



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. lx.

An Act for rendering more effectual several Acts of His present Majesty, for draining certain Low Lands on both Sides of the River *Witham*, and in *Wildmore Fen*, and in the *West* and *East Fens*, and other Low Lands adjoining or contiguous thereto, in the County of *Lincoln*. [23d May 1818.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act for draining and preserving certain Low Lands called The Fens, lying on both Sides the River Witham in the County of Lincoln, and for restoring and maintaining the Navigation of the said River from the High Bridge in the City of Lincoln through the Borough of Boston to the Sea*, whereby certain Lands therein particularized were divided into Six Districts for the Purpose of Drainage, and Commissioners were thereby directed to be appointed for each District in Manner therein mentioned, to have the Care, Management, and Direction of the private Works necessary to be done within their respective Districts; and such District Commissioners were authorized to elect from Time to Time Thirty-one Persons, to be General Commissioners for the Purposes of Drainage, in Manner therein mentioned: And whereas another Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for the better and more effectually draining certain Tracts of Land called Wildmore Fen and the West and East Fens in the County of Lincoln, and also the Low Lands and Grounds in the several Parishes, Townships, and Places having Right of Common on the said Fens, and other Low Lands lying contiguous or adjoining thereto*; whereby certain Special

[Local.]

2 G. 3. c. 32.

41 G. 3. c. 135.

Commissioners therein named were authorized, empowered, and required to execute the several Works of Drainage therein particularly mentioned, for the better and more effectually draining the said *Wildmore Fen* and the said *West* and *East Fens*, and the Low Lands and Grounds lying contiguous or adjoining thereto, and the Low Lands and Grounds in the Parish of *Wrangle*; and the Works therein directed to be executed by the said Special Commissioners, from and after the Completion thereof, were thereby vested in, and it was thereby declared should for ever afterwards remain, continue, and be subject and liable to the Power, Jurisdiction, and sole Controul of the said General Commissioners, or any Five or more of them, in such and the like Manner as if the same had been made, done, and executed under the Authority of the said recited Act of the Second Year of the Reign of His present Majesty: And whereas another Act was passed in the Forty-third Year of the Reign of His present Majesty, intitled *An Act for amending an Act passed in the Forty-first Year of the Reign of His present Majesty, for more effectually draining certain Tracts of Land called Wildmore Fen and the West and East Fens in the County of Lincoln, and other Low Lands and Grounds lying contiguous or adjoining thereto*: And whereas by the said Act passed in the Forty-first Year of the Reign of His present Majesty, the said *East Fen* and other Low Lands and Grounds above-mentioned were incorporated with and made Part of the Fourth District, in the said Act of the Second Year of His present Majesty particularly described; and the said District Commissioners to be appointed by virtue of the said Act, passed in the Second Year of the Reign of His present Majesty, for the said Fourth District, were empowered to do all such Works of private or interior Drainage therein; and the said Special Commissioners were thereby empowered, by Sale of Lands in the said *Fens*, to raise Money for defraying the Costs and Charges in making, executing, and completing the several Works of Drainage by the said Act of the Forty-first Year of the Reign of His present Majesty directed to be done and executed, and all other Expences incident thereto; and if there should be any Surplus remaining of the said Monies, after answering the Purposes aforesaid, the same is directed to be laid out in such further Works of Drainage within the said Fourth District, and in supporting those to be made as therein directed, or for such other Purposes as the said General Commissioners, or any Five or more of them, should order or direct: And whereas by the said Act passed in the Forty-first Year of the Reign of His present Majesty, and by another Act passed in the Forty-ninth Year of the Reign of His present Majesty, intitled *An Act for embanking, inclosing, and draining Lands within the Parish of Friskney in the County of Lincoln*; and also by another Act, passed in the Fifty-third Year of the Reign of His present Majesty, intitled *An Act for embanking, inclosing, and draining Lands in the Parish of Wainfleet Saint Mary in the County of Lincoln*, the Proprietors of certain Low Lands in the said Parishes of *Friskney* and *Wainfleet Saint Mary's*, lying contiguous or adjoining to the said *East Fen*, were enabled to take the Benefit of the Provisions contained in the said Act of the Forty-first Year of the Reign of His present Majesty, and have been incorporated with and made Part of the said Fourth District: And whereas the Lands comprised in the said Fourth District have been greatly improved by the Works which have been executed by virtue of the said Acts, but other Works are also necessary to be done for better draining the said Lands; and it is desirable that the Powers and Authorities of the said District Commissioners, as well as those

those of the Commissioners for general Drainage to be from Time to Time appointed, for draining the said Lands comprised in the said Fourth District, should be extended to the Drainage of certain Low Lands and Grounds in the several Parishes, Townships, and Places of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints*, all in the said County of *Lincoln*, and that such Low Lands and Grounds should be incorporated with and made Part of the said Fourth District; and that the Owners and Proprietors thereof should be allowed to take the Benefit of the Works of Drainage, authorized by the said Acts; and that the said General Commissioners should be empowered to alter, vary, and straighten the Course of a certain Stream called *Steeping River*, and to embank, deepen, and widen the same, and to execute such other Works as may be thought expedient for better draining and preserving the Low Lands in the Parishes, Townships, and Places aforesaid, and for protecting the Lands lying in the said *East Fen*, and the Low Lands and Grounds lying contiguous and adjoining thereto, from Floods in Wet Seasons, occasioned by the overflowing of the said Stream called *Steeping River* or otherwise; and it is moreover expedient to provide additional Funds for the Purposes aforesaid, which cannot be done, nor can the said Works be accomplished, without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That from and after the passing of this Act, the Low Lands and Grounds in the several Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints* aforesaid, shall be and they are hereby incorporated with, and shall form and constitute, and they are hereby declared to be a Part of the said Fourth District formed by the said recited Act passed in the Second Year of the Reign of His present Majesty, and shall be hereafter considered to all Intents and Purposes Lands and Grounds to be drained and improved by and under the Powers and Authorities of the said Act, in like Manner as they might have been had such Lands and Grounds been mentioned and described in the said Act at the Time of the passing thereof; and all the Clauses, Powers, Privileges, Exemptions, Provisions, Authorities, Indemnities, Restrictions, Rules, Orders, Matters, and Things contained, mentioned, prescribed, appointed, or provided in and by the said recited Acts or either of them, with reference to the Lands and Grounds lying in the Fourth District therein described, so far as the same can or may be applicable to the Lands and Grounds by this Act added to and declared to be Part of such Fourth District, shall be applicable and extend thereto in like Manner as if the same were herein particularly set forth and re-enacted, except such as are repugnant to any of the Clauses and Provisions in this Act contained; and such Lands and Grounds shall be subject and liable to the same yearly Rates, Taxes, and Penalties for Non-payment thereof, as any Lands or Grounds in the said *East Fen*, forming Part of the said Fourth District, are or may be subject or liable.

Certain Low Lands added to the Fourth District.

II. And be it further enacted, That for the better Protection of the said *East Fen*, and of the Low Lands and Grounds adjoining or contiguous thereto, and of the Low Lands in the said several Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints*, from the High Land Waters, the said General Commis-

ioners Works to be executed by General Commissioners for protecting the East Fen and Low Lands

adjoining
from the
Floods of
Steeping
River.

