



ANNO SEXTO

GEORGIIV. REGIS.

Cap. clxv.

An Act for altering and enlarging the Powers of Two Acts of His late Majesty King *George* the Third, for draining Lands within the Level of *Ancholme* in the County of *Lincoln*, and making certain Parts of the River *Ancholme* navigable.
[22d June 1825.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act* 7 G. 3. c. 98. for the more effectual draining the Lands lying in the Level of *Ancholme* in the County of *Lincoln*, and making the River *Ancholme* navigable from the River *Humber*, at or near a Place called *Ferriby Sluice*, in the County of *Lincoln*, to the Town of *Glamford Briggs*, and for continuing the said Navigation up or near to the said River, from thence to *Bishop Briggs* in the said County of *Lincoln*: And whereas another Act was passed in the Forty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for altering and enlarging the Powers of an Act passed in the Seventh Year of the Reign of His present Majesty, intituled 'An Act for the more effectual draining the Lands lying in the Level of Ancholme in the County of Lincoln, and making the River Ancholme navigable from the River Humber, at or near a Place called Ferriby Sluice, in the County of Lincoln, to the Town of Glamford* 42G.3.c.116.
[Local.] 53 N ' Briggs,

‘ Briggs, and for continuing the said Navigation up or near to the said River, ‘ from thence to Bishop Briggs in the said County of Lincoln:’ And whereas the Commissioners acting under and by virtue of the said recited Acts have raised, by Assessments on the said Lands in manner directed by the last-recited Act, the Sum of Twelve thousand Pounds, and have made an additional Drain, Clough, and Outlet to the River *Humber* on the East Side of the said Level, and have rebuilt the Navigation Lock and repaired the great Sluice next to the River *Humber*, and done other Works preparatory to the intended Improvement of the said River, and several Works of Drainage have also been done by certain Proprietors of Lands lying within the said Level of *Ancholme* under the Direction of the said Commissioners, for which Purposes considerably more than the said Sum of Twelve thousand Pounds so raised as aforesaid has been expended, and Debts have been incurred amounting in the whole to the Sum of Seven thousand five hundred Pounds, or thereabouts, which cannot be paid off, and the whole of the Works completed and maintained, unless the Powers and Provisions of the said recited Acts are altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained (save and except such Part thereof as relates to any Exemption from Stamp Duties, and save and except such Part or Parts thereof as are altered, varied, or repealed,) shall be extended to this Act, and is and are hereby declared to be in full Force and Effect, and shall be as good, valid, and effectual for carrying the Purposes of this Act into execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act.

Powers of recited Acts extended to this Act.

No Election of Commissioners to take place except as herein-after provided.

II. And whereas in the first-recited Act it is provided, that when any Commissioner therein named shall die, or refuse to act, a new Commissioner shall be elected into his Place by a Manner therein prescribed, which Manner of providing the Succession of Commissioners by Election alone is found insufficient to the right Management of the Affairs of the Level of *Ancholme*, it is hereby therefore enacted, That in future no such Supply of Commissioners by Election shall be made, except in Cases and to the Extent as herein-after is provided.

Appointing additional Commissioners.

III. And it is hereby further enacted, That all Persons who now are or hereafter may become in their own Right, or in right of their Wives, possessed of Lands within the Level of *Ancholme*, not less in Quantity than One hundred Acres, also the Committees of Persons, Guardians, and Trustees of Property of all such Persons being Lunatics, Infants, or Tenants for Life, and every Mortgagee to the Amount of One thousand Pounds of Money secured upon the Tolls under the said recited Acts, and the Committees of Persons, Guardians, and Trustees of all such Mortgagees, being Lunatics, Infants, or Persons entitled under Trust, shall be in respect of their Property within the Level of *Ancholme*, or of their Money secured by Mortgage under the said recited Acts, Commissioners in addition to the present Commissioners of the Level of *Ancholme*,

and continue such so long as they may continue so possessed or authorized, and shall have Power to appoint a Proxy to act and vote in their Stead during their Absence; provided that in case there may be more than One Committee of Person, Trustee, or Guardian, only One Vote shall be given in respect of One Property of Land not less in Quantity than One hundred Acres, or in respect of One Sum of Money amounting to One thousand Pounds secured by Mortgage upon the Tolls as aforesaid.

IV. And whereas it is expedient that the Number of Commissioners should not be less than Eighty, be it further enacted therefore, That whenever the Number of the Commissioners qualified as above provided shall be found less than Eighty in Number, or that by Refusals of such Commissioners to act or to appoint a Proxy the Number shall be reduced below Eighty, such a Number of Persons, being qualified as directed by the first-recited Act as may be sufficient to make up the Number of Eighty Commissioners, or to supply the Place of those who refuse to act or to appoint a Proxy, shall be elected in manner as directed by the first-recited Act, and having been so elected shall be and continue Commissioners under and for the Purposes of the recited Acts and this Act during the Term of their Lives, or until they shall refuse to act.

Further Directions as to Commissioners.

V. And be it further enacted, That the Appointment of every Proxy to vote under and by virtue of this Act shall and may be made in the Form or to the Effect following; (that is to say,)

‘ I being a Proprietor of One hundred Acres of Land within the Level of *Ancholme* [or Mortgagee of One thousand Pounds, secured upon the Taxes and Tolls of the Drainage and Navigation], do hereby nominate, constitute, and appoint to be my Proxy, in my Name and in my Absence to vote and give my Assent or Dissent to any Business, Matter, or Thing relating to the said Drainage and Navigation which shall be mentioned or proposed at any Meeting of the Commissioners, or any Adjournment thereof, in such Manner as he the said shall think proper, according to his Judgment, until I shall revoke this Appointment by Notice in Writing to the Clerk of the said Commissioners. In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and

Form of Proxy.

