



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI II. REGIS.

Cap. 33.

An Act for draining, improving, and preserving the Low Lands and Grounds within the Townships of *Croston, Mawdesley, Rufford, Bispham, Tarleton, and Bretherton*, in the County Palatine of *Lancaster*.
[30th May 1800.]

WHEREAS certain Low Lands or Grounds lying in the several Townships, Vills, Hamlets, or Districts of *Croston, Mawdesley, Rufford, Bispham, Tarleton, and Bretherton*, in the Parishes of *Croston* and *Rufford* in the County Palatine of *Lancaster*, containing in the Whole Two Thousand Eight Hundred Acres Statute Measure or thereabouts, have for several Years past been and still are very often overflowed with Water through the Defect of their Outfalls into the River *Ribble*, and the various Obstructions in the Courses of the Rivers *Douglas* alias *Astrand, Lostock, and Yarrow*, and the several Brooks, Streams, and Rivulets running or emptying themselves into them, some or one of them in the said County, by which Means a considerable Part of the said Lands or Grounds is greatly reduced in value, to the Loss of the Public as well as the great Injury of the Owners and Proprietors of such Lands or Grounds: And whereas the said Low Lands or Grounds might be greatly improved if the same were properly drained and preserved, and if the Courses of the Rivers *Douglas* alias *Astrand, Lostock, and Yarrow*, and the several Brooks, Rivulets, and Streams of Water running or emptying themselves into

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them respectively were changed or altered; but the same cannot be effected without the Aid of Parliament: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; That *William Miller* the Younger of *Croston*, *James Leigh* of *Wigan*, *William Hawkshead* of *Heskin*, *James Rigby* of *Newburgh*, and *John Clifton* of *Bretherton*, all in the said County Palatine of *Lancaster*, Gentlemen, shall be and are hereby appointed Commissioners to put this Act in Execution, in the Manner and for the several Purposes hereinafter declared or expressed.

Power to change the Course of the Rivers, Rivulets, and Streams of Water.

II. And be it further enacted, That the said Commissioners shall be, and they are hereby authorized and empowered from Time to Time to open, deepen, clear, widen, enlarge, divert, straighten, embank, and rail off, alter, and bring into a more direct and free Course, and make any new Channel or Channels for the Rivers *Douglas* alias *Astrand*, *Lofstock*, *Yarrow*, and the several Brooks, Rivulets, and Streams of Water flowing, running, or emptying themselves into the same Rivers or any of them, in any Part or Parts of the County of *Lancaster* which lie or are situate in the said several Townships of *Croston*, *Mawdesley*, *Rufford*, *Bispham*, *Tarleton*, and *Bretherton*, in such Course, Direction, and Manner as the said Commissioners shall order or think proper, and for the Purposes aforesaid, and for the more convenient Occupation of the said Low Lands or Grounds, to remove, erect, build, make, and carry on, and from Time to Time repair, amend, scour, cleanse, maintain, and support such Banks, Rails, Dams, Drains, Tunnels, Clows, Soughs, Sluices, Outlets, Bridges, Floodgates, Engines, Locks, Wiers, and other Works, Matters, and Things as they shall think necessary, convenient, or proper: Provided always, That no Alteration or Deviation shall approach or be made nearer to any Dwelling House, or any Garden, Orchard, Park, Paddock, or Plantation of Wood than One Hundred Yards, without the Consent in Writing of the Owners or Proprietors thereof.

That the Drainage shall be made in such a Manner as not to injure the River *Douglas*.

III. Provided always, and be it further enacted, That the Drainage shall be made and executed so as not to injure, damnify, or obstruct the Navigation of any Canal or Canals, Cuts or other Works belonging to the Owners or Proprietors of the Navigation of the River *Douglas*, alias *Astrand*, at or above *Sollom Lock*, and that the New Channel or Channels to be made by virtue of this Act, shall be made and carried from such Part of the present Channels of the said Rivers *Douglas*, *Yarrow*, and *Lofstock*, or of some or one of them as lies above *Sollom Lock* aforesaid, to some Point or Place in the Channel of the said River *Douglas* alias *Astrand*, at or near *Bretherton Clow*; and that no Wier or Lock shall be erected by the said Proprietors at or below the Tail of the intended Drainage, otherwise than within the solid Ground adjoining the said River *Douglas* alias *Astrand*, or so as to prejudice, hinder, or prevent the flowing of the Waters through the New Channel or Channels to be made in pursuance of this Act, to the *Douglas* alias *Astrand*, or to obstruct the free flowing of the Waters of the said *Douglas* into the River *Ribble*.