tioners shall and they are hereby authorized and empowered to widen and enlarge, or cause to be widened and enlarged, the Water-way or Mill-race of *Little Steeping Mill*, so that when completed it shall not be less than Eighteen Feet wide, and to straighten, scour out, cleanse, widen, deepen, and enlarge, or cause to be straightened, scoured out, cleansed, widened, deepened, and enlarged, the *Steeping River* through old Inclosures in the Parishes of *Little Steeping*, *Great Steeping*, and *Firsby*, by cutting off the respective Bends of the said River between *Steeping Mill* and *Firsby Clough*, and from thence to make a new Cut nearly in a straight Line through old Inclosures in the said Parishes of *Firsby*, *Thorpe* and *Wainfleet All Saints*, near to a certain Cottage and Homestead belonging to *Coningsby Waldo Sibthorpe* Esquire, in the Occupation of *Thomas Crow*, on the West Side, and a House and Garden erected upon the Waste, in the Occupation of *William Davy* on the East Side (which said Point is about the Distance of One Mile from *Salem Bridge* in the Parish of *Wainfleet All Saints*), the Dimensions of the said River and Cuts to be Twenty-one Feet wide at the Bottom, with Batters on each Side of Two Feet horizontal to One Foot perpendicular; and shall make or cause to be made Forelands to the said River and Cuts, not less than Eight Feet wide, with Banks at their Extremity, having a Batter in the Front of Three Feet horizontal to One Foot perpendicular, and on the Back One Foot and a Half horizontal to One Foot perpendicular, the Banks to be Two Feet wide, at the average Height of Nine Feet above the Land, so as to make them generally about Three Feet above the Level of the present Banks; and shall also make or cause to be made a Back Delph on the South-west Side of the said River, and Cuts from *Steeping Mill* to the North End of the straight Line of the said River and Cuts before described, so that the same shall not be less than Three Feet wide at the Bottom, having Batters on each Side of not less than Two Feet horizontal to every Foot in Height; and the said General Commissioners shall also make or cause to be made a new Cut or Back Delph on the North-east Side of the said River and Cuts from near the End thereof to *Wainfleet Sewer*, and to be continued from thence through certain inclosed Lands and Grounds in the Parishes of *Wainfleet All Saints*, *Thorpe*, *Firsby*, *Great Steeping*, and *Little Steeping*, to near *Little Steeping Water Mill*, which last-mentioned Cut to *Wardike Drain* shall have a Bottom not less than Three Feet wide, and from *Wardike Drain* aforesaid shall not be less than Ten Feet wide at the Bottom where the new Cut crosses the *Wardike Drain*, and diminishing gradually to Six Feet wide at the Bottom at or near *Firsby Clough*, and from thence to *Steeping Mill* diminishing gradually to a Bottom of Four Feet or thereabouts at the said Mill, so as to provide sufficient Earth for the Formation of the North-east Bank of the said River and Cuts, and also to act as a Soakage Drain for conveying away the Downfall Waters of the said Lands; and shall also scour out, widen, deepen, and enlarge, or cause to be scoured out, widened, deepened, and enlarged, the *Steeping River* from the End of the said intended new Cut to *Salem Bridge* aforesaid to the Average Width of Twenty-one Feet at the Bottom; and shall also straighten, scour out, widen, deepen, and enlarge, or cause to be straightened, scoured out, widened, deepened, and enlarged, the *Great Steeping Beck* from the North-east Bank of *Steeping River* near *Little Steeping Church* to old inclosed Lands in *Great Steeping* belonging to the Right Honourable *Peter Lord Gwydir*, in the Occupation of *Thomas Baker*, near to a Public-house known by the Sign of the *Red Lion* in *Great Steeping* aforesaid, commencing with a Ten Feet Bottom
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at *Steeping River* and diminishing gradually to a Two Feet Bottom at the North-east End, with Back Ditches on each Side where necessary to convey away the Soakage Waters, each Ditch to be One Foot wide at the Bottom; and the said General Commissioners shall and they are hereby authorized, empowered, and required to erect and build or cause to be erected and built upon the said River and Cuts Five Brick Carriage Bridges of Twenty-four Feet Water-way each, to be placed in such Situations as the said General Commissioners shall think necessary, and shall also remove the present *Firsby Little Clough* and erect the same again of the same Dimensions at or near the Junction of the new Cut above described with the *Little River Lymn*, and also shall take down and remove *Firsby Great Clough* and rebuild the same again across the said *Steeping River*, at or near the Junction of the new Cut above described, with a Water-way of Twenty-four Feet, and shall also take down the said *Salem Bridge*, and rebuild the same with Twenty-four Feet Water-way.

III. And be it further enacted, That the said General Commissioners shall and they are hereby authorized and empowered to straighten, scour out, cleanse, widen, deepen, and enlarge, or cause to be straightened, scoured out, cleansed, widened, deepened, and enlarged, *Steeping Sewer*, to the Width of not less than Two Feet at the Bottom for about Twenty Chains in Length; and shall also straighten, scour out, widen, deepen, and enlarge, or cause to be straightened, scoured out, widened, deepened, and enlarged, the *Marshes Drain*, *Firsby Sewer*, and *Wold Drain*, commencing at the *Little River Lymn* with Three Feet Width at the Bottom, and diminishing gradually to One Foot in Width at the Bottom, so far as the same extend through the Low Lands intended to be drained by virtue of this Act; and also shall straighten, scour out, widen, deepen, enlarge, or cause to be straightened, scoured out, widened, deepened, and enlarged, the *Irby Beck* or *Sewer*, commencing from its Junction with the *Little River Lymn*, to near the Pinfold in the Parish of *Irby*, with Three Feet Width at the Bottom, and diminishing gradually to One Foot in Width at the Bottom near to the said Pinfold; and also shall straighten, scour out, widen, deepen, and enlarge, or cause to be straightened, scoured out, widened, deepened, and enlarged, the *Bratost Beck*, commonly called the *Cowcroft Drain*, commencing at the *Little River Lymn* with Twelve Feet in Width at the Bottom, and diminishing gradually to a Four Foot Bottom at its Extremity, with a Back Ditch on each Side to convey away the Downfall or Soakage Waters, which said Back Ditches shall be One Foot wide at the Bottom; and also shall scour out, widen, deepen, and enlarge, or cause to be scoured out, widened, deepened, and enlarged, the *Little River Lymn*, from its Junction with the said River and Cuts herein-before directed, to its Bend in *Bratost*, adjoining *Croft*, so as to procure Earth to heighten and strengthen the South Bank of the said *Little River Lymn*; and also shall make and cut or cause to be made and cut a Ditch or Drain on the North Side of the *Little River Lymn*, from *Irby Beck End*, in a westwardly Direction, to the Junction of the said River with the said new Cut, commencing at *Irby Beck End* with a Bottom of Two Feet in Width, and diminishing gradually to One Foot in Width at the Bottom at the said Cut; and also shall make and cut or cause to be made and cut a Ditch or Drain on the North Side of the said *Little River Lymn*, from *Irby Beck End* aforesaid, and to proceed from thence in an eastwardly Direction to its Bend in *Bratost* adjoining *Croft*, commencing

Works to be executed by General Commissioners for Drainage of the Low Lands added by this Act to the Fourth District, unto Hobhole.

[Local.]

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at *Irby Beck End* with a Bottom of Four Feet in Width, and diminishing gradually to One Foot in Width at the Bottom at the Bend in *Bratost*, the Earth which comes out of the said Ditches or Drains to be used for heightening and strengthening the North Bank of the *Little River Lymn*, from its Junction with the *New River* to its Bend in *Bratost* adjoining *Croft*; and also shall make and cut or cause to be made and cut a new Drain along the West Side of *Lever Gate Road*, from *Irby Beck End* through old Inclosures in the Parish of *Thorpe* to the Place where *Wardike Drain* crosses the new Cut herein-before directed to be made from *Firsby Clough*, such Drain not to be less than Four Feet in Width at the Bottom; and also shall straighten, scour out, cleanse, widen, deepen, and enlarge, or cause to be straightened, scoured out, cleansed, widened, deepened, and enlarged, the *Wardike Drain*, from a certain Place called *Fen Bank Corner* in the Parish of *Wainfleet All Saints* to the said new Cut, commencing with a Bottom of Twenty Feet in Width, and diminishing gradually to where it crosses the said new Cut to a Ten Feet Bottom, the Bottom of the said Drain to be made to the same Level with the *White Cross Clough Drain* in the *East Fen*; and also shall straighten, scour out, cleanse, widen, deepen, and enlarge the *Wardike Drain* from where it crosses the new Cut to a Sewer in Lands belonging to the Heirs of *Clifton Wheat Esquire*, commencing at the said new Cut with Six Feet in Width at the Bottom, and diminishing gradually to Two Feet in Width at the Bottom at the said Sewer; and shall also straighten, scour out, cleanse, widen, deepen, and enlarge, or cause to be straightened, scoured out, widened, deepened, and enlarged, the *Wainfleet Sewer*, from *Fen Bank Corner* along the Side of *Fen Bank*, and from thence to its End at the new Cut afore-said, with a Bottom of Three Feet in Width; and shall also straighten, scour out, cleanse, widen, deepen, and enlarge, or cause to be straightened, scoured out, cleansed, widened, deepened, and enlarged, the said *Wainfleet Sewer* from the Ditch before described on the East Side of the said new Cut to near the High Lands in *Wainfleet All Saints*, commencing at the said new Cut with Two Feet in Width at the Bottom, and gradually diminishing to One Foot in Width at the Bottom at its Extremity; and shall also make or cause to be made a new Drain from the West End of *Wardike Drain* nearly in a straight Line through old Inclosures in the Parish of *Wainfleet All Saints*, called *The Dales*, to the *White Cross Clough Drain* in the *East Fen*, having a Bottom of Twenty Feet in Width, with Batters or Slopes on each Side as Two Feet horizontal to One Foot perpendicular; and shall also make or cause to be made a Dam across the said *Steeping River*, between the Church of *Wainfleet All Saints* afore-said and *White Cross Clough*; and also shall make or cause to be made a sunken Brick Tunnel or Aqueduct under the *Little River Lymn* at *Irby Beck End*, with Two Elliptical Arches, whose longer Axis shall be Seven Feet and the shorter Axis Five Feet, and also another sunken Brick Tunnel or Aqueduct under the said *Little River Lymn* near *Firsby Clough*, having its larger Axis not less than Six Feet and the shorter Axis not less than Four Feet, and one other sunken Brick Tunnel or Aqueduct under the new Cut where the *Wardike Drain* crosses the same, with Three Elliptical Arches, whose longer Axis shall be Seven Feet Six Inches and the shorter Axis Five Feet, and also shall make and erect or cause to be made and erected a Brick Carriage Bridge over the said new Drain from the West End of *Wardike Drain* to *White Cross Clough Drain*, with a Waterway of Twenty-four Feet; and the said General Commissioners shall and they are hereby authorized,