And every such Appointment shall be produced to the Clerk of the said Commissioners, and entered in a Book to be kept by him for that Purpose, before any Vote shall be given in respect of such Appointment; which Book shall be sufficient Authority for any Proxy to give his Vote, without Production of his Appointment at the Time of voting, until the same is revoked.

VI. Provided always, and be it further enacted, That each and every Person, being a Commissioner under the Authority of this Act, as Owner of Land not less in Quantity than One hundred Acres within the said Level; and also the Husbands, Guardians, Trustees, Feoffees, Committees, or Attornies of any such Owners, being under Coverture, Minors, Idiots, Lunatics, beyond the Seas, or under any other Disability; and also for the

Commissioners being Proprietors to have additional Votes.

the Feoffees or Trustees of any Charity Lands or School Lands, being such Owners as aforesaid, and every of them respectively for the Time being, and his, her, or their Proxy or Proxies respectively, shall, at all Meetings holden by the said Commissioners in pursuance of the said recited Acts and this Act, have One additional Vote in respect of each and every entire Quantity of Five hundred Acres of Land within the said Level of *Ancholme*, of which they shall respectively be the Owner or Owners, over and above the One hundred Acres of Land in respect of which they are hereby appointed Commissioners, and so *toties quoties*.

General Annual Meeting of Commissioners.

VII. And be it further enacted, That the Commissioners acting under the Authority of the said recited Acts and this Act, or any Seven or more of them, shall hold One General Meeting on the First *Monday* in *October* in every Year at the said Town of *Glamford Briggs*, instead of the First *Monday* in *July*, as directed by the said first-recited Act, and may from thence adjourn and hold their other Meetings in manner directed by the said first-recited Act; and that all Notices to be given of any Meeting to be held under and by virtue of the said recited Acts and this Act may be given in the *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper usually circulated in the Division of *Lindsey* in the County of *Lincoln*, instead of being affixed or put up in the several Market Towns as directed by the said first-recited Act; and that in any Case where Notice is by the said first-recited Act directed to be given in any Church or Chapel such Notice shall instead thereof be affixed upon the most public outer Door of such Church or Chapel, any thing in the said first-recited Act contained to the contrary notwithstanding.

Commissioners to make such Works of Drainage and Navigation as shall in the Judgment of themselves and Engineer be proper and necessary.

VIII. And be it further enacted, That the Commissioners acting under the said recited Acts and this Act, or any Five or more of them, shall have full Power and Authority, and they are hereby required, from Time to Time and at all Times hereafter, at any of their Meetings to be held by virtue and in pursuance of the said recited Acts and this Act, to make, dig, erect, set up, remove, alter, amend, and maintain, or cause to be made, dug, erected, set up, removed, altered, amended, and maintained, and from Time to Time repaired and kept in repair, all such Cuts, Drains, Sewers, Sluices, Ditches, Dams, Banks, Cloughs, Outlets, Engines, Tunnels, Bridges, and other Works within, upon, or through any of the Lands or Grounds within the said Level, or in and through any Part thereof, as shall in the Judgment of themselves, and of *John Rennie* Civil Engineer, or any other Engineer to be from Time to Time appointed in his Stead as herein-after mentioned, be proper and necessary for completing the Drainage of the Lands lying within the said Level, and for continuing the Navigation of the River *Ancholme* to *Bishop Briggs*.

Limiting the Time for making the *Ancholme* navigable to *Bishop Briggs*.

IX. Provided always, and be it further enacted, That the Works necessary for continuing the Navigation of the River *Ancholme* to *Bishop Briggs* shall be carried on at the same Time as the Works for Drainage within the Level are proceeding with, and the said Navigation to *Bishop Briggs* shall be done and completed within the Period of Three Years from the passing of this Act; and in case the same shall not be done and executed within such Time, all the Powers and Authorities given and granted by the

the said recited Acts and this Act for doing and completing the same, shall cease and determine.

X. And be it further enacted, That all such Works as shall be necessary for the Purposes aforesaid, and ordered by the said Commissioners to be done pursuant to the Power hereby vested in them, shall be made, done, and executed in such Form and Manner, and of such Height, Width, Depth, and Dimensions, as the said *John Rennie*, or any succeeding Engineer to be appointed in his Stead as herein-after mentioned, shall by Writing under his Hand direct or appoint, according to a Plan or Plans to be previously submitted to and approved by the said Commissioners, or any Five or more of them, at a Meeting to be held for that Purpose; and all such Works shall be made and done under the immediate Direction of the said *John Rennie* or his Successors, or of some proper Person to be from Time to Time appointed by the said *John Rennie* or his Successors, with the Consent and Approbation of the said Commissioners, or any Five or more of them, at a Meeting to be holden for that Purpose.

Engineer
to execute
Works.

XI. Provided always, and be it further enacted, That in case of the Death, Refusal, Neglect, Incapacity to act, or Dismissal of the said *John Rennie* or any Engineer to be appointed in his Stead, it shall and may be lawful to and for the Commissioners acting under the said recited Acts and this Act, or any Five or more of them, and they are hereby required, at a Meeting to be holden by them for that Purpose, whereof Twenty-one Days Notice at the least shall be given in some Newspaper circulating in the said County of *Lincoln*, and with the Consent of a Majority in Value of the Proprietors or their Agents present at such Meeting, to elect and appoint some other able and experienced Engineer in the Place and Stead of the said *John Rennie*, or any other Person to be appointed in his Stead, and so *toties quoties*.

Engineer to be
appointed in
case of Death,
&c.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this and the said recited Acts, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this and the said recited Acts, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this and the said recited Acts, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their

Treasurer
and Clerk not
to be the
same Person.

Partner or Partners, shall accept the Office of Clerk in the Execution of this and the said recited Acts, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance; shall be allowed.

