighter, or other Vessel, will sink the same, and also, from Time to Time, as they shall see Occasion, remeasure and mark again such Boat, Barge, Lighter, or other Vessel; and if the Owner, Master, or any other Person or Persons, shall refuse to permit, or shall obstruct the weighing, measuring, and marking of any such Boat, Barge, Lighter, or other Vessel, he or they shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; or if any Owner, Master, or other Person, shall alter or deface such Figures or Marks, or shall suffer the same to be altered or defaced, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; to be recovered, levied, and applied, in such Manner as other Forfeitures and Penalties are directed by this Act to be recovered, levied, and applied.

Masters of Vessels to be answerable for Damages done by their Crew.

And, for the better preventing of Damages or Mischiefs that may be done or committed by any rude or disorderly Persons, towing, navigating, or managing any Boat, Barge, Lighter, or other Vessel, within the Limits of the said intended Navigation; and to the End that the Owners and Masters thereof may be more careful therein, be it further enacted, That the Master or Owner of every Boat, Barge, Lighter, or other Vessel, which shall pass up or go down the said Cut or Canal, shall be, and is hereby made answerable for, and shall make good any Damage, Spoil, or Mischief, that shall be done by his, her, or their Boat, Barge, Lighter, or other Vessel, or by any Boatmen, Barge-

men, or Watermen, or by any of the Crew thereof belonging to, or employed in, or about the same respectively, or by his, her, or their Servants or Horses, unto any of the Bridges, Locks, Staunches, Dams, Sluices, or other Works, which shall be in, upon, or near the said navigable Canal, or by loading or unloading any Boat, Barge, Lighter, or other Vessel, and also for any Trespass or Damage which shall be made or done to the Owners or Possessors of any Buildings or Erections, upon or near the navigable Canal, which now are or shall hereafter be erected and set up, or to any Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining to the same, or any of them, other than is provided for and authorised by this Act; and if any such Damage, Spoil, or Mischief shall be done to any of the said Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks, or other Works, or by loading or unloading such Boats, Barges, Lighters, or other Vessels, the same shall be inquired into, and determined by any Two Justices of the Peace acting for the said East Riding of the County of York, who are hereby authorised and required, upon Complaint or Information made before them, to summon such Boatmasters, Bargemasters, or Owners, to appear before them, and upon his, her, or their Appearance, or making Default to appear, (Proof being made upon Oath before such Justices that the Party neglecting to appear was personally served with such Summons, or that the same was left for him, her, or them, at his, her, or their usual Place of Abode), such Justices shall proceed to examine into the Truth of the said Complaint or Information, and, upon Conviction of the Party complained of, or Proof upon Oath of One or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Boatmasters, Bargemasters, or Owners, as a Recompence for the said Damage, Spoil, or Mischief, so done as aforesaid, as the said Justices shall think proper, not exceeding Treble the Amount or Value of such Damage, Spoil, or Mischief, to be paid to the Party or Parties aggrieved; and in case of Non-payment of such Sum of Money so award-

ed and ordered for the Space of Six Days, the said Justices are hereby authorised and required to levy the same by Distress and Sale of the Boats, Barges, Lighters, Vessels, or other Goods and Chattels, of such Boatmaster, Bargemaster, or Owner, by Warrant under the Hands and Seals of such Justices, rendering to the Owner the Overplus, (if any be), after the said Penalty, together with the reasonable Charges of such Information and Conviction, Distress and Sale, shall have been first satisfied and paid.

Boatmen obstructing Passage to be liable to Penalties.

And be it further enacted, That if any Boatman, Bargeman, Lighterman, Waterman, or other Person, having the Care or Management of any Boat, Barge, Lighter, or other Vessel, navigating or working the same, shall lay such Boat, Barge, Lighter, or other Vessel, so as to obstruct the Passage of other Boats, Barges, Lighters, or other Vessels, and shall not upon Request immediately remove the same, or shall by any Means hinder the opening or shutting of any of the said Locks or Sluices, such Person or Persons offending as aforesaid, shall, for every such Offence, forfeit a Sum not exceeding Forty Shillings, nor less than Five Shillings; to be recovered upon Conviction before any Justice of the Peace for the said East Riding of the County of York, by the Oaths of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, by Distress and Sale of such Boat, Barge, Lighter, or other Vessel, or any of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hand and Seal of such Justice before whom such Offender or Offenders shall be convicted, rendering the Overplus (if any) after the reasonable Charges of such Information, Conviction, Distress, and Sale first deducted, to such Offender or Offenders; and for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, nor less than Ten Days.