rized, empowered, and required to erect and build, or cause to be erected and built, all such Culverts and Brick Tunnels and of such Dimensions as to them shall seem fit and expedient.

IV. And whereas on the Execution of the new Cut or Drain hereinbefore directed to be made from the West End of *Wardike Drain*, nearly in a straight Line to the *White Cross Clough Drain* in *East Fen*, the new Cut or Drain from *White Cross Clough* or *Goodike* to the said *East Fen*, by the said recited Act of the Forty-first Year of the Reign of His present Majesty directed to be made, will become unnecessary; be it therefore further enacted, That from and after the passing of this Act, so much of the said recited Act passed in the Forty-first Year of the Reign of His present Majesty, as relates to the making the said new Cut or Drain from *White Cross Clough* or *Goodike* into the said *East Fen*, shall be and the same is hereby repealed.

Certain Parts
of 41 G. 3.
repealed.

V. And whereas by the said Act passed in the Forty-first Year of the Reign of His present Majesty, Bridges were authorized to be erected upon the Cuts and Drains thereby directed to be made: And whereas by the said Act passed in the Forty-third Year of the Reign of His present Majesty, it was enacted, that no Communication should be opened between Two Drains on the West Side of *Cowbridge* and *New Dike Drain*, for the Conveyance of the said Downfall and Soakage Waters to *Hobhole*, until the said Waters were raised in the said Drains One Foot above the Top of the Sluice thereby directed to be built: And whereas the carrying of such Provisions into Effect has obstructed the free Passage of Boats along the said Drains, and it is necessary that other Works should be constructed to prevent such Obstructions for the future; be it therefore further enacted, That the said General Commissioners shall and they are hereby empowered to erect, make, and maintain such Works upon the said Drains as to them shall appear necessary to prevent such Obstructions as aforesaid.

Works to be
made for pre-
venting Ob-
struction to
the Passage of
Boats along
certain
Drains.

VI. And whereas the Special Commissioners acting in the Execution of the said recited Acts, passed in the Forty-first and Forty-third Years of the Reign of His present Majesty, did by a certain Certificate bearing Date the Twenty-seventh Day of *November* One thousand eight hundred and thirteen, certify to the General Commissioners that all the Works authorized and required to be done by the said recited Acts had been executed and completed, at the same Time noting that their Certificate did not extend to any Bank which might be made against the Waters of *Steeping River*, in the Event of the Lands on the East Side of the said River not coming into the Drainage; and the said General Commissioners did, at their Meeting held on the Fifth Day of *July* One thousand eight hundred and fourteen, signify their Approbation of the Execution of such Works, and thereupon took upon themselves the Maintenance and Reparation of the said Works executed by the said Special Commissioners by virtue of the said recited Acts; but the said Special Commissioners have not yet executed their Award which by the said recited Act of the Forty-first Year of the Reign of His present Majesty they are directed to make; be it therefore further enacted, That from and after the passing of this Act the several Cuts, Drains, Dams, Banks, Lands purchased and used for Banks and Forelands, Aqueducts, Culverts, Outlets, Sluices, Cloughs, Engines, Bridges, Tunnels, and other Works which have been made and executed by the said

Works of
Drainage
executed by
Special Com-
missioners
vested in Ge-
neral Commis-
sioners though
Award not
executed.

said Special Commissioners by virtue of the said recited Acts of the Forty-first and Forty-third Years of the Reign of His present Majesty, shall be vested in and for ever afterwards remain, continue, and be subject and liable to the Power, Jurisdiction, and sole Controul of the said General Commissioners, or any Five or more of them; and the Surplus of the Monies already or hereafter to be received by the said General Commissioners by virtue of the said recited Act passed in the Forty-first Year of the Reign of His present Majesty, shall and may be applied in making and executing such further Works of Drainage within the said Fourth District, and in supporting those already made, or for such other Purposes of the said recited Act or this Act, as the said General Commissioners or any Five or more of them shall order or direct, in such and the like Manner as such Works would have become vested, and such Surplus could or might have been applied by the said General Commissioners, in case all the Works by the said recited Act directed to be done and executed by the said Special Commissioners had been completed, and the Award of the said Special Commissioners thereby directed to be made had been executed.

Special Commissioners under 41 G. 3. to execute their Award within Two Years.

VII. And be it further enacted, That the said Special Commissioners shall and they are hereby required to make and execute the Award which by the said recited Act of the Forty-first Year of His present Majesty they are directed to make, within the Space of Two Years from the passing of this Act.

Such Powers of 41 and 43 G. 3. as are not repealed by this Act to be in force.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall lessen, hinder, prejudice, defeat, take away, or interfere with any of the Powers or Authorities by the said recited Acts of the Forty-first and Forty-third Years of His present Majesty given and granted to and vested in the said Special Commissioners, save and except where such Powers and Authorities are altered, varied, or repealed by this Act; and that from and after the Expiration of the said Term of Two Years, all and every the Powers and Authorities, Acts, Matters, and Things, by the said recited Acts of the Forty-first and Forty-third Years of the Reign of His present Majesty given and granted, or directed to be done and executed by the said Special Commissioners, shall cease and determine, (save and except as to the Execution of the said Award of the said Special Commissioners by the said recited Act directed to be made, and the Powers and Authorities thereby given to the said Special Commissioners for Recovery of any Rates made or to be made by the said Special Commissioners, or by virtue of the said recited Acts, or under and by virtue of a certain other Act made and passed in the Forty-second Year of the Reign of His present Majesty, intituled *An Act for altering, amending, and rendering more effectual an Act passed in the last Session of Parliament, intituled 'An Act for dividing and allotting a certain Fen called Wildmore Fen in the County of Lincoln;'* and for dividing, allotting in Severalty, and inclosing the Parochial or General Allotments set out or to be set out in pursuance of the said Act, for compensating for the Tithes of such Allotments, and for declaring and determining to what Parish or Parishes the several Allotments of the said Fen shall belong.

Powers given to General Commission-

IX. And be it further enacted, That for the Purpose of completing the several Cuts, Drains, Dams, Banks, Sluices, Engines, Bridges, Tunnels, and

and other Works by this Act, or by the said recited Acts of the Forty-first and Forty-third Years of the Reign of His present Majesty authorized or directed to be done and executed, all and every the Powers and Authorities given or granted by either of the said recited Acts to the General Commissioners, or District Commissioners, or Special Commissioners, therein named or appointed, or to be named or appointed by virtue of the said Acts or either of them, or to any Surveyors or Workmen to be employed by them, to enter upon Lands, to take Levels, to make Contracts for Works, to purchase or resell Lands, and for all other Purposes whatsoever, for completing any Works to be done or executed by virtue of either of the said recited Acts, shall be in full Force and Effect, and are hereby given and granted to the General Commissioners and to the several Persons to be employed by them for executing the several Works by this Act authorized and directed to be done and performed, in like Manner, and as far as the same can be made applicable thereto, and as if such Powers and Authorities were fully set forth and re-enacted in this Act; and all such Works, when completed, unless otherwise directed by this Act, shall, as to all general Works of Drainage, remain and be subject to the Power, Jurisdiction, Management, and sole Controul of the said General Commissioners, and as to all private or interior Works of Drainage, subject to the Power, Jurisdiction, Management, and sole Controul of the District Commissioners as herein-after mentioned, save and except as to the said *Firsby Great Clough*, which from and after the Reconstruction thereof shall be subject and liable to the same Direction and Controul to which the present *Clough* is now subject and liable, and shall be repaired and maintained by the same Person or Persons as the present *Clough* is now repaired and maintained.

ers, &c. to execute Works directed to be done by former Acts extended to Works to be done by virtue of this Act.