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IV. Provided nevertheless, and be it further enacted, That the New Channel or Channels so to be made from some Place above *Sollom Lock* to or near to *Bretherton Clow* as aforesaid, shall divert, turn, receive, carry, and convey the Whole of the Waters of the said Rivers, and the Streams and Feeders thereof; and that so much of the Bed of the said River as lies between *Sollom Lock* aforesaid and the Tail of the said intended Drainage, shall from thenceforth be supplied with Waters from the Canal above *Sollom Lock*, in order that the same may be used as a Canal Navigation, or otherwise if all the Waters shall not be diverted as above mentioned, all the same Waters and every Part thereof shall be permitted to flow as heretofore, and run in the usual Course, Channel, and Direction to the River *Ribble* in as full, ample, and beneficial a Manner to the said Owners and Proprietors of the said Navigation as before the passing of this Act, anything herein contained to the contrary thereof in anywise notwithstanding.

That the New Channel shall divert the Waters of the Rivers *Douglas*, *Alland*, and *Yarrow*.

V. And whereas it is doubtful in what Manner the said Commissioners may deem it most convenient to effect the said Drainage, be it therefore enacted, That the said Commissioners shall give, and they are hereby required to give, on or before the First Day of *September* now next ensuing, Notice in Writing to the said Owners and Proprietors of the said Navigation, or their Clerk, specifying as accurately as they can upon what Plan and in what Manner the said Drainage shall be intended to be carried on and completed, and shall, before any Diversion shall take place, pay or cause to be paid to the Treasurers of the said Owners and Proprietors the Sum of Five Hundred Pounds of lawful Money of *Great Britain* as and for a Compensation for any future Injury or Damage which may arise to the Navigation of the said River *Douglas* alias *Alland* below the said Lock.

Directing the Commissioners to give Notice of the Manner of carrying on the Drainage.

VI. Provided always and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize and enable the said Commissioners, or any other Persons acting under the Authority of this Act, to alter, widen, or divert any Part of the Channel of the said River *Douglas* alias *Alland* below *Sollom Lock*, otherwise than at the Tail of the said intended Drainage, for the more convenient Outlet of the Waters thereof.

That the Commissioners shall not alter or direct the Course of the *Alland* below *Sollom Lock*.

VII. And be it further enacted, That all Acts, Matters, and Things relative to the Execution of this Act may be executed, done, and performed by any Three or more of the Commissioners hereby nominated or appointed, and shall be as effectual to all Intents and Purposes as if done and performed by all the said Commissioners (except as hereinafter excepted).

All Acts to be done by Three Commissioners.

VIII. And whereas a Survey has been taken to ascertain the Extent of the Low Lands or Grounds hereby intended to be drained, and the Boundaries thereof, and a Map or Plan and Book of Reference thereto has been made, in order to shew the Property of each Individual that will be affected thereby; be it therefore enacted, That the said Map or Plan and Book of Reference shall be certified by the Right Honorable the Speaker of the House of Commons, and deposited in the Office of the Register of the Court of Chancery of the said County Palatine,

Survey to be certified.

Palatine, to which all Persons shall have Liberty to resort, and examine or make Extracts or Copies thereof, as Occasion shall require, paying to the said Register the Sum of One Shilling for every Inspection, and for Copies of or Extracts from the said Book of Reference after the Rate of Three Pence for every One Hundred Words; and the said Map or Plan and Book of Reference so certified as true Copies thereof, attested by the said Register or his Deputy for the Time being, shall be and are hereby declared to be good Evidence in all Courts of Law or otherwise.