Vessels sunk to be weighed.

And be it further enacted, That if any Boat, Barge, Lighter, or other Vessel, shall happen to be sunk in such navigable

navigable Canal, and the Owner or Person having the Command or Rule thereof, shall not, as soon as may be, weigh or draw up the same again, and hale the same out of the Way of other Boats, Barges, Lighters, or other Vessels, passing and repassing upon the said Navigation, it shall and may be lawful to and for any Officer of, or other Person acting by the Authority or Command of the said Trustees, or any Seven or more of them, to cause such Boat, Barge, Lighter, or other Vessel, to be weighed or drawn up, and to detain and keep such Boat, Barge, Lighter, or other Vessel, until Payment shall be made of all Expences and Damages to be occasioned thereby: And if such Payment be not made within Twenty-one Days after such Boat, Barge, Lighter, or other Vessel, shall be weighed or drawn up; then, and in such Case, it shall and may be lawful to and for any Person or Persons, by Order in Writing from the said Trustees, or any Seven or more of them, (which Order the said Trustees, or any Seven or more of them, are in any such Case impowered to make), to sell the same for reimbursing the said Expences, Damages, and other incident Charges, rendering the Overplus, (if any be), when demanded, to the Owner or Master of such Boat, Barge, Lighter, or other Vessel.

Masters to have their Names on Outside of Boats, &c.

And, to the End that the Owners, Masters, or Persons having the Rule of any Vessel navigating within the Limits of the said intended navigable Canal, may be better known, be it further enacted, That every Owner, Master, or Person having the Rule, Command, or Property, of any Boat, Barge, Lighter, or other Vessel, passing upon the said navigable Canal, shall cause his or their Name or Names, and Place or Places of Abode, at full Length, to be placed and set in large Capital Letters, Six Inches long at the least, and broad in Proportion, on the upper Part of the Bow, on both Sides of every such Boat, Barge, Lighter, or other Vessel, and painted White, so that the same shall, from Time to Time, and at all Times, be plain and legible: And in case any such Owner, Master, or Person, having the Command or Rule of any Boat,

Penalties for omitting Names, or leaving open Gates, Cloughs, &c.

7 Barge,

Barge, Lighter, or other Veſſel, paſſing upon the ſaid navigable Canal, ſhall not at all Times have his, her, or their Name and Place of Abode, ſo ſet and placed as aforeſaid; or in caſe ſuch Owner, Maſter, or Perſon, having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing on the ſaid navigable Canal, into or through any of the Sluices or Locks upon the ſaid navigable Canal, ſhall wilfully ſet or leave open any of the Gates, Doors, or Cloughs, belonging to the ſaid Sluices or Locks, whereby the Water of the ſaid navigable Canal ſhall run waſte; then, and in every of the ſaid Caſes, every ſuch Owner, Maſter, or Perſon, ſo neglecting or offending, on Conviction before any Juſtice of the Peace, acting for the ſaid Eaſt Riding of the County of York, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; to be recovered and levied by Diſtreſs and Sale of ſuch Offender's Goods and Chattels, by Warrant under the Hand and Seal of ſuch Juſtice; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, nor leſs than Twenty Days, or until ſuch Penalty ſhall be paid, or otherwiſe compounded for; which Compoſition the ſaid Truſtees, or any Seven or more of them, are hereby impowered to make.

Navigation free.

And be it further enacted, That the ſaid intended Navigation, and the Works, Towing-paths, and Haling-ways, hereby authoriſed to be made and ſet out, ſhall be free for the Uſe of all Perſons, and their Boats, Veſſels, and Horſes, upon Payment of ſuch Tolls and Rates as ſhall be appointed to be taken by virtue of this Act; and that all Taxes, Tolls, Rates, and Duties, to be raiſed by virtue of this Act, ſhall at all Times hereafter be exempted from the Payment of any Taxes, Rates, Aſſeſſments, or Impoſitions whatſoever; any Law or Statute to the Contrary notwithſtanding.