X. And be it further enacted, That the said *Steeping River*, and the several Works herein directed to be executed by the said General Commissioners from *Steeping Mill* to *Salem Bridge*, and also the said *Wardike Drain*, from the South-west Bank of the New Cut to the said *White Cross Clough Drain*, shall be deemed and taken to be general Works of Drainage, to be maintained and supported by the said General Commissioners; and that all other Works to be done and executed under the Powers and Authorities of this Act, within any of the said Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints*, shall be deemed and taken to be private or interior Works of Drainage, to be maintained and supported by the said Commissioners of the Fourth District to be appointed for the said Parishes as herein-after mentioned, save and except as to the said *Salem Bridge*, which from and after the Reconstruction thereof shall be repaired and maintained by the same Parties and Persons respectively who have heretofore repaired and maintained, and are now liable to repair and maintain the same.

General and private Works of Drainage defined.

XI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said General Commissioners, or any Person or Persons acting by or under their Authority, to take or use for the Purposes of this Act any House or other Building which was erected or built at or before the passing of this Act, or any Land or Ground which was then set apart or used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof and Persons interested therein respectively, other than and except a Barn and Outbuildings situate

Restrictions as to taking Houses and Gardens for the Purposes of this Act.

in *Wainfleet All Saints* aforesaid, belonging to *Coningsby Waldo Sibthorpe* Esquire, in the Occupation of *Thomas Crow*; a Yard or Garden in *Wainfleet All Saints* aforesaid, belonging to the said *Coningsby Waldo Sibthorpe*, in the Occupation of *Richardson*; a Cottage or Tenement in *Thorpe* aforesaid, now or late belonging to the Heirs of *Clifton Wheat* Esquire, in the Occupation of *Samuel Crow*; a Horse-shed or Water-engine in *Firsby* aforesaid, belonging to *John Hobson*, in the Occupation of *John Odlin*; a Yard or Garden near the Church in *Little Steeping* aforesaid, belonging to the Right Honourable *Peter Lord Gwydir*, in the Occupation of *Widow Ancient*; a Yard or Garden in *Little Steeping* aforesaid, belonging to *Thomas Brady*, in his own Occupation; a Yard or Garden in *Great Steeping* aforesaid, belonging to *Thomas Garfit* Esquire, in the Occupation of *Robert Marr*; a Yard or Garden in *Great Steeping* aforesaid, belonging to *Thomas Dolman*, in his own Occupation; a Yard or Garden in *Great Steeping* aforesaid, belonging to *Thomas Meers*, in his own Occupation; a Yard or Garden in *Irby* aforesaid, belonging to *Robert Bowis*, in his own Occupation; a House, Yard, or Garden in *Irby* aforesaid, belonging to *Sapsford Harrold*, in the Occupation of *Henry Harrold*; a Windmill or Water-engine in *Bratoft* aforesaid, belonging to the Trustees under the Will of the Right Honourable *John George Lord Monson*, in the Occupation of *Wright*; a Yard or Garden in *Wainfleet Saint Mary's* aforesaid, belonging to *William Ling*, in his own Occupation; a Yard or Garden in *Wainfleet Saint Mary's* aforesaid, belonging to *William Holland*, in his own Occupation; several Yards and Gardens in *Wainfleet Saint Mary's* aforesaid, belonging to certain Trustees for the Poor of *Wainfleet Saint Mary's* aforesaid, in the several Occupations of *William Wright*, *Thomas Horton*, *William Whiting*, and *Edmund Wilkinson*, or so much or such Parts thereof as the said General Commissioners shall think requisite or necessary, and which are respectively meant and intended to be taken and used for the Purposes of this Act, and which it shall be lawful for the said General Commissioners to take and make use of for the Purposes of the said Drainage, the said General Commissioners making Satisfaction to the several Owners and Persons interested in such Hereditaments and Premises respectively for the same, and for the Damages they shall respectively sustain thereby.

Misnomer not to prevent the Execution of the Act.

XII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said General Commissioners to take or use, for the Purposes of this Act, the several Houses, Buildings, Lands, and Hereditaments herein-before particularly mentioned and described, although the Name or Names of such Person or Persons, or of his, her, or their Tenant or Tenants, may happen to be herein erroneously stated or named, in case it shall appear to any Two or more Justices of the Peace for the Parts or Division of the County wherein such Houses, Buildings, or Lands are situated, and be certified by Writing under their Hands, that such Error or Omission proceeded from Inadvertence or Mistake.

Division Ditches to be scoured out.

XIII. And be it further enacted, That it shall and may be lawful for the said Commissioners of the Fourth District to require all and every the Owners and Occupiers of any Lands and Grounds in the said Fourth District to make and keep their Division Ditches and Tunnels through the Gateways sufficiently cleansed and scoured out, to such Dimensions as shall or may have been directed upon the Inclosure of any such Lands or Grounds,

Grounds, and where the same shall not have been so directed or specified, then to such reasonable Dimensions as the Commissioners of the said Fourth District shall judge necessary; and if any such Owner or Occupier shall refuse or neglect to do the same for the Space of Fourteen Days after receiving Notice in Writing under the Hands of Three of the said Commissioners of the said Fourth District, or under the Hand of their Surveyor, it shall and may be lawful for the said Commissioners of the said Fourth District, or any Three or more of them, to cause and order the same to be done, and by Warrant under their Hands and Seals to levy the Charges attending the same by Distress and Sale of the Goods and Chattels of the Offender, returning the Overplus (if any) when demanded to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

XIV. Provided always, and be it further enacted, That when and so soon as the Lands and Grounds by this Act incorporated with and made Part of the said Fourth District, shall become charged or chargeable with any yearly Rates or Taxes for the Maintenance and Support of the several Works hereby authorized to be done and executed by the said General Commissioners, all and every the Works already made or to be made by virtue of the said recited Acts or this Act for the Purpose of Drainage, or any Lands, Sluices, Gowts, Sewers, Drains, Watercourses, or other Matters or Things whatsoever by the said recited Acts or this Act incorporated with and made Part of the said Fourth District or within the Boundaries thereof, shall be discharged from and shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or any Law or Statute relating to Sewers, any Thing in any former Law or Statute to the contrary thereof notwithstanding; save and except such Control of the said Commissioners of Sewers over the said Stream called *Steeping River*, as may be necessary to secure the free Passage of Waters through the said Stream called *Steeping River* to the Sea, and also as to such Lands which are now liable to contribute to the Repairs of any Sea Banks, Sea Gowts, or Sea Sluices, which, in respect to those Repairs only, shall still remain under the Jurisdiction of the Commissioners of Sewers.

XV. And whereas it appears by an Estimate of an experienced Engineer, that the Expences of executing the several Works first herein-before described and directed to be made, for the Protection of the *East Fen* and other the Low Lands and Grounds herein-before mentioned from the High Land Waters, will amount to the Sum of Twenty thousand five hundred and seventy-four Pounds, and that the Expences of executing the several other Works herein-before described and directed to be done, for the better draining of the Low Lands and Grounds in the several Parishes, Townships, and Places aforesaid, will amount to the Sum of Eight thousand three hundred and forty Pounds: And whereas the said General Commissioners have agreed to undertake the Execution of such first-mentioned Works on Payment to them of the Sum of Ten thousand two hundred and eighty-seven Pounds by the Owners and Proprietors of Lands and Grounds in the several Parishes, Townships, and Places of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints*, liable to be flooded by the Waters of the said Stream called *Steeping River*, and of such last-mentioned Works on Payment of the Sum of Eight thousand three hundred and forty Pounds, by the Owners and Proprietors of the Low Lands and Grounds in the several Parishes, Townships, and Places

Appointment
of a Commis-
sioner.