Books of
Accounts to
be kept.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time and at all Times to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Drainage and Navigation for which such Clerk shall act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, and such Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, or any Mortgagee or Mortgagees of the Taxes and Tolls, without Fee or Reward; and the said Commissioners and Mortgagees, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same, and the said Book or Books shall be produced by the said Clerk at all Meetings of the said Commissioners; and in case any Clerk shall refuse to permit or shall not permit any of the said Commissioners, or any such Mortgagee or Mortgagees, to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, or in case such Clerk shall refuse or neglect to produce such Book or Books at any Meeting of the said Commissioners, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Lands rated
under former
Acts to be
charged with
further As-
sessments.

XIV. And be it further enacted, That for carrying into execution the Purposes of the said recited Acts and of this Act all and singular the Lands and Grounds lying within the said Level of *Ancholme*, and which were rated by virtue of the said first-recited Act, shall from Time to Time be and the same are hereby charged with such additional or further Sum or Sums of Money *per Acre*, according to the Quantity ascertained by the Surveys already made pursuant to the said first-recited Act, (over and above the said Rate of Two Shillings and Sixpence *per Acre* charged thereon by virtue of the said first-recited Act, and the Assessments charged thereon by virtue of the said last-recited Act,) as shall be assessed thereon by the Commissioners acting under and by virtue of the said recited Acts and this Act, or any Seven or more of them, in manner as hereinafter directed, subject to such Restrictions and Limitations as are hereinafter provided concerning the same; all which said additional or further Sum or Sums of Money hereby charged and to be raised by virtue of this Act shall become due and payable at such Time and Times as the said Commissioners shall in that Behalf direct and appoint, and the same shall be from Time to Time paid, collected, levied, recovered, and accounted for
by

by virtue of this Act, by and from the Owners of the said Lands and Grounds in manner herein-after directed.

XV. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the said recited Acts and this Act, or any Seven or more of them, and they are hereby authorized and required, from Time to Time and at such Times as they shall think expedient, to assess and charge all and every the respective Owners of and also all and singular the Lands within the said Level of *Ancholme*, which were rated by virtue of the said first-recited Act, with such additional or further Sum and Sums of Money, not exceeding the Sum of Thirty thousand Pounds in any one Year, as to the said Commissioners, or any Seven or more of them, shall seem requisite and necessary for defraying the Charges and Expences incurred in the obtaining and passing this Act, and for discharging all such Part or Parts of the Debts already incurred by the said Commissioners in the Execution of the said Works of Drainage and Navigation, and carrying into execution the said recited Acts and this Act, as shall remain unpaid after the passing of this Act, and also for defraying all Expences of executing and completing the Works of Drainage and Navigation herein-before directed to be made and executed, by a Rate upon the same Lands, in such Shares and Proportions with respect thereto in each separate Parish, Township, or Place as shall be ascertained by the Award of the Assessor or Assessors, his or their Successor or Successors, to be made as herein-after mentioned; and the respective parochial Proportions of such Assessments shall be assessed and charged equally on the Lands which were rated by virtue of the said first-recited Act within each respective Parish, Township, or Place.

Commissioners to make Assessments for paying Expences of the Act, and for carrying on the Works.

XVI. And be it further enacted, That the said Commissioners so from Time to Time making such Assessments and Charges as aforesaid shall and may, by any Writing under their Hands, limit and appoint such certain Days and Places for the respective Payments thereof to their Collector or Collectors, Receiver or Receivers for the Time being, as they the said Commissioners, or any Seven or more of them, shall think proper; and they the said Commissioners shall cause a Copy of the Rate respecting the Lands in each Parish, Township, or Place respectively, together with a Copy of the Award of the said Assessor or Assessors, his or their Successor or Successors, to be affixed upon the Church Doors of the respective Parishes Twenty-one Days previous to the Day appointed for Payment thereof; and in regard that some Persons may be dissatisfied with the Adjustment made by the said Assessor or Assessors of the Proportions of the said Assessments with respect to such Lands in some of the Parishes, Townships, or Places, the said Commissioners shall give Notice of One Meeting at the least for receiving Complaints and Objections in respect thereof, and for hearing and determining the same; and their Determination in the Premises being reduced into Writing, and signed by them, shall be binding and conclusive upon all Parties, subject only to an Appeal at the Quarter Sessions as herein-after mentioned; and in case any Owner or Owners shall refuse or neglect to pay his, her, or their Proportion of any such Assessment or Charge at such respective Days and Times and to such Collector and Receiver as the said Commissioners shall direct and appoint, it shall be lawful for any One of His Majesty's

Commissioners to appoint Times for Payment.

Justices

Justices of the Peace acting in and for the Parts of *Lindsey* in the said County of *Lincoln*, on the Application of the Clerk to the said Commissioners, such Application being made pursuant to an Order of the said Commissioners, or any Seven or more of them, by Warrant under his Hand and Seal to cause the said Sum or Sums of Money respectively to be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners so making default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, Committees, or Attornies, wheresover the same shall be found, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Sum and Sums of Money from the Time the same shall be directed to be paid by the said Commissioners as aforesaid; or otherwise it shall be lawful for the Collector or Receiver for the Time being, or any other Person or Persons authorized by the said Commissioners, or any Seven or more of them, to enter upon and take possession of the Lands so to be assessed and charged, belonging to such Person or Persons so refusing or neglecting to pay as aforesaid, in the same Manner as under a Writ of Possession granted on a Judgment in Ejectment, and to receive and take the Rents, Issues, and Profits thereof, until thereby, therewith, or otherwise, the Proportion or Proportions of the said Assessment or Charges to be paid by such Person or Persons, and all Interest on such Proportion or Proportions, to be computed from the Time the same shall by the said Commissioners be directed to be paid as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall be fully paid and satisfied, any thing in the said recited Acts or in this Act contained to the contrary thereof notwithstanding.