Misnomers
not to retard
the Executi-
on of the Act.

IX. Provided always, and be it further enacted, That if any of the said Low Lands, or Grounds, or Hereditaments, or any of the Owners or Proprietors, or Persons in whose Possession or Occupation the same or any Part thereof shall happen to be misnamed, or mistated, or inaccurately described in the said Map, or Plan, and Book of Reference, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall be subject and liable to the Operation of this Act as fully and effectually as if the same had been more properly named and described.

Jury to be
summoned.

X. And be it further enacted, That the said Commissioners at any Time or Times after they shall have certified that the said Rivers, Rivulets, Brooks, and Streams of Water, or any of them, are or is insufficient to drain, improve, and preserve the said Low Lands or Grounds as aforesaid, and after such new Channels or new Channel as aforesaid shall have been completely cut and made, shall, and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands to the Sheriff of the said County of *Lancaster* for the Time being, or in case such Sheriff or his Under Sheriff shall happen to be One of the Proprietors of the said Low Lands or Grounds, or enjoy any Office or Trust under the said Commissioners, or shall be otherwise interested in the Matters in question, then to One of the Coroners of the said County of *Lancaster* not interested as aforesaid, requiring such Sheriff or Coroner respectively to impanel, summon, and return a Jury, and the said Sheriff or Coroner respectively are hereby required accordingly to impanel, summon, and return a Jury of Twenty-Four able and sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trial of Issues in His Majesty's Court of Common Pleas at *Lancaster*, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Ten or more than Twenty-One Days after such Warrant or Warrants shall be served upon the Sheriff or Coroner respectively; and also to return Issues of every such Person impanelled and returned and not appearing without reasonable Cause the Sum of Forty Shillings, which shall be duly estreated and levied by the Sheriff of the said County upon the Goods and Chattels of the Person not appearing, to the Use of the said Commissioners, to be applied for the Purposes of this Act by Warrant or Warrants of the said Commissioners attending at such Meeting; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, then the said Sheriff, or his Deputy, or such Coroner shall return other honest and indifferent Men of the Standers by, or that can speedily be
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procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurors, but shall not challenge the Array; and the said Commissioners, or any One or more of them, are hereby empowered to summon and call before the said Commissioners, at any of their Meetings to be holden in pursuance of this Act, in such Manner as hereinafter is mentioned, all and every such Person and Persons as shall be thought necessary to be examined as a Witness or Witnesses touching the Matter or Matters to be inquired of by the said Jury, and the said Commissioners are hereby empowered to examine on Oath any such Witness or Witnesses as aforesaid, as well as any other Witness or Witnesses, before the said Jury; and the said Commissioners, or any Three or more of them, may order and authorize the said Jury or any Six or more of them to view the Old Channels or Courses of the said Rivers *Douglas* alias *Astrand*, *Lofstock*, and *Yarrow* respectively, and also the New Channels to be made under and by virtue of this Act; and such Jury shall upon Oath (which Oath as well as the Oaths to such Person or Persons as shall be called upon or produced to give Evidence as aforesaid, the said Commissioners, or any One or more of them, at any of their Meetings, is and are hereby empowered to administer) inquire whether the said new Channel or new Channels is or are sufficient to drain, improve, and preserve the said Low Lands or Grounds, without any opening, clearing, or embanking in future of the old Channels of the said Rivers, Rivulets, Brooks, or Streams of Water, or any of them; and if the said Jury so to be sworn shall by their Verdict find that the said new Channel or new Channels is or are sufficient to drain, improve, and preserve the said Low Lands or Grounds without any opening, clearing, or embanking in future of all or any of the old Channel or old Channels of the said Rivers, Rivulets, or Streams of Water, or any of them, then and from thenceforth the said old Channel or old Channels, except such Parts thereof as lie between the Tail of *Sollom Lock* and the Tail of the intended Drainage, or such Part or Parts thereof as shall be found unnecessary, shall not be opened, cleared, or embanked under this Act, but fenced off, divided, and appropriated unto and amongst the Owners and Proprietors of the adjoining Lands, in Proportion to their respective Rights to the Bed or Soil of such old Channel or Channels; and if any Dispute shall arise between any Two or more of such Owners or Proprietors touching or concerning such Rights, the same shall be determined by the said Commissioners, whose Decision shall be final to all Parties, and such Decision shall be entered and recorded, or registered and kept amongst the other Proceedings of the Commissioners for putting this Act in Execution, and the Expences of summoning such Jury and of taking their Inquisitions shall be paid and borne by and out of the Monies to be collected and received under this Act.