Places aforesaid; such several Sums, as well as One Moiety of the Expences of obtaining this Act, and of the necessary Surveys, Levels, Estimates, and Reports relating thereto, and also the Charges and Expences of the said Commissioner in carrying this Act into Execution, to be raised upon the respective Persons liable to pay the same, in such Proportions as shall be ascertained by the Commissioner herein-after named, and at such Times as shall be appointed by the said General Commissioners in the Manner herein-after mentioned; and it is expedient to appoint a Commissioner for the Purpose of assessing and fixing what Part of the aforesaid Sums and Expences should be paid by the respective Owners and Proprietors of Lands in the said Parishes; be it therefore further enacted, That *John Burcham* of *Coningsby* in the County of *Lincoln*, Gentleman, and his Successors to be appointed in Manner herein-after mentioned, shall be and he is hereby appointed the Commissioner for carrying into Execution the several Powers and Authorities particularly vested in him by this Act.

Commissioner
to assess
Sums to be
raised under
this Act.

XVI. And be it further enacted, That the said *John Burcham* shall and he is hereby required, as soon as conveniently may be after the passing of this Act, to assess, rate, and charge the respective Owners and Proprietors of such Lands and Grounds with the fair and just Proportions of the said Sums of Ten thousand two hundred and eighty-seven Pounds and Eight thousand three hundred and forty Pounds, and One Moiety of the Costs and Charges of obtaining and passing this Act, and of the necessary Surveys, Levels, Estimates, and Reports relating thereto, and further to assess, rate, and charge the said Owners and Proprietors with the Expences to be incurred by the said Commissioner in carrying into Execution the several Powers and Authorities vested in him by this Act.

Deductions
to be made
for Bridges
not wanted.

XVII. Provided always, and be it further enacted, That in case any of the Bridges herein directed to be built and erected shall be found unnecessary, then and in such Case a proportionate Allowance or Abatement shall be made or deducted from the said Sum of Ten thousand two hundred and eighty-seven Pounds herein-before directed to be raised upon and paid by such Owners and Proprietors, the Amount of such Abatement to be ascertained by the said Commissioner.

Appointment
of future
Commissioner
in case of
Vacancy.

XVIII. And be it further enacted, That if the said *John Burcham*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, neglect or refuse to act, then and in every such Case it shall be lawful for the major Part in Value of the Owners and Proprietors of Lands and Grounds liable to the Payment of the said Sums of Money to be raised by virtue of this Act, who shall attend by themselves or their Agents at any Meeting to be convened for that Purpose within Two Calendar Months next after such Death, Neglect, or Refusal to act, shall happen or be declared, to elect and appoint some other proper Person to be a Commissioner in the Place of the said *John Burcham*, or any other Commissioner so dying, neglecting, or refusing to act as aforesaid, of which Meeting Fourteen Days Notice shall be given by the Clerk to the said Commissioner in some Newspaper printed or circulated in the County of *Lincoln*, and the like Notice shall also be affixed upon the principal Door of the Parish Churches of *Great Steeping*, *Thorpe*, *Irby*, *Firsby*, *Bratost*, *Croft*, and *Wainfleet All Saints*; and every such Election and Appointment of a future Commissioner shall be reduced
into

into Writing and signed by the Persons making such Election and Appointment; and in case the said Owners and Proprietors shall make Default in appointing any such future Commissioner within Two Calendar Months next after such Death, Neglect, or Refusal, then it shall and may be lawful for any Five or more of the said General Commissioners, by Writing under their Hands, to appoint a Commissioner for the Purposes aforesaid, in the Place of every such Commissioner so dying, neglecting or refusing to act, as often as Occasion shall require; and every such future Commissioner so to be appointed, having first taken and subscribed the Oath hereinafter prescribed to be administered to him, shall have the like Powers and Authorities for carrying this Act into Execution, in all Respects whatsoever, as the Commissioner in whose Place he shall have been so appointed and chosen was invested with by virtue of this Act.

XIX. And be it further enacted, That no Person shall act as a Commissioner in the Execution of any of the Powers hereby given, until he shall have taken and subscribed, before some one of His Majesty's Justices of the Peace for the Division of *Lindsey* in the County of *Lincoln*, an Oath (which Oath such Justice is hereby empowered to administer) in the Form following, or in Words to the like Effect; (*videlicet*),

Commissioner
to take Oath.

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested in me as a Commissioner by virtue of an Act of Parliament passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*], according to the Provisions and Directions thereof, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. ' So help me GOD.'

XX. And be it further enacted, That the said Commissioner shall and he is hereby empowered and authorized to appoint some fit and proper Person to be the Clerk for assisting him in carrying this Act into Execution, and such Clerk from Time to Time to remove, and nominate and appoint some other fit and proper Person to succeed him in such Office.

Appointment
of Clerk to
Commis-
sioner.

XXI. And be it further enacted, That out of the Monies which shall be rated and assessed by the said Commissioner upon the said Proprietors for defraying the Expences of obtaining this Act, and of carrying the same into Execution, there shall be paid to the said Commissioner, as a Recompence for his Trouble, the Sum of Three Pounds Three Shillings, and no more, for each Day he shall be employed in travelling to, returning from, and attending in the Execution of this Act.

Allowance
to Commis-
sioner.

XXII. And be it further enacted, That an Account of the Number of Acres, Roods, and Perches of the several Lands and Grounds by this Act incorporated with and made Part of the said Fourth District as aforesaid, and liable to be rated and taxed by virtue and within the Meaning of this Act, shall, as soon as conveniently may be after the passing of this Act, be delivered by the Owners, Proprietors, or Occupiers of such Lands and Grounds respectively to the Clerk to the said Commissioner appointed or to be appointed by virtue of this Act, at some Time or Place to be appointed for that Purpose, by Notice in Writing to be affixed on the Door of each of the Parish Churches in which such Lands may be situated, at

Proprietors of
Lands in the
several Pa-
rishes added
to the Fourth
District by
the present
Act, to deliver
to Commis-
sioner an Ac-
count of the
Number of
Acres of their
Lands.

[*Local.*]

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least

least Ten Days before the Time appointed for delivering such Particulars; and in case any Person or Persons shall omit or neglect to deliver in a Particular of his, her, or their Lands agreeably to such Notice at the Time therein specified, or in case there shall be Reason to suspect that the Number of Acres or exact Quantity of such Lands are or is not truly stated in any such Accounts, it shall be lawful for the said Commissioner, with the Concurrence of any Five of the said General Commissioners, to order a Survey to be made of any of the said Lands or Grounds of which no particular Account shall be delivered as aforesaid, or of any Lands or Grounds contained or specified in any such Accounts which shall not be satisfactory to the said Commissioner, by some able Surveyor (not being a Proprietor of Lands and Grounds in the said District) upon Oath (which Oath any Justice of the Peace for the said Division of *Lindsey* is hereby authorized and required to administer), and all the Charges and Expences of surveying such Lands and Grounds of such Person or Persons as shall neglect or refuse to give in such Accounts, or shall deliver in unsatisfactory Accounts, shall be paid by such Person or Persons respectively; and in case of Non-payment of such Expences, the same shall be levied and recovered as any Taxes by the said recited Acts or either of them are authorized to be recovered; and in case it shall appear upon any such Survey that the Number of Acres were truly stated in such Accounts, the Charge of every such Survey shall be defrayed out of any Monies to be raised by virtue of the said recited Acts or this Act for the Purposes of draining the said Lands in the said Fourth District.

As soon as Commissioner has fixed the Sums to be paid by each Proprietor, a Statement thereof to be sent to each Proprietor, and a Time to be fixed for hearing Objections.

XXIII. And be it further enacted, That so soon as the said Commissioner shall have ascertained and fixed the Sums to be paid by each Proprietor of Lands in the said several Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints*, a Statement thereof, signed by the Clerk of the said Commissioner, shall be sent to each Proprietor, or his known Agent or Attorney, or to the Tenant or Occupier for the Time being of the Lands or Grounds to be so charged as aforesaid, with Notice of the Time and Place to be appointed by the said Commissioner for hearing and determining Objections to such Rate or Assessment; and the said Commissioner is hereby required to appoint a Time, within Twenty-one Days after the Delivery of such Notice, for the Purpose of hearing such Objections, and shall then proceed to examine into, settle, and determine the same.

Persons dissatisfied with the Decision of the Commissioner may appeal to the General Commissioners, whose Determination shall be final.