Assessors to
be appointed,

XVII. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the said recited Acts and this Act, or any Seven or more of them, and they are hereby required, at any Meeting to be held by them in pursuance of the said Acts and this Act, whereof Twenty-one Days Notice at the least of a Meeting for such Purpose shall be given in some Newspaper circulating in the said County of *Lincoln*, and with the Consent of a Majority in Value of the Proprietors or their Agents present at such Meeting, to elect and appoint One or more Person or Persons to be Assessor or Assessors for ascertaining the Proportions of the Assessments raised under this Act to be charged on such Lands within each Parish, Township, or Place respectively; and such Assessor or Assessors so to be appointed shall be paid, out of the Monies to be raised by virtue of this Act, such Salary or Allowance as the said Commissioners, or any Seven or more of them, shall think reasonable.

Assessors to
be appointed
in case of
Death, &c.

XVIII. Provided always, and be it further enacted, That in case of the Death, Refusal, Neglect, or Incapacity to act of the said Assessor or Assessors to be elected and appointed in manner aforesaid before the Execution of the Trusts hereby in him or them reposed, then it shall and may be lawful to and for the Commissioners acting under the said recited Acts and this Act, or any Seven or more of them, and they are hereby

hereby required, at any Meeting to be held by them in pursuance of the said recited Acts or of this Act, whereof Twenty-one Days Notice at the least of a Meeting for such Purpose shall be given in some Newspaper circulating in the said County of *Lincoln*, and with the Consent of a Majority in Value of the Proprietors or their Agents present at such Meeting, to elect and appoint One or more other Person or Persons to be an Assessor or Assessors in the Place and Stead of the Assessor or Assessors so dying, refusing, neglecting, or becoming incapable of acting as aforesaid, and so from Time to Time, when and as often as any of the said Assessor or Assessors to be elected and appointed as aforesaid shall die, refuse, neglect, or become incapable of acting as aforesaid, to elect and appoint One or more other Person or Persons to be an Assessor or Assessors as aforesaid; and that all and every Person and Persons so to be elected and appointed an Assessor or Assessors from Time to Time as aforesaid shall have the same Powers and Authorities, and shall and may act in as full and ample a Manner in all respects and to all Intents and Purposes, as the Assessor or Assessors to be first elected and appointed under and by virtue of this Act.

XIX. Provided always, and be it further enacted, That no Person who shall be interested in the Drainage to be made by virtue of the said recited Acts and this Act shall be capable of acting as an Assessor or Assessors for the Purposes aforesaid.

Persons interested not to act as Assessors.

XX. Provided always, and be it further enacted, That no Person shall be capable of acting as an Assessor in the Execution of this Act until he shall have taken the Oath (or, being one of the People called *Quakers*, the Affirmation) following; that is to say,

Assessors to take an Oath.

‘ I do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Trusts reposed in me as an Assessor by virtue of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], without Favour or Affection to any Person whomsoever. So help me GOD.’

Oath.

Which Oath or Affirmation any one of the Commissioners acting under the said recited Acts and this Act is hereby authorized and required to administer.

XXI. And be it further enacted, That the Assessor or Assessors to be appointed by virtue of this Act as aforesaid shall, and he and they is and are hereby authorized, by such Ways and Means as he or they shall think most expedient, to ascertain, by Writing under his or their Hand or Hands, the Proportions of the Assessments raised under this Act to be charged with respect to the Lands rated by virtue of the said first-recited Act in each separate Parish, Township, or Place, as well for defraying the Expences of obtaining this Act, and for discharging all such Part or Parts of the Debts already incurred by the said Commissioners in the Execution of the said Works of Drainage and Navigation, and carrying into execution the said recited Acts and this Act, as shall be unpaid after the passing of this Act, as for and towards the executing and completing the Works herein-before directed to be executed, and also the future Repairs and Support thereof and other Expences incident to the Super-

Assessors to ascertain Proportion of Assessments to be charged on the Lands in each Parish.

intendence and Support of the said Drainage and Navigation respectively ; and that Two Parts of such Award or Instrument in Writing shall be made and signed by the said Assessor or Assessors, one Part whereof shall be delivered to the Clerk of the Peace for the Division of *Lindsey* in the County of *Lincoln*, and filed by him amongst the Records of the Quarter Sessions for the said Division, and the other Part thereof shall be kept by the Clerk to the Commissioners acting under the said recited Acts and this Act ; and either Part of such Award, or a true Copy thereof, or any Part thereof, attested by the said Clerk of the Peace or his Deputy, or by the Clerk to the said Commissioners, for which Copy no more than Sixpence shall be paid for each Sheet thereof containing Seventy-two Words, shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence thereof.

Assessors to have regard to former Assessments, and to the Benefit to be had and received from the Works.

XXII. Provided always, and be it further enacted, That the said Assessor or Assessors shall and he and they is and are hereby required, in ascertaining the Proportions of Assessments to be charged on the Lands in each Parish, Township, or Place, to apportion all and every the Assessment and Assessments to be made by the Commissioners in pursuance of this Act, with such Reference to the Apportionment of the Assessments made under and by virtue of the said recited Act of the Forty-second Year of the Reign of His said late Majesty, as that, by the Apportionment of the Assessments under the same Act and this Act when taken together, each Parish, Township, or Place may be charged only in proportion to the Degree of Benefit or Improvement the Lands in each Parish, Township, or Place have already or will hereafter receive in the Drainage of the Lands by means of the Works already done or hereafter to be done under and by virtue of the Powers of the said recited Acts and of this Act.

Commissioners may give Relief to any Owner aggrieved by the Average Rate on Lands.