Commissioners may summon Witnesses.

If the new Channel be found sufficient (by the Jury) to drain, the old Channel not to be opened in future.

XI. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Rectors, Vicars, or other Ecclesiastical Persons, and all Tenants for Life or in Tail, and all Husbonds, Guardians, Trustees, Feoffees in Trust, Committees, Attornies, Executors, Administrators, and all other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of

Commissioners empowered to agree for Damages done to Land, &c.

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their Wives, Constituents, and *Cestuique* Trusts, and for and on Behalf of all Persons in Remainder or Reversion, whether Infants, Issue unborn, Lunatics, Idiots, or Femmes Covert, entitled or interested, and to and for all other Persons whomsoever who are or shall be seized, possessed of, entitled to, or interested in all or any of the Lands or Grounds, Rights, Privileges, or other Interests, wherein such New Channel or New Channels as aforesaid shall be made and embanked, or wherein or wherefrom the said Rivers *Douglas* alias *Alland*, *Lestock*, and *Yarrow*, or the said Rivulets, Brooks, and Streams of Water, shall be enlarged or embanked, diverted, or brought into a more direct Line and free Course, or in or upon which any Bank, Cut, Drain, Dam, Tunnel, Outlet, or other Work shall be made, or in or upon which shall be erected or made any Bridge or Bridges, Mill or Mills, Flood Gate or Flood Gates, Engine or Engines, Lock or Locks, Weir or Weirs, or other Work, or from whence shall be taken or used any Earth or Ground, or Water as aforesaid, to agree with the said Commissioners for any Damage that shall be done thereby; and in case they shall not agree with the said Commissioners about the Value of such Damage, then the same shall be assessed and adjudged as hereinafter is mentioned; and all and every such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Rectors, Vicars, and other Ecclesiastical Persons, Tenants for Life or in Tail, and all Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Attornies, Executors, Administrators, and all other Trustees whomsoever, their Heirs and Successors, and also their Wives, Constituents, and their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, or Femmes Covert, and all and every other Person and Persons whomsoever, who are or shall be so seized, possessed, or interested as aforesaid, shall be bound by all and every or any such Agreement, Assessment, and Adjudication as aforesaid; but if such Person or Persons shall not agree with the said Commissioners about the Value of the Damages to be occasioned as aforesaid, then such Damages shall be assessed, ascertained, and determined by the Justices at any Quarter Sessions of the Peace for the said County, to be holden by Adjournment or otherwise, within the Division of the same County where the said Low Lands or Grounds, Hereditaments or Premises lie, within Six Calendar Months next after Application shall have been made to such Person or Persons by the said Commissioners touching such Damages, (Notice thereof in Writing being first given by such Person or Persons so intending to appeal, to the Clerk to the said Commissioners, at least Fourteen Days before such Quarter Sessions are holden,) and the Justices at such Quarter Sessions or Adjournment, or the major Part of them not interested in the said Low Lands or Grounds, Hereditaments, or Premises, (upon Proof of such Notice,) are hereby authorized and required by Examination of Witnesses upon Oath, (which Oath the said Justices, or any of them, are hereby authorized to administer,) and by other proper and sufficient Inquiry, Evidence, and Satisfaction, to hear and determine the Matter thereof, and to give Relief therein, and also to give such Costs to either Party as they shall think reasonable, and by their Order or Warrant to levy such Costs by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges

If they do not agree with the Commissioners, or as after mentioned, then to be assessed and adjudged by the Justices at their Quarter Sessions;