XXIV. And be it further enacted, That in case the Party or Parties making such Objections to the Sums so rated or assessed upon him, her, or them by the said Commissioner, in pursuance of the Powers vested in him by this Act, shall be dissatisfied with such Determination, and shall, by Writing under his, her, or their Hand or Hands, signify the same to the Clerk to the said General Commissioners, within Twenty-one Days next after such Determination shall have been made, such Person or Persons may appeal to the said General Commissioners, and the said General Commissioners shall thereupon proceed to hear and determine the Matter of every such Appeal, and make such Order or Award as they shall think proper; and such Determination of the said General Commissioners shall be final and conclusive to all Intents and Purposes whatsoever: Provided always, that on the Hearing of the said Appeal, no Commissioner appointed by virtue of this Act shall have a Voice or in any other way be

a Party

a Party to the Determination of the said General Commissioners, who are hereby required to decide upon the said Appeal; and provided also, that all such Orders and Determinations of the said Commissioner as shall not be objected to by such Notice to be given to the Clerk to the said General Commissioners as aforesaid, and all such Rates or Assessments which shall not be objected to at the Time and Place to be fixed by the said Commissioner for that Purpose, shall be absolutely binding, final, and conclusive upon all Persons whomsoever, any thing in this Act contained to the contrary notwithstanding.

XXV. And whereas by the said Act passed in the Second Year of the Reign of His present Majesty, it was amongst other Things enacted, that in the said Fourth District One Commissioner should be elected by and for each Parish, the Inhabitants whereof had severally and respectively Right of Common of Pasture in and upon the several Commons, or any of them, comprized within the Limits of the said District; and all Right of voting for or of acting as a District Commissioner depending on such Right of Common, without any other Qualification whatsoever, and which Qualification, since the Division and Inclosure of the said *Wildmore Fen* and the said *West* and *East Fens*, having ceased, it is become expedient and necessary that other Powers in lieu thereof should be granted for the Election of Commissioners for the said Fourth District, and that the Manner of their Election should be regulated as herein-after mentioned; be it therefore further enacted, That from and after the passing of this Act, the Owners and Occupiers of Lands within the said Fourth District shall be and they are hereby authorized and empowered to elect Twenty-six Persons to be District Commissioners for the said Fourth District, in Manner following; (that is to say), the Owners and Occupiers of Lands paying Drainage Taxes in the said *Wildmore Fen* and the Low Lands adjoining or contiguous thereto, shall meet at some convenient Place in the said *Wildmore Fen*, on the Days and Times specified in the said recited Act for the Election of District Commissioners, and there elect Five Persons to be Commissioners for the said Fourth District; the Owners and Occupiers of Lands paying Drainage Taxes in the said *West Fen* and the Low Lands and Grounds adjoining or contiguous thereto, shall meet at some convenient Place in the said *West Fen*, on the Days and Times specified in the said recited Act for the Election of District Commissioners, and there elect Eight other Persons to be Commissioners for the said Fourth District; the Owners and Occupiers of Low Lands paying Drainage Taxes in the said *East Fen*, and the Low Lands and Grounds adjoining or contiguous thereto, and in the said Parishes of *Wrangle*, *Friskney*, and *Wainfleet Saint Mary's*, shall meet at some convenient Place in the said *East Fen*, on the Days and Times specified in the said recited Act of the Second Year of the Reign of His present Majesty for the Election of District Commissioners, and there elect Eight other Persons to be the Commissioners for the said Fourth District; and the Owners and Occupiers of Low Lands paying Drainage Taxes in the said several Parishes of *Great Steeping*, *Thorpe*, *Irby*, *Firsby*, *Bratost*, *Croft*, and *Wainfleet All Saints*, shall elect Five Persons to be Commissioners for the said Fourth District, in Manner following; (that is to say), the Owners and Occupiers of Low Lands paying Drainage Taxes in the Parishes of *Great Steeping* and *Thorpe* shall meet at some convenient Place in either of the said Parishes, on the Days and Times specified in the said recited Act of the Second Year of the Reign of His present Majesty

New Appointment of Commissioners for the Fourth District.

Majesty for the Election of District Commissioners, and there elect Two Persons to be Commissioners for the said Fourth District; the Owners and Occupiers of Low Lands paying Drainage Taxes in the said Parishes of *Irby* and *Firsby* shall meet at some convenient Place in either of the said Parishes, on the Days and Times specified in the said Act for the Election of District Commissioners, and there elect One Person to be a Commissioner for the said Fourth District; and the Owners and Occupiers of Low Lands paying Drainage Taxes in the said Parishes of *Bratost* and *Croft*, shall meet at some convenient Place in either of the said Parishes, on the Days and Times specified in the same Act for the Election of District Commissioners, and there elect One other Person to be a Commissioner for the said Fourth District; the Owners and Occupiers of Low Lands paying Drainage Taxes in the said Parish of *Wainfleet All Saints*, shall meet at some convenient Place in the said Parish, on the Days and Times specified in the said Act for the Election of District Commissioners, and there elect One other Person to be a Commissioner for the said Fourth District; in all which respective Elections every Owner of Ten Acres of Land or Occupier of Fifty Acres of Land chargeable with Taxes to the said Fourth District shall have a Vote: Provided always, that no Person shall be qualified to act as a Commissioner of the said Fourth District, unless he shall be the Owner of Twenty Acres or the Occupier of One hundred Acres of Land paying Drainage Taxes, to be situated within the said Fourth District: Provided always, that all Owners or Proprietors of Lands who shall be entitled to vote at any of the Elections before mentioned, may appoint Deputies, by Writing under their Hands, to give such Vote for them and every of them respectively: Provided always, that upon any Vacancy of a Commissioner for the said Fourth District, by Death, Refusal, or Disability to act, another Commissioner shall be elected by the Persons hereby authorized to appoint the Commissioner so dying, refusing, or being disabled to act, within Three Calendar Months after such Death, Refusal, or Disability to act shall happen; and every such Election of a Commissioner to supply Vacancies, as well as the original Election of such Commissioners, shall be certified to the General Commissioners in the same Manner as in the said recited Act passed in the Second Year of the Reign of His present Majesty is directed.

District Commissioners to remain until others are elected.

XXVI. Provided also, and be it further enacted, That Notice of the Time and Place appointed for the Election of any of the said Fourth District Commissioners shall be given in some Newspaper usually circulated in the County of *Lincoln*, by the Clerk or Clerks to the said Commissioners of the Fourth District for the Time being, upon Application in Writing made to him or them by any Three or more Proprietors or Occupiers of Lands in any of the said Fens or Parishes respectively; and in case the Persons hereby authorized to elect Commissioners for the said Fourth District shall neglect to meet at the Times appointed for such Elections, or shall not elect Commissioners accordingly, then the Commissioners for the preceding Year shall continue to act in the Manner prescribed by the said recited Act of the Second Year of the Reign of His present Majesty.

Allowance to Commissioners of Fourth District.

XXVII. Provided always, and be it further enacted, That from and out of the Taxes to be raised within the said Fourth District, there shall be paid to each and every of the said Commissioners of the Fourth District to be appointed as herein-before is mentioned, the Sum of Five Shillings and no more

more for each Day's Attendance and Expences to be incurred by him in the Discharge of his Duty as a District Commissioner.

XXVIII. And be it further enacted, That the several Commissioners to be appointed by virtue of this Act shall be invested with the like Powers and Authorities as in and by the said recited Acts of the Second, Forty-first, and Forty-third Years of the Reign of His present Majesty were given to or vested in the Commissioners of the said Fourth District; and the said Commissioners for private or interior Works shall and may from Time to Time use, exercise, and enforce all and every the said Powers and Authorities of the said recited Acts of the Second, Forty-first, and Forty-third Years as aforesaid, and this Act, as fully and effectually to all Intents and Purposes, and in such and the same Manner, as if the same were herein contained and at large re-enacted.

Commissioners appointed under this Act to have the same Powers as Commissioners appointed by former Acts.

XXIX. Provided always, and be it further enacted, That the said Commissioners of the Fourth District to be appointed by the Owners and Occupiers of Lands in the said several Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratoft, Croft, and Wainfleet All Saints*, or any Three of them, shall have the sole Controul, Direction, and Management of all private or interior Works of Drainage to be executed in the said Parishes respectively by virtue of this Act, and shall have the sole Power of raising Taxes upon the Low Lands and Grounds within such Parishes for the Maintenance and Reparation of such Works, and the Application of such Monies to be so raised therein, without any Interference of any of the District Commissioners appointed for any other Parish, Fen, or Place within the said Fourth District; so that the Lands and Grounds comprised in the said Parishes respectively shall not be liable to contribute, nor shall the Taxes charged upon such Lands and Grounds be applied, to the making, erecting, and preserving of any Works of private or interior Drainage for the Benefit of any Lands or Grounds comprised in any other Part of the said Fourth District; nor shall the Taxes raised upon the Lands comprised in any other Part of the said Fourth District, be applicable to the Expence of any private or interior Works of Drainage within any of such Parishes: Provided also, that the said Commissioners of the Fourth District for the said Parishes shall have Power to appoint a Surveyor and Clerk, to assist them in carrying into Execution the several Powers given unto and vested in them by this Act.