XXIII. Provided always, and be it further enacted, That in case any Owner of Lands to be rated as aforesaid shall think himself or herself aggrieved and overrated by the general Average of the Proportionment of the Assessment made on the Lands in any Parish, Township, or Place, and such Owner shall apply by Petition in Writing, signed by him or her, or by his or her Agent thereunto lawfully authorized, to the said Commissioners, at some Meeting to be by them the said Commissioners, or any Seven or more of them, holden for the Purpose of hearing such Appeals (whereof Fourteen Days Notice at the least of a Meeting for such Purpose shall be given in some Newspaper circulating in the said County of *Lincoln*), they the said Commissioners shall and they are hereby authorized and required to hear the Matter of Complaint stated in such Petition, and to give Relief in respect thereof as to them shall seem just and reasonable.

Assessments vested in Commissioners.

XXIV. And be it further enacted, That the Monies to be raised by such Assessments on the Lands lying in the Level of *Ancholme* by virtue of this Act shall be and the same are hereby vested in the Commissioners acting under the said recited Acts and this Act, and shall, together with the Taxes on Lands and Tolls on Navigation to be raised under the recited Acts, be one consolidated Fund, to be applied and disposed of for the Purposes of the said recited Acts and this Act, and to no other Use or Purpose whatsoever.

XXV. Provided always, and be it further enacted, That all Leases at Rack Rent of any of the said Lands, upon the taking or granting whereof no Fine or Foregift shall have been paid, the Lessees or Tenants thereof, from and after the Expiration of the current Year in which any Improvements in the said Lands shall in the Judgment of the said Commissioners have taken place in pursuance of the further Works intended to be executed, shall, during the Remainder of such Leases respectively, pay to their respective Lessors or Landlords such additional Rents for the Lands so improved as the said Commissioners shall think just and reasonable, Application being made to the said Commissioners for that Purpose by Writing under the Hands of such Lessors or Landlords respectively.

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

XXVI. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the said recited Acts and this Act, or any Seven or more of them, and they are hereby authorized and required from Time to Time, annually or otherwise, further to assess and charge all and every the Owners of, and also all and singular the said Lands proportionably, according to the Award of the Assessor or Assessors to be made as aforesaid, and in manner as herein-before directed, with such further Sum and Sums of Money as to them the said Commissioners shall seem requisite and necessary for defraying the Charges and Expences of maintaining and repairing the Works of the said Drainage and Navigation, and for Payment of Salaries to such Person or Persons as may be necessary for the due Execution thereof, and all other Charges and Expences incident unto or attending the said Drainage and Navigation, not exceeding the Sum of Three thousand Pounds in any one Year; and if any of the said Owners shall refuse or neglect to pay such Assessment for the Space of Twenty-one Days next after Notice thereof upon the most public Door of the Church of the Parish wherein the Lands in respect whereof the Assessment shall be laid are situate, then and in every such Case it shall and may be lawful for the said Commissioners to cause the same to be recovered by such and the like Ways and Means as they are empowered to recover and raise any of the Assessments before mentioned.

Commissioners to make further Assessments towards defraying the Expences of Repairs.

XXVII. And be it further enacted, That the said Commissioners may and shall in all Cases sue and be sued in the Name of any one of the Commissioners, or of their Clerk; and that no Action, Suit, or Information which may be brought, commenced, or filed, or Indictment which may be preferred or prosecuted by or against the said Commissioners, or any of them respectively by virtue or on account of the said recited Acts and this Act, in the Name of any one of the said Commissioners or of their Clerk, shall abate or be discontinued by the Death or Resignation of any such Commissioner, or by the Death or Removal of any such Clerk, or by the Act of any such Commissioner or Clerk without the Consent of the said Commissioners; but any one of the said Commissioners, or the Clerk for the Time being to the said Commissioners, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action, Suit, Information, or Indictment (as the Case may be); provided always, that every such Commissioner or Clerk, in whose Name any Action, Suit, Information, or Indictment shall be commenced, preferred, prosecuted, or defended in pursuance of the said recited Acts and this Act, shall always be reimbursed and paid, out of the Monies to arise by

Commissioners to sue and be sued in the Name of any one of them or of their Clerk.

virtue

virtue of the said recited Acts and this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being made Plaintiff, Prosecutor, or Defendant therein.

Property in
Locks, &c.
vested in the
Commis-
sioners.

XXVIII. And be it further enacted, That the Right, Interest, and Property of and in all the Locks, Cloughs, Engines, and other Works, and all Materials, Tools, Implements, and other Things which shall have been or shall be erected and provided in pursuance of this or the said recited Acts, shall be vested in the Commissioners acting under the said recited Acts and this Act, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit.

Commis-
sioners em-
powered to
lease the
Tolls of the
Navigation.

XXIX. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the Authority of the said recited Acts and this Act, or any Seven or more of them, and they are hereby authorized and empowered, at any of their General Annual Meetings, by Writing under their Hands and Seals, to let to Farm the Tolls of the said Navigation granted by the said recited Acts, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Navigation, unto any Person or Persons for any Time or Term they the said Commissioners shall think proper, not exceeding Seven Years from the Commencement of any Lease, and every such Lease shall be valid and effectual; and the Lessee and Lessees thereof, and all such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Tolls so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Tolls so let, and shall have the same Power and Authority for collecting the same as if they had been appointed for that Purpose by the said Commissioners; provided public Notice of the Intention to let the said Tolls, or any Part thereof, be given at least Twenty-one Days prior to any such General Annual Meetings at which the said Tolls, or any Part thereof, are proposed to be let as aforesaid.

Table of
Tolls to be
put up.

XXX. And be it further enacted, That the said Commissioners shall and they are hereby required to put up or cause to be put up, in the Space of One Calendar Month after the passing of this Act, at the Office or Offices of the Collector, and afterwards to be continued at every such Office, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing a List of all the Tolls payable, distinguishing the several Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated; and no Toll shall be demanded or taken after the Expiration of One Calendar Month from and after the passing of this Act unless such Table shall have been so put up.