Charges of such Distress and Sale; and the Determination of the said Justices, or the major Part of them not interested as aforesaid, shall be final and conclusive upon all parties: Provided nevertheless, that in case the Owner or Owners of Lands or Estates in such Lands or Grounds, and Hereditaments, or Premises, or the Person or Persons acting on his, her, or their Behalf, shall desire that such Damages should be assessed, ascertained, and determined by a Jury instead of by the said Justices, and shall by Writing under his, her, or their Hand or Hands, within Fourteen Days after Application shall have been made to them as aforesaid, signify such Desire to any one of the said Commissioners, or to their Clerk, that then the said Commissioners shall and may, and they are hereby empowered and required from Time to Time to issue out their Warrant or Warrants under their Hands and Seals, (which Warrant or Warrants they are hereby required to issue within the Space of Seven Days next after such Desire shall be so signified, if thereunto requested,) to be directed to the Sheriff of the said County Palatine of Lancaster; or in case such Sheriff shall happen to be interested in the Matter in question, or any Way related to any of the Parties concerned, then to one of the Coroners of the said County not interested or related as aforesaid, for the summoning, impanelling, and returning of a Jury; and such Sheriff or Coroner respectively to whom such Warrant or Warrants shall be directed, is and are hereby required accordingly to summon, impanel, and return a Jury of Twenty-Four sufficient and indifferent Men, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Issues joined in His Majesty's Court of Common Pleas at Lancaster, to appear before the said Commissioners at such Time or Times, Place or Places, within the said County of Lancaster, as in such Warrant or Warrants shall be expressed, not being less than Ten nor above Twenty-One Days after any such Warrant shall be served upon or delivered to such Sheriff, his Deputy, or Coroner respectively, and also to return Issues of every such Person or Persons impanelled and returned, and not appearing without reasonable Cause, the Sum of Forty Shillings, which shall be duly estreated and levied by the Sheriff of the said County upon the Goods and Chattels of the Person not appearing to the Use of the said Commissioners, to be applied for the Purposes of this Act, by Warrant or Warrants of the said Commissioners attending at such Meeting; and in case a sufficient Number of Jurymen shall not appear, then the said Sheriff or his Deputy, or such Coroner, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, so qualified as aforesaid, to make up such Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of such Jurymen when they come to be sworn, but shall not challenge the Array; and the said Commissioners, or any one or more of them, are hereby empowered from Time to Time to summon and call before the said Commissioners, at any of their Meetings to be holden as hereinafter is mentioned, all and every such Person and Persons whomsoever who shall be thought proper or necessary to be examined as a Witness or Witnesses touching or concerning the Matter or Matters in question to be inquired of by the said Jury; and the said Commissioners are hereby empowered to examine on Oath any such Witness or Witnesses, as well as any other Witness or Witnesses, before the said Jury, and

by a Jury at the Election of the Party sustaining Damages.

Commissioners to issue Warrants to the Sheriff,

if sheriff interested, to the Coroner, to summon a Jury to appear before Commissioners.

Every Jurymen not appearing to forfeit the Sum of Forty Shillings, to be estreated and levied by the Sheriff.

Jury sworn to consist of Twelve Men, Commissioners empowered to summon Witnesses, also

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and may order Jurors to view the Premises.

Jury to assess Damages.

Their Verdict to be recorded and to be conclusive.

also to order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in question, if the said Commissioners assembled at such Meeting as aforesaid shall think fit; and the said Jurors upon their Oath (which Oath, and also the Oaths to be taken by the Person or Persons who shall be summoned and produced to give Evidence as aforesaid, the said Commissioners, or any one or more of them, assembled at any of their Meetings, are and is hereby empowered to administer) shall inquire of, assess, and ascertain such Damage and Recompence as they shall think fit, to be awarded to such Person or Persons having Right to such Lands and Hereditaments as aforesaid; and their Verdict or Verdicts, Determination or Determinations therein, shall be entered and recorded, or registered, and kept amongst the Proceedings in the Execution of this Act, and shall be binding and conclusive to all Intents and Purposes, against all and every the Party and Parties, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns, and others claiming and who shall claim by, through, from, or under, or in Remainder or Reversion after them, or any of them.