Tolls exempt from Taxes.

Punishment on Persons breaking Locks.

And, for preventing the breaking of Locks or Gates, or damaging any of the Works which shall be erected in pursuance of this Act, be it enacted, That if any Master or Owner of any Vessel, or any other Person or Persons, shall wilfully and maliciously break any Locks or Gates, or cut, break down, damage, or destroy, any Banks or other Works to be erected or made in pursuance of this Act, such Offender or Offenders shall be judged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in case of Felony; and the Court by and before whom such Person or Persons shall be tried, shall have full Power and Authority to transport such Felon for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Commissioners or Trustees may make Bye-laws.

And be it further enacted, That the said Commissioners, or the major Part of them, at any of their Meetings during the Continuance of their Authority as aforesaid, and when the Authority of the said Commissioners shall be determined, then and from thenceforth the said Trustees, or any Seven or more of them, at any of their Meetings (Notice being first given of the Intention of such Meetings in the said weekly News-paper called The York Courant, or other News-paper as aforesaid, Twenty-one Days before such Meeting) shall, from Time to Time, have full Power and Authority to make Bye-laws, Orders, and Constitutions, touching the Cuts, Drains, Sewers, Banks, Cloughs, Engines, and other Works now in being, or to be made and constructed by virtue of this Act for the Purpose of the said Drainage, and for the preserving, repairing, and keeping the same in Order, and for the good and orderly using of the said Navigation, and for the well-governing of the Bargemen, Watermen, and Boatmen, who shall convey or carry any Goods, Wares, or Merchandises, on any Part of the said navigable Canal, and to impose and inflict reasonable Fines and Forfeitures upon those who shall violate such Bye-laws, Orders, or Constitutions, so as no such Fine or Forfeiture shall exceed the Sum of Forty Shillings on any One Person for any One Offence; such Fine or Forfeiture to be levied and recovered in such

Manner

Manner as other Penalties and Forfeitures are by this Act directed to be levied and recovered; which said Bye-laws, Orders, and Constitutions, being put in Writing under the Hands and Seals of the said Commissioners or Trustees respectively making the same, shall be binding to, and be observed by, all Parties, and shall be sufficient in any Courts of Law or Equity to justify all Persons who shall act in pursuance thereof, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred; but any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgement made or given by or in pursuance of any such Bye-law, Order, or Constitution, may, within Six Calendar Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace at the General or Quarter-sessions to be held in and for the said East Riding of the County of York, who shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter-sessions, or if they shall think proper, may adjourn the Hearing thereof to the next General or Quarter-sessions of the Peace to be held for the said Riding; and if they see Cause, mitigate or discharge such Forfeitures or Punishment, and may order any Money, or Part thereof, to be returned, which shall have been levied in pursuance of such Bye-law, Order, or Constitution; and may also order further Satisfaction to be made to the Party injured, and also such Costs to either of the Parties, as they shall judge reasonable; but no Justice of the Peace shall act or vote in the hearing or determining of any such Complaint, whose Hand and Seal, as a Commissioner, shall appear to have been set to the said Bye-law, Order, or Constitution, which occasioned such Complaint.

Bye-laws to be entered in a Book,

And be it further enacted, That all Bye-laws, Orders, Constitutions, and Proceedings, as well of the said Commissioners as of the said Trustees, made in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose; and such Bye-laws, Orders, Constitutions, and Proceedings, when entered, shall be signed by the said Commissioners, or the major

Part of them, or by the said Trustees, or any Seven or more of them respectively, and their Clerk or Clerks attending the said Commissioners or Trustees respectively, is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and such Bye-laws, Orders, Constitutions, and Proceedings, so signed and attested, shall be deemed and taken to be original Bye-laws, Orders, Constitutions, and Proceedings, and shall and may be produced and read in Evidence in all Causes of Appeal, Suits, Actions, or other Proceedings, touching any Thing done in pursuance of this Act; and such Book or Books shall and may be seen and perused, at all seasonable Times, without any Fee or Reward, and Copies thereof, or of any Part thereof, may be taken by any Person or Persons, paying the said Clerk or Clerks Two-pence for every One hundred Words.

and may be read in Evidence.

No Order entered to be varied, unless Nine Trustees consent.