For settling
Disputes
concerning
Rates or
Tolls.

XXXI. Provided always, and be it it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the said County of *Lincoln*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of
the

the Parties, or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think just and reasonable, and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

XXXII. And whereas by the said recited Act of the Forty-second Year of His said late Majesty Power is given to the Proprietors of Lands within the said Level charged and liable to the Tax of Two Shillings and Sixpence *per Acre* by virtue of the said first-recited Act to purchase and redeem such Tax, and to pay and apply the Purchase Money in discharging, so far as the same would extend, of the Debt of Thirty-nine thousand Pounds; and pursuant to that Power several Persons purchased their Acre Tax, but the Tax from other Proprietors yet remains payable; be it further enacted, That when the whole of the said Mortgage Debt of Thirty-nine thousand Pounds shall have been paid off and discharged, either by Redemption of the Tax or by means of the Surplus Money arising from the said Taxes and Tolls, over and above what shall be sufficient to support, maintain, and keep the respective Works of Drainage and Navigation in repair, and to answer, pay, and satisfy the Charges and Expences attending the Execution of the said recited Acts and this Act, and there shall be a Fund sufficient for the Purpose, the said Commissioners, or any Five or more of them, shall and may and they are hereby required, upon taking off the said Tax of Two Shillings and Sixpence *per Acre*, to repay to the Owners of Land whose Tax had been redeemed the Money paid for such Redemption.

Proprietors to be equally benefited in event of the Acre Tax being discharged.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners acting under the Authority of the said recited Acts and this Act, or any Five or more of them, and they are hereby authorized and required, from Time to Time, at any of their Meetings to be held by virtue of the said recited Acts or this Act, to make, dig, erect, set up, complete, cleanse, alter, repair, and maintain, or order and cause to be made, dug, erected, set up, completed, cleansed, altered, repaired, and maintained, all such Dikes, Ditches, Drains, Water-courses, Gutters, Tunnels, Banks, Spouts, Channels, or other Works as may be requisite and necessary for distributing where necessary a proper Supply of Water within the said Level for the Use of the Inhabitants and Cattle, and shall and may for that or any other Purpose dig, take, and carry away, or order and cause to be dug, taken, and carried away, Clay, Stones, Gravel, or other Materials from and out of the Ground of any Person or Persons adjoining to the said Works or any of them, (not being a House, Orchard, Garden, planted Walk or Avenue to a House,) as and where they shall judge most convenient, making Satisfaction to the Proprietor or Proprietors thereof for the same, and for the Damages he or they shall sustain.

Works to be made for supplying Water.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the said recited Acts and this Act, or any Five or more of them, and they are hereby required, to set

[*Local.*]

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out

Commissioners to direct to what Districts Ditches belong.

out the whole of the Lands within the said Level into convenient Districts, and by Writing under their Hands to describe the Boundaries thereof, and so from Time to Time to alter and vary the same Districts as they the said Commissioners shall think proper, and ascertain, order, and direct what Dikes, Ditches, Drains, Sewers, Watercourses, Gutters, Tunnels, Banks, Spouts, Channels, or other Works, and the respective Parts thereof (except the new River *Ancholme* and the navigable Part of the old River *Ancholme*) lying within each District, shall be made, maintained, and kept in repair by such District as herein-after mentioned.

By whom
public Dis-
trict Drains,
&c. to be
repaired.

XXXV. And be it further enacted, That such Dikes, Ditches, Drains, Sewers, Watercourses, Gutters, Tunnels, Banks, Spouts, Channels, or other Works as the said Commissioners, or any Five or more of them, shall from Time to Time ascertain, order, and adjudge to be District Drains shall be made, supported, maintained, repaired, and kept in repair, under the Direction of One or more Person or Persons to be appointed by the said Commissioners; and the Expence of such making, supporting, maintaining, repairing, and keeping in repair shall be raised by an equal Rate *per Acre*, to be charged and assessed on the Lands within each District, and shall be paid by the Occupier or Occupiers thereof to and received by the Person or Persons so to be appointed by the said Commissioners as aforesaid, and to be levied and recovered by Distress and Sale of the Goods and Chattels of the Occupier refusing or neglecting to pay, after the same shall have been lawfully demanded, by Warrant under the Hand and Seal of any Justice of the Peace acting for the said Parts of *Lindsey*, with all Charges and Expences attending the same; and all such Dikes, Ditches, Drains, Watercourses, Gutters, Tunnels, Banks, Spouts, Channels, or other Works or Parts thereof (except as aforesaid), shall be supported, maintained, repaired, and kept in repair by the Occupiers of Lands to which they adjoin and respectively belong; and in case any Occupier shall neglect or refuse sufficiently to scour, cleanse, open, and repair any such Dike, Ditch, Drain, Watercourse, Gutter, Tunnel, Bank, Spout, Channel, or other Work, or to make the same of the Depth and Width required by such Commissioners as aforesaid, after Seven Days Notice in Writing given to him, her, or them, or left at his, her, or their usual Place or Places of Abode from Time to Time for that Purpose by the Surveyor or other Officer to be appointed under and by virtue of the said recited Acts or this Act (such Surveyor or other Officer having an Order in Writing for that Purpose under the Hands of any Five or more of the said Commissioners), every such Occupier shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding One Pound for every Rod of the Dike, Ditch, Drain, or Watercourse so neglected to be scoured, cleansed, opened, repaired, deepened, or widened, and any Sum not exceeding Ten Pounds for any Gutter, Tunnel, Bank, Spout, Channel, or other Work so neglected to be repaired and maintained; and it shall and may be lawful from Time to Time to and for such Surveyor or other Officer to cause such Dikes, Ditches, Drains, Watercourses, Gutters, Tunnels, Banks, Spouts, Channels, or other Works, at the Charges and Expences of such Occupier, to be scoured, cleansed, opened, and repaired, deepened and widened, in a sufficient Manner; and where a Way shall have been made over any Dike, Ditch, Drain, or Watercourse without a sufficient Tunnel, to cause such

such Way to be taken up at the like Expence, and by Warrant under the Hand and Seal of any Justice acting for the said Parts of *Lindsey* to levy such Penalty, and also such Charges and Expences, upon such Occupier or Occupiers by Distress and Sale of his, her, or their Goods and Chattels, with all Costs and Expences attending such Distress and Sale; and such Penalties shall be applied for the Purposes of this Act.