If Jury give a Verdict for a greater Sum than offered by Commissioners, Costs of Jury to be paid by Commissioners.

If the same or a less Sum of Money, the Party to pay Costs of Jury.

XII. And be it further enacted, That in all Cases where a Verdict or an Assessment shall be given or made for a greater Sum of Money as a Recompence or Satisfaction for any such Damages as aforesaid than had been offered to be paid or given by the said Commissioners, then all the Expences of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and shall be defrayed and paid by them out of the Monies to be raised under this Act; and if any Verdict or Assessment shall be given or made for the same or a less Sum of Money than had been previously offered to be paid or given by the said Commissioners as aforesaid, then and in every such Case the Costs and Expences of summoning such Jury and taking such Inquest, shall be settled in like Manner by the said Commissioners, and shall be paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; and that all and every Person or Persons making Complaint and requesting such Jury, shall before the said Commissioners be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into a Bond to the said Commissioners, in the Penalty of Fifty Pounds, conditioned to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case a Verdict shall be given for the same, and no more Money or a less Sum of Money than had been offered to be paid as a Recompence or Satisfaction for such Damage as aforesaid by the said Commissioners, before the summoning and returning of the said Jury or Juries.

Complaint of Damages to be given in Writing within Six Calendar Months after done, or Party not entitled to any Compensation for Damage.

XIII. And be it further enacted, That the said Commissioners shall not be obliged to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained by virtue of this Act, unless Application in writing hath been or shall be made in relation thereto, by or on Behalf of such Person or Persons to the said Commissioners, or to their known Agent or Agents, or to the Collector of the Rates or Assessments under this Act, within the Space of Twelve Calendar Months next after the Time that such Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

XIV. And

XIV. And be it further enacted, That the said Commissioners hereinbefore named, or any Three or more of them, shall meet in the Vestry of the Parish Church of *Croston* upon the Twenty-fourth Day of *June*, at Ten of the Clock in the Forenoon, or within Seven Days after, and shall proceed to put this Act in Execution; and the said Commissioners or the major Part of them then assembled shall and may adjourn themselves to any Place within either of the said Parishes, and meet again pursuant to such Adjournment, and proceed in the Execution of this Act as often as they shall think proper, and shall at all such Meetings make such Rules and Orders as they shall deem necessary to be observed for the ordering, managing, and executing in the most effectual Manner the several Powers granted by this Act; and if at the said First or any other of the said Meetings of the said Commissioners a sufficient Number of the said Commissioners shall not be present, it shall be competent for the Commissioner or Commissioners then attending, or for their Clerk if no Commissioner shall attend, to adjourn the Meeting, to be held at the same Place at any Time not exceeding Ten Days nor less than Seven Days from the Time of holding the Meeting so to be adjourned, of which Adjournments Notice in Writings shall be given or sent by the said Clerk to such of the said Commissioners residing in the said County Palatine, and Public Notice of the Time and Place of every Meeting of the said Commissioners shall be likewise given in the Parish Churches of *Croston* and *Rufford* on the *Sunday* next preceding such Meetings immediately after Divine Service, and shall be affixed on the Doors of such Churches respectively Seven Days at least before the Time specified for such Meeting, and such Meeting or Meetings shall and may be continued by Adjournment from Time to Time as they the said Commissioner or Commissioners attending, or their Clerk when no Commissioner shall attend, shall think proper; and the said Commissioners shall from Time to Time nominate and appoint One or more Clerk or Clerks, and also a Collector or Collectors, Receiver or Receivers, and such other Officer or Officers as they shall think necessary or proper for collecting the Rates and Assessments to be made or assessed by virtue of this Act, and for the Management and Direction of making such new Channel or new Channels as aforesaid in the said Rivers *Douglas* alias *Asland*, *Lostock*, and *Yarrow* or any of them, or any Brooks, Rivulets, or Streams of Water in the aforesaid Townships, or any of them which run or flow into the same Rivers, or any of them, or of the Banks, Rails, Drains, Dams, and Outlets, and of making and erecting Bridges, Flood Gates, Engines, Lock or Locks, Wier or Wiers, or other Works, and for repairing, maintaining, amending, supporting, scouring, and cleansing the same respectively; and the said Commissioners may authorize any such Officer or Officers from Time to Time to purchase and provide Timber and all other Materials and Things necessary for those Purposes, or any other Purpose or Purposes in or about the Premises which may be thought expedient, and to contract and agree with any Person or Persons for the doing and performing any of the Works before mentioned, or any other Matters or Things in or about the Premises; and the said Commissioners or any Three or more of them shall cause to be drawn up and entered such Rules or Orders and other Proceedings of the said Commissioners as shall be made or had under or by virtue of this Act, in a Book or Books to be kept for that Purpose; and the said