Provided always, and be it enacted, That no Order which shall be made by the said Commissioners, or the major Part of them, and shall be entered in their Book as Standing Orders, nor any Order which shall be made by the said Trustees, or any Seven or more of them, by virtue and under the Authority of this Act, at any of the Meetings, shall be altered, reversed, annulled, or made void, at any subsequent Meeting, unless Nine or more of the said Trustees, present at such Meeting, be consenting thereto, nor unless Twenty-one Days Notice be published in The York Courant, or other News-paper, as aforesaid.

Penalties, &c. how to be recovered.

And it is hereby further enacted and declared, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted or authorised to be imposed, the Recovery whereof is not herein-before directed, shall be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said East Riding of the County of York, who is and are hereby impowered and authorised to act in the Premises; and also to hear and determine all other Complaints hereby referred to and made cognizable by any Justice or Justices of the Peace for the said

Riding, and to issue such Warrant and Warrants as is and are hereby required or necessary to be granted or issued by any Justice or Justices of the Peace for any of the Purposes in this Act contained: And in case sufficient Distress shall not be found, it shall be lawful for any such Justice to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until the Penalty shall be paid or otherwise compounded for; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make: And that all such Fines, Penalties, and Forfeitures, and Composition-monies, or any Part or Parts thereof, which are not herein-before directed to be applied, shall be paid into the Hands of the Treasurer or Treasurers to the said Trustees, and applied for the Purposes of Drainage and Navigation respectively.

Persons aggrieved may appeal to the Quarter-sessions.

And be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace upon account of any Offence committed, or supposed to be committed, against this Act, or any Penalties to be levied by virtue thereof, may appeal to the Justices of the Peace for the said East Riding of the County of York, at the next General or Quarter Sessions of the Peace to be held for the said Riding after the Cause of such Appeal shall happen, the Person or Persons so appealing first entering into a Recognizance with Two sufficient Sureties to the Satisfaction of the said Justice or Justices to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said Justices in the said General or Quarter Sessions, in case such Order and Judgement shall be affirmed; and the said Justices, in their said General or Quarter Sessions, are hereby authorised and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster, or elsewhere.

Proceedings not to be quashed for want of Form.

And be it further enacted, That no Order or other Proceeding to be made or had by or before any Justice or Justices of the Peace, by virtue of the Powers by this Act granted, shall be quashed or vacated for want of Form only.

Exemption from Stamp-duties.

Provided always, That no Warrant, Mortgage, Assignment, Transfer, or other Writing whatsoever, to be made or written in pursuance of or relating to the Execution of any of the Powers of this Act, shall be subject to or charged or chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein-before given or granted, every such Action, Suit, or Information shall be commenced and brought within Three Calendar Months next after the Fact committed, and not afterwards, and shall be tried by a Jury of the County of York, and not elsewhere; and the Person or Persons

General Issue.

so sued or prosecuted shall or may plead the General Issue; and if in Replevin, may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and give this Act, and the Special Matter, in Evidence, without specially pleading the same (other than as aforesaid), at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought down to be tried in any other County, except the County of York, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass, or Judgement be given against him, her, or them upon Demurrer, or otherwise; then, and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall re-

Treble Costs.

cover Treble Costs, for which he, she, or they shall have

the like Remedy as when Costs are awarded in other Cases by Law.

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case. Not to recover but for special Damage.

And be it further enacted, That Accounts of all Monies which shall be received, raised, and borrowed by virtue of this Act, and of the Expenditure of such Monies respectively; and also all Debts, Contracts, Orders, and Proceedings of the said Commissioners, or of the said Trustees in the Execution of or relating to this Act, shall be, from Time to Time, regularly and fairly entered in proper Books, to be kept for that Purpose; and such Entries being signed by the major Part of the said Commissioners, or by Seven or more of the said Trustees, and attested by the Clerk to the said Commissioners, or Trustees respectively, shall be deemed Originals, and shall be admitted to be read in Evidence in all Courts whatsoever. Accounts to be kept in Books, and Entries to be read as Evidence.

And be it further enacted, That nothing herein contained shall extend to prejudice the Rights of any Lord or Lords of any Manor or Manors, so that the Exercise of such Rights shall not interfere with or interrupt the Execution of this Act. Saving Clause.

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

FINIS.