XXXVI. And whereas Power is given by the said recited Act of the Forty-second Year of the Reign of His said late Majesty for any of the Proprietors or Owners of any Lands within the Level of *Ancholme* aforesaid, or for the Guardians of Infants, Husbands or Trustees of Femes Covert, Committees or Trustees of Idiots, Lunatics, and Persons beyond the Sea, or the Attornies of any Persons beyond Sea respectively, and for all Trustees for any charitable Use or Purpose, and all Tenants for Life or Lives or in Tail of any such Lands, or the Guardians Husbands, Trustees, or Committees of such Tenants for Life or Lives, or in Tail respectively, who shall be incapacitated to act for themselves, to exchange all or any of their Lands severed or divided by means of the Works thereby and by the said recited Act of the Seventh Year of His said late Majesty authorized to be made for any other Lands of equal Value within any of the Parishes, Townships, or Places within or adjoining to the said Level of *Ancholme*, in the Manner by the said recited Act of the Forty-second Year of His said late Majesty directed; be it therefore hereby further enacted, That from and after the passing of this Act so much of the said last-recited Act as relates to the Power of exchanging Lands shall be and the same is hereby repealed.

Power of exchanging Lands under 42G.3.c.116. repealed.

XXXVII. And be it further enacted, That it shall be lawful for any of the Owners of the Lands lying within the said Level, and liable to be rated by virtue of this Act, being Tenants in Tail, or Tenants for Life, or Tenants *pour autre Vie*, or for Years determinate on Lives, and also for the Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies of, or any Person or Persons acting as Guardians, Trustees, Feoffees, Committees, or Attornies for any Charity or Charities, or of or for such of the said Owners as shall be under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, and also to and for all and every other Person or Persons, being the Owners and Proprietors for the Time being of any of the said Lands liable to be rated by virtue of this Act, from Time to Time, by Writing under their Hands and Seals, with the Consent and Approbation of the Commissioners acting under the said recited Acts and this Act, or any Seven or more of them, testified by Writing under their Hands and Seals, to charge such Part or Parts of the said Lands as he, she, or they shall respectively be entitled to as aforesaid, with such Sum or Sums of Money as shall be by him, her, or them respectively paid in respect of the Assessments to be made on the said Lands as aforesaid, not exceeding Five Pounds *per Acre* in respect of the said Assessments, and with Interest for the same from the Time or respective Times of Payment thereof; and for securing the Repayment of such Sum and Sums of Money, with lawful Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands, or any

Empowering Tenants for Life, &c. to borrow Money.

Part

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 every such Grant, Charge, Mortgage, Lease, Surrender, or Demise so to be made by such Tenant for Life or in Tail, or his or their Husband, Guardian, Trustee, Feoffee, Governor, Committee, or Attorney, shall contain a Proviso that the Person or Persons entitled to the Remainder or Reversion or future Possession of the Lands so to be mortgaged, shall not, nor shall any Person or Persons be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and every Grant, Charge, Mortgage, Lease, Surrender, or Demise so to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Tenants in Tail or Tenants for Life, Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, or in the said Persons acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, and notwithstanding any Settlement, Will, Trust, Use, Remainder, Limitation, Law, or Usage, or other prior or further Incumbrances of or concerning the same Lands, or any Part or Parts thereof, then in being, or capable of taking effect to the contrary.

Enabling
Rectors and
Vicars to
raise Money.

XXXVIII. And whereas the Rectors or Vicars of many of the Parishes within the said Level of *Ancholme*, or their Successors, may have Occasion to borrow Money to pay and defray the several Assessments hereby directed to be charged upon the Lands belonging to their respective Advowsons, and cannot make an effectual Security for the Money which shall be advanced and lent for that Purpose; be it therefore enacted, That it shall and may be lawful for such Rectors and Vicars and their Successors, by and with the Consent and Approbation of the Lord Bishop or Peculiar of the Diocese, from Time to Time to charge all and every the said Lands lying within the said Level, and liable to be assessed by virtue of this Act, with any Sum or Sums, not exceeding in the whole Five Pounds *per Acre*, in order to be applied and disposed of for and towards the Payment of the said Assessments hereby directed to be charged upon the several Lands lying within the said Level and belonging to their respective Advowsons; and for securing the Payment of such Sums and Interest, not exceeding Five Pounds *per Centum per Annum*, to grant, mortgage, lease, or demise the said Lands so to be assessed unto any Person or Persons who shall advance and lend the same for any Term or Number of Years, so as every such Grant or Demise be made with a Proviso to cease and be void, or with an express Trust to be surrendered, when the Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be lawfully satisfied and paid; and so as in every such Grant or Demise there be contained a Covenant to pay and keep down the

the Interest of the Monies to be thereby secured, in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any further or larger Arrear of Interest than from the Time when the Title of such Possession shall accrue and commence; and so that in every such Grant or Demise there be also contained a Covenant to pay off and discharge annually the Sum of Five Pounds *per Centum*, Part of the Principal Money so to be raised as aforesaid, until the whole of such Principal Money shall by such annual Payments or Instalments be paid off and discharged.