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Commissioners

First Meeting
of the Com-
missioners;to make
Rules and
Orders and
appoint Of-
ficers, &c.Collectors,
&c. to be
appointed.

Officers to
give Security
for Perform-
ance of their
Duty.

Commissioners may allow their said Clerk or Clerks, Collector or Collectors, Receiver or Receivers, and other Officer or Officers for the Time being such Salaries, Stipends, Wages, and Allowances for their Trouble, out of the Monies to be raised under or by virtue of this Act, as they in their Discretion shall think proper, which Officers respectively may and shall from Time to Time be displaced or removed at the Will and Pleasure of the Commissioners, who shall and may nominate and appoint other or others in the Place and Stead of the Person or Persons so displaced or removed, as they the said Commissioners shall see Occasion; and such Collector or Collectors, Receiver or Receivers so to be nominated and appointed before he or they shall act in the Execution of their several Offices, shall give such Security for the due and faithful Execution of such their respective Offices, and for performing the several Trusts committed to them, as the said Commissioners shall in their Discretion require.

Allowance
to Commis-
sioners.

XV. And be it further enacted, That a Sum not exceeding Two Pounds and Two Shillings shall be paid by the Collector or Receiver of the Rates and Taxes hereinafter mentioned, to each of the said Commissioners for each Day's Attendance and Expences at any such Meeting or Meetings, each of such Day's Attendance not to be less than Eight Hours, and shall be allowed in the Accounts of the said Collector or Receiver, as so much Money paid for the Purposes of this Act, any Thing herein contained to the contrary thereof notwithstanding.

The Lands
to be annu-
ally taxed by
the Commis-
sioners ac-
cording to
the Improve-
ment they
will receive
from the
Drainage.

XVI. And be it enacted, That in case no Survey, Map, or Plan of any Part of the said Low Lands or Grounds shall have been produced and delivered to the said Commissioners by any of the Owners of the said Low Lands or Grounds, and approved of by the said Commissioners, then the said Commissioners shall, and they are hereby required, as soon as conveniently may be after the said Twenty-fourth Day of *June* next, to survey or cause to be surveyed any Part of the said Low Lands or Grounds, and also to cause a Map or Plan to be made or taken thereof, with proper References thereto, (such References specifying and distinguishing the State of such Parts of the said Low Lands or Grounds, as the same are more or less liable to be overflowed, and injured or benefited by such Overflowing, and also specifying and setting forth the Quantity in Statute Measure of Acres, Roods, and Perches contained in each Close, Field, or Parcel of such Parts of the said Low Lands or Grounds, and the then yearly Value of such Lands,) and after either or any such Surveys or Plans shall be made as shall be found necessary, the said Commissioners shall at any of their Meetings Yearly and every Year (the first Year to be computed from the Twenty-fourth Day of *June* One Thousand Eight Hundred, and so from the said Twenty-fourth Day of *June* Yearly) assess, rate, tax, and charge all and every the several Owners and Occupiers of the said Low Lands or Grounds according to their several Estates and Interests therein, at such Annual Rate or Tax per Acre (or less Quantity) as the said Commissioners shall think proper, not exceeding Ten Shillings for a Statute Acre, and so in Proportion, the first of such Annual Rates or Taxes to commence from the Fifth Day of *July* One Thousand Eight Hundred, the said Commissioners having due Regard to the State of the said Low Lands or Grounds, as the same are
more