Separate Accounts to be kept of Taxes raised within the Parishes of Great Steeping, &c.

XXX. And whereas by the straightening of the said *Steeping River* as herein-before directed, certain Parts of the present or old Bed or Scite of the said *Steeping River* and the Banks thereof between *Steeping Mill* and *White Cross Clough* will be departed from, and will be of no further Utility for the Purposes of Drainage; be it therefore further enacted, That it shall and may be lawful for the said General Commissioners, and they are hereby authorized and empowered, to sell and convey any Part or Parts of the present or old Bed or Scite of the said River, and the Banks thereof, between the said *Steeping Mill* and *White Cross Clough*, which may not be wanted for the Purposes of this Act, to such Person or Persons as may be willing to contract for and purchase the same; and the Monies arising therefrom, after Payment of the Costs and Charges attending such Sale or Sales, shall be applied by the said General Commissioners for the Purposes of this Act, and One Moiety or Half Part thereof shall be deducted from the said

Bed of Steeping River to be sold where not wanted.

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Sum of Ten thousand two hundred and eighty-seven Pounds, herein-before directed to be raised and charged upon the said Proprietors.

Waters of Steeping River not to be diverted.

XXXI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said General Commissioners, or any other Person or Persons employed by them, to execute any Works for the Purpose of taking or diverting any of the Waters from the said *Steeping River*, or to cause the same to be diverted from its present and antient Course or Channel to *Wainfleet Outfall*, save and except as to the new Cut herein-before directed, and save and except that it shall and may be lawful to and for the said General Commissioners to embank the Flood Waters of the said River, so that the same may not come upon or injure the adjacent Lands, and for the Proprietors of any Lands to take and use Water from the said River for the Use of Cattle and Stock, in the same Manner and to such Extent as they have heretofore done.

Repairs of general Works of Drainage may be done by the Fourth District Commissioners if neglected by General Commissioners.

XXXII. And be it further enacted, That if at any Time hereafter the Banks, Bridges, and other Works herein-before declared to be general Works of Drainage, to be maintained and supported by the General Commissioners, or any Part thereof, shall become defective or be out of Repair, and shall so continue after Twenty-one Days Notice given to the Clerk or Surveyor of the said General Commissioners, by Notice in Writing from the said Commissioners of the Fourth District to repair and restore the same, that then and in such Case it shall and may be lawful for the said Commissioners of the Fourth District appointed for the said Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints*, to cause any of the said Banks, Bridges, and other Works to be well and sufficiently repaired and restored, and the Expences occasioned thereby, if incurred by the said Commissioners of the Fourth District for the said Parishes, shall be borne and defrayed by the said General Commissioners, in like Manner as if the same had been done by or under their Direction; and in Default of Payment of such Expences to the said Commissioners of the Fourth District for the said Parishes, within Thirty Days next after Demand made thereof in Writing, it shall be lawful for the said Commissioners of the Fourth District or any Three of them, by Writing under their Hands, to appoint One or more Person or Persons to enter upon and receive the yearly Rates and Taxes collected or received by the said General Commissioners from the Lands and Grounds by this Act incorporated with and made a Part of the said Fourth District, and apply the Money so to be received in Discharge of such Expences, until the same, together with all Costs and Charges of receiving the said Rates and Taxes, are fully paid and satisfied; and from and after Payment thereof, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine; or otherwise the Expences so incurred by the said Commissioners of the Fourth District may be sued for and recovered by them against the said General Commissioners by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

No Taxes to be charged on Lands incorporated by this Act until Works completed.

XXXIII. Provided always, and be it further enacted, That no yearly Rates or Taxes shall be charged by the said General Commissioners upon the Low Lands and Grounds hereby incorporated with and made Part of the said Fourth District, until the several Works herein directed to be made and executed by the said General Commissioners shall have been completed

to the Satisfaction of the said *John Burcham*, in the Manner and subject to the Reference herein-after mentioned.

XXXIV. And be it further enacted, That when and so soon as the several Works herein directed to be made and executed by the said General Commissioners shall be respectively completed, and certified so to be by Notice in Writing from the Clerk or Surveyor of the said General Commissioners to the said *John Burcham*, or any Commissioner to be appointed in his Stead, the said *John Burcham* or such other Commissioner as aforesaid shall, within Fourteen Days next after the Delivery of such Notice, view or cause to be viewed the Works therein declared to be executed and completed, and within Three Days next after such View, shall cause Notice in Writing to be delivered under his Hand to the Clerk or Surveyor to the said General Commissioners, signifying his Approbation or Disapprobation of the Execution of such Works; and if the same shall be executed to his Approbation, and so certified by him to the said Commissioners of the Fourth District, then and thenceforth the said Commissioners of the Fourth District shall be and become liable to the Support and Reparation thereof; but if the said *John Burcham*, or such other Commissioner as aforesaid, shall certify such Works to be ineffectually executed and incomplete, then and in such Case a Specification of the Works so ineffectually executed and incomplete shall be forthwith submitted to the Consideration of *John Rennie* of *Stamford Street, Blackfriars*, in the County of *Surrey*, Civil Engineer; and in case of his Death or Refusal to act in the Premises, then to the Consideration of some Civil Engineer to be appointed by Two of His Majesty's Justices of the Peace, not interested in the Premises, for the Parts or Division of the County in which such Works shall be situated, to be agreed upon by the said General Commissioners and the said *John Burcham*; and the said *John Rennie*, or such other Civil Engineer to be appointed as aforesaid, shall examine into and determine whether the Works specified by the said *John Burcham*, or such other Commissioner as aforesaid, have been well and sufficiently executed and completed, according to the true Intent and Meaning of this Act, or are in any respect defective and incomplete; and the said *John Rennie* or such other Civil Engineer shall certify his Opinion under his Hand to the said General Commissioners, within One Month after he shall have been called upon to examine such Works, how far the same have been or not well and effectually executed; and in case the said *John Rennie* or such Civil Engineer to be appointed as aforesaid, shall certify that the said Works or any Part thereof are not well and sufficiently executed and completed, according to the Directions of this Act, then and in such Case he shall and he is hereby required to certify and determine what other or further Works will in his Judgment be necessary to be done and executed for the Completion of such Works, according to the true Intent and Meaning of this Act, and then and in such Case the said General Commissioners shall cause such Works to be done and executed accordingly.

In case of Difference Referee to decide on the due Execution of Works.

XXXV. Provided always, and be it further enacted, That no Proprietor or Proprietors of any Lands or Grounds in the said Parish of *Croft*, or in any other Parish, Township, or Place lying contiguous or adjoining to any of the Parishes intended to be drained by virtue of this Act, and which are not by this Act incorporated with and made Part of the said

No Lands to have the Benefit of the Works of Drainage executed under this

Fourth

Act unless
incorporated
with the
Fourth Dis-
trict.

Fourth District, shall be permitted or allowed to drain by or to pass their Soakage Waters into or through any of the Works of Drainage intended to be executed under the Powers contained in this Act; and it shall and may be lawful to and for the said General Commissioners, and the said Commissioners for the said Fourth District, to take and use effectual Means in order to prevent such Soakage or Downfall Waters from draining by or passing into or through the said Works of Drainage to be executed by virtue of this Act or any of them.

Works to be
completed in
Two Years.

XXXVI. And be it further enacted, That the said General Commissioners shall and they are hereby required to execute and complete the several Works herein authorized and directed to be done within the Space of Two Years next after the passing of this Act, provided that the Floodwaters do not prevent the same.

Provision in
Cases of
Lands sepa-
rated by the
New Cuts
and Drains.