XXXIX. Provided always, and be it further enacted, That if any Money shall be paid, or adjudged or determined to be paid, by virtue of the said recited Acts and this Act, by the Commissioners, to any Body or Bodies Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustee for or in respect of any Infant, Idiot, Lunatic, Feme Covert, or any Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments within the Level of *Ancholme* are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be invested in the Purchase of any Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations as the Lands, Tenements, and Hereditaments in right whereof such Money shall be so paid, or adjudged or determined to be paid, were settled, limited, or assured; and in the meantime, and until such Purchase can be made, such Money shall be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing the said recited Acts and this Act, and pursuant to the Method prescribed by an Act of the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Order of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would be entitled to the Lands, Tenements, or Hereditaments to be purchased with such Money, in or towards the Discharge of any Debts or Incumbrances affecting the Lands, Tenements, or Hereditaments in right whereof such Money shall be so paid, or adjudged or determined to be paid, or until the same shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses; and in the meantime, and until such Order can be made, such Money may, by Order of the said Court, be laid out in some of the Public Funds, or on Government or Real Securities, and the Dividends or Interest arising therefrom shall, by Order of the said Court, be paid to such Person or Persons as would for the Time being have been entitled to the Rents and Profits of the

Application of Compensation Money if amounting to 200*l.*

1 G. 4. c. 35.

[*Local.*]

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Lands,

Lands, Tenements, or Hereditaments so to be purchased, conveyed, or settled.

Where less than 200*l.* and exceeding 20*l.*

XL. Provided also, and be it further enacted, That if any such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in every such Case the same shall, at the Option of the Person or Persons for the Time being entitled thereto, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Lunacy, Disability, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in the Manner before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by such Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where under 20*l.*

XLI. Provided also, and be it further enacted, That where such Money shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Use of the Person or Persons whom such Commissioners shall adjudge to be entitled thereto, in such Manner as such Commissioners shall think fit; or in case of Infancy, Lunacy, or other Disability or Incapacity, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to or for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c. Purchase Money to be paid into the Bank, subject to the Order of the Court of Exchequer on Motion or Petition.

XLII. 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, 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, or in case such Person or Persons to whom such Sum or Sums of Money shall be 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, or any Seven or more of 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 Exchequer, 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, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, 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 said Commissioners 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.

XLIII. 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 of and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said recited Acts or 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 to any Bank Annuities to be purchased with any such Money, or to any 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 be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interests of the Bank Annuities to be purchased with 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.

Person in Possession presumptively entitled.

XLIV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of any Person or Persons, or Corporations, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, 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, it shall be lawful for the said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, or any Five or more of them, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Court may order reasonable Expence of Purchase to be paid by Commissioners.

XLV. And be it further enacted, That if any of the Proprietors or Persons interested in the said Lands directed to be drained, or the Person

Persons advancing Money to or

wards the
Expences of
this Act to be
repaid with
Interest.

or Persons by them employed to solicit and obtain this Act, shall *bonâ fide* advance any Money for or towards defraying the Charges and Expences thereof, or preparatory and incident thereto, and of carrying the same into execution, or shall already have advanced any Money for those Purposes, such Person or Persons shall, out of the first Monies which shall be raised by virtue of this Act, be repaid the same, with lawful Interest from the respective Times of advancing thereof.

Persons ag-
grieved may
appeal to
the Quarter
Sessions.

XLVI. Provided always, and be it further enacted, That if any Person or Persons interested shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, with respect to any of the Assessments to be made on their Land within the said Level under and by virtue of this Act, or any Proportion thereof, such Person or Persons may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden at *Kirton*, in and for the Division of *Lindsey* in the said County of *Lincoln*, within Three Calendar Months next after such Cause of Complaint shall have arisen, such Appellant or Appellants giving or causing to be given Twenty-one Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Commissioners, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Division, with sufficient Sureties, conditioned to try such Appeal, and abide by the Order of and pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizances, shall hear and finally determine the Cause and Matter of Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they the said Justices shall think proper; and the Determination of the Justices at such Sessions shall be binding, final, and conclusive to all Intents and Purposes.

Form of
Conviction.

XLVII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against the said recited Acts or this Act, or any Matter in pursuance thereof, the Form of the Conviction shall be in the Words or to the Effect following;

‘ Parts of Lindsey, }
‘ County of Lincoln. } BE it remembered, That on this Day of
‘ in the Year of our Lord
‘ is convicted before of His Majesty’s Justices of the
‘ Peace for the Parts of *Lindsey* in the County of *Lincoln*, of having [*as*
‘ *the Offence shall be*], contrary to an Act of Parliament, intituled *An*
‘ *Act, &c.* [*here set forth the Title of the said recited Acts or this Act,*
‘ *as the Case may be*]; and I [*or we*] the said do
‘ adjudge him [*her or them*] to forfeit and pay for the same the Sum of
‘ . Given under my Hand and Seal
‘ [*or our Hands and Seals*] the Day and Year aforesaid.’

Proceedings
not to be
quashed for

XLVIII. And be it further enacted, That no Order, Determination, Judgment, Conviction, Warrant, or other Proceeding to be had touch-
ing

ing the Conviction of any Offender or Offenders against the said recited Acts or this Act, or any Rate or Assessment to be made in pursuance of this Act, or any other Matter or Thing to be done or transacted in or relating to the Execution of the said recited Acts or this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

Want of Form.

XLIX. And be it further enacted, That where any Distress shall be made for any Tax, Rate, or Sum of Money to be levied by virtue of the said recited Acts or this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers, on account of any Defect or Want of Form in the Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant, Distress, or other Proceeding 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 done by the Party or Parties distraining, but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

L. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of the said recited Acts or this Act, or in execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Three Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Three Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of the said recited Acts or this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, Suits or Informations, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have in other Cases at Law.

Limitation of Actions.

General Issue.

Treble Costs.

4854.

6° GEORGIIV. *Cap. clxv.*

Public Act.

Ll. 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 being specially pleaded.

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