more or less liable to be overflowed and injured or benefited by such Overflowings, and also having regard to the probable Improvements the said Low Lands or Grounds will respectively receive under this Act, until they shall receive any Improvements, and then having regard to the Improvements such Lands shall from Time to Time have received (it being intended that all the said Low Lands or Grounds shall be assessed, rated, taxed, and charged from Time to Time, according to the different Degrees and Proportions of Improvements which they shall respectively receive from the Drainage thereof); and the said Commissioners shall Annually cause an Estimate of such State of the said low Lands or Grounds, and of the then yearly Value of the different Parts thereof, to be from Time to Time reduced into Writing, with proper References to such Map or Plan as aforesaid, which said several Rates, Taxes, or Charges to be laid, imposed, or made in pursuance of this Act, shall from Time to Time be paid to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, at or upon such Day or Days in each Year as the said Commissioners shall at any of their Meetings direct or appoint; but no Assessment, Rate, Tax, or Charge shall be made, collected, or levied upon, or in respect of any of the said Lands or Grounds which have not been subject to be overflowed or damaged with Water; and the Monies received by or from such Rates, Taxes, Charges, and Assessments shall be applied under the Direction of the said Commissioners in paying and discharging the Expences of procuring and passing this Act, together with Interest in Payment of the said Sum of Five Hundred Pounds to the Proprietors and Owners of the Navigation aforesaid in the Events hereinbefore mentioned, and for the other general Purposes of this Act.

XVII. Provided nevertheless, That the said Commissioners shall, and they are hereby required to cause public Notice in Writing to be given of all their Meetings for making or laying such Rates, Taxes, and Charges as aforesaid, by affixing such Notice upon the Doors of the said Parish Churches of *Croston* and *Rufford*, at least Ten Days before every such Meeting, and the Clerk to the said Commissioners is hereby required to cause Notice in Writing to be given to each of the said Commissioners, who shall then be resident within the said County of *Lancaster*, or left at their respective usual Places of Abode, being within the said County, at least Ten Days before every such Meeting for the Purpose aforesaid, and also cause such Notice to be inserted in one of the *Liverpool*, one of the *Manchester*, and the *Blackburn* Newspapers, at least Ten Days before the Meeting.

Notice of making Rates to be given.

XVIII. And the better to enable the said Commissioners to ascertain the different Interests of the said Owners and Occupiers of the said Low Lands or Grounds liable to be assessed respectively, be it further enacted, That all and every the Owners and Occupiers of the said Low Lands or Grounds, shall and are hereby required to make out or cause to be made out, a true, just, and particular Account in Writing, signed by or by the Order of them respectively, of all such Estates and Interests as they respectively have in the said Low Lands or Grounds, under or by Virtue of any Lease, Contract, or Agreement, or otherwise howsoever, and deliver such

The Owners and Occupiers to give an Account to the Commissioners of their different Estates and Interests.

Account to the said Commissioners or such Person or Persons as they shall order or appoint, public Notice thereof being given by affixing the same upon the Doors of the Parish Churches of *Croston* and *Rufford* respectively, and by inserting Public Advertisements in the last-mentioned Newspapers Ten Days at least before the Time required for giving and delivering of the same; but in case such Account shall not be so made and delivered as aforesaid, the said Commissioners shall nevertheless cause such Survey, Map, or Plan, and Estimates and References to be made, and to proceed to make such Rates, Taxes, or Assessments as aforesaid.

A Copy of the Estimates and Assessments to be left in the Parish Churches for the Inspection of the Parties.

Who may appeal to the Commissioners,

and to the Quarter Sessions,

XIX. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time, as soon as conveniently may be after making any such Estimate, and making and laying any of the said Assessments, Rates, or Taxes as aforesaid, to cause a Copy of such Estimate and Assessment to be left in the Vestry of the Parish Churches of *Croston* and *