XXXVII. And be it further enacted, That if in making and completing the said new Cuts or Drains and the proper Embankments for the same, any Pieces or Parcels of Ground shall be cut through or divided, so that what shall be left on each or either Side of the said new Cuts or Drains shall be less than Ten Acres in Quantity; and if the Owner or Owners of any such Piece or Pieces of Ground shall not have any other Land or Ground adjoining or contiguous thereto, then and in every such Case it shall and may be lawful for the Owner or Owners of any such Piece or Pieces of Ground so to be cut through or divided in the Manner above mentioned, or for the Guardians of Infants, Husbands or Trustees of Femes Covert, Committees or Trustees of Idiots, Lunatics, and Persons beyond the Seas, or the Attorneys of any Persons beyond the Seas respectively, and for all Trustees for any charitable Use or Purpose, and all Tenants for Life or Lives or in Tail of any such Lands or Hereditaments, or the Guardians, Husbands, Trustees, or Committees of such Tenants for Life or Lives or in Tail respectively, who shall be disabled or incapacitated to act for themselves, to exchange all or any of such Piece or Pieces of Ground which shall be cut through and divided in Manner above mentioned, in all Cases where a less Quantity than Ten Acres shall be left on either Side of such Cuts or Drains in consequence of such Cuts or Drains being made for any other Lands or Hereditaments within the same Parish in which such Lands so cut through and divided in Manner before mentioned shall lie or be situated, so that all and every such Exchange and Exchanges be made by and with the Consent and Approbation of the said *John Burcham*, or any other Commissioner to be appointed in his Stead, to be declared by some Instrument in Writing under his Hand and Seal; and all Lands and Hereditaments so to be taken or given in Exchange shall enure to such and the like Uses, and be subject to such and the like Tenures, Trusts, Rents, Payments, Conditions, and Charges as the Lands and Hereditaments for which the same shall be so taken or given in Exchange as aforesaid shall be limited, subject, or liable to, at or immediately before the Time of making such Exchanges respectively; and every such Exchange so to be made as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes whatever: Provided always, that no Exchange shall be made of any Lands or Hereditaments held under the King's most Excellent Majesty, without the Consent in Writing under the Hand and Seal of the Chancellor of the Duchy of *Lancaster* for the Time being; nor shall any Exchange be made of any Lands or Hereditaments held

held in Right of any Church or Chapel without the Consent of the Lord Bishop of *Lincoln* for the Time being, signified by Writing under his Hand and Seal, and the Patron of such Church or Chapel for the Time being, signified in Manner as aforesaid.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for any of the Owners or Proprietors of the Lands and Grounds lying within any of the said Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints*, which shall be rated and taxed by virtue of this Act, being Tenants in Tail or Tenants for Life, or Tenants *pour autre vie*, or for Years determinable on Lives, or his, her, or their Trustee or Trustees, Guardian or Guardians, or being a Body or Bodies Politic, Corporate or Collegiate, Aggregate or Sole, and also for the Husband or Husbands of any such Tenant in Tail or Tenants for Life, being Femmes Covert, and every of them respectively for the Time being, from Time to Time by Writing under their Hands and Seals, with the Consent and Approbation of the said General Commissioners or any Five or more of them, testified by Writing under their Hands and Seals, to charge such Part or Parts of the said Lands and Grounds as he, she, or they shall respectively be entitled to as aforesaid, with such Sum or Sums of Money as shall or may be assessed, rated, taxed, or charged in gross on any of the Low Lands or Grounds in the said several Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints* aforesaid, for their contributive Share of the Expences of making and effectuating the said Drainage or incident thereto, under the Powers of this Act, not exceeding Four Pounds *per Acre*, and with Interest for the same from the Time or respective Times of Payment thereof; and for securing the Re-payment of such Sum and Sums of Money with Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands and Grounds or any Part or Parcel thereof unto such Person or Persons as shall advance and lend the same respectively, his, her, or their respective Executors, Administrators, or Assigns, for any Term or Number of Years, (but no Person lending such Money shall be obliged to see to the Application or be answerable for the Misapplication thereof); and so that every such Grant, Charge, Mortgage, Lease, Surrender, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so that the same shall contain a Proviso that the Person or Persons entitled to the Remainder or Reversion or future Possession of the Lands so to be mortgaged, shall not nor shall any Person or Persons be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and every Grant, Charge, Mortgage, Lease, Surrender, or Demise, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in any such Body or Bodies Politic, Corporate, or Collegiate, or in the said Tenants in Tail or for Life, or such other Person or Persons as aforesaid, and notwithstanding any Settlement, Will, Decree, Trust, Use, Remainder, Limitation, Law, or Usage, or other prior or former Incumbrances of or concerning the same Lands or Grounds or any Part or Parts thereof then in being or capable of taking effect to the contrary.

Empowering
Tenants for
Life to bor-
row Money.

[Local.]

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XXXIX. And

All Valuations and Papers relating to this Act to be delivered over by the Commissioner or his Clerk to the General Commissioners for the Purposes of recovering the Sums to be rated and taxed on the Lands by this Act added to the Fourth District.

XXXIX. And be it further enacted, That all Rates, Assessments, Papers, and Writings relating to the Sums so to be assessed and charged by the said Commissioner upon the several and respective Proprietors of Lands in the said several Parishes of *Great Steeping, Thorpe, Irby, Firsby, Bratost, Croft, and Wainfleet All Saints*, shall be delivered over by the said Commissioner or his Clerk to the said General Commissioners, for the Purpose of enabling the said General Commissioners to recover and enforce the Payment of all such Sums of Money to be rated, taxed, and charged as aforesaid, on all the Lands by this Act incorporated with and made Part of the said Fourth District; and the said General Commissioners are hereby authorized and empowered to direct to whom and at what Time or Times and in what Parts or Portions the same shall be paid; and in case the Shares or Portions of the said respective Proprietors shall not be paid at the Time or Times to be so appointed by the said General Commissioners, on Twenty-one Days Notice thereof being given to the said Proprietor or Occupier of the Lands charged therewith for the Time being, then and in such Case it shall and may be lawful for the said General Commissioners, by Warrant under their Hands and Seals, to levy the same, together with Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed from the Time appointed for Payment thereof, in like Manner as any Taxes on Lands within the said Fourth District may be levied and recovered by virtue of the said recited Acts, or either of them: Provided always, that the several Sums to be assessed and charged by virtue of this Act, by the said *John Burcham*, or any Commissioner to be appointed in his Stead, upon the said Proprietors, shall be required to be paid by not less than Three Instalments, and that the first Instalment thereof shall not be appointed to be paid within less than Six Calendar Months next after the passing of this Act, and that not less than Three Calendar Months shall intervene between the Time to be appointed for the Payment of each succeeding Instalment.

Sums, &c. assessed by Commissioner to be recoverable in like Manner as any Taxes on Lands in the Fourth District may be recovered.

XL. And be it further enacted, That all Sum or Sums of Money which shall be so rated, taxed, and charged by the said Commissioner as aforesaid, and also all or any Annual Taxes which shall be charged by the said General Commissioners or District Commissioners by virtue of this Act or the said recited Acts, upon the Lands and Grounds made Part of the Fourth District by virtue of this Act, shall be payable to and recoverable by the said General and District Commissioners in like Manner as any Taxes on Lands within the said Fourth District may be levied and recovered by virtue of the said recited Acts or either of them.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

XLI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts, or either of them, or of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners of Drainage, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners of Drainage, or any Five or more of them,

them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

Where any Question shall arise touching the Title to Money to be paid, the Persons in Possession of the Lands, &c. at the Time of the Purchase to be deemed entitled thereto.

XLIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or either of them, or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of the said recited Acts or either of them, or of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or either of them, or of this

The Court may order reasonable Expences of Purchases to be paid by the Commissioners of Drainage.

Act,

Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners of Drainage out of the Monies to be received by virtue of the said recited Acts or either of them, or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For repealing so much of former Acts as authorizes Commissioners or Justices to administer Oaths to Accountants.

XLIV. And be it further enacted, That so much of the said Act passed in the Forty-first Year of the Reign of His present Majesty as authorizes the Commissioners for executing the said Act, or any Justice or Justices of the Peace, to administer an Oath to any Officer or Officers appointed or to be appointed by virtue of the said Act, or any of the said recited Acts or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed.

Expences of this Act.

XLV. And be it further enacted, That the Expences, Costs, and Charges incurred in and about the obtaining and passing of this Act, and of all Surveys, Levels, Plans, Estimates, and Reports relating thereto, shall be paid and defrayed by the said General Commissioners out of the Monies to be raised by virtue of this Act, and out of the Monies raised by virtue of the said recited Acts of the Forty-first and Forty-third Years of the Reign of His present Majesty, in such Proportions as they shall think fair and equitable for all Parties interested, according to the true Intent and Meaning of this Act.

Persons advancing Money to be repaid with Interest.

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

Powers of 53 G. 3. not to be affected by this Act.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter or affect the said recited Act passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act for embanking, inclosing, and draining Lands in the Parish of Wainfleet Saint Mary in the County of Lincoln.*

Public Act.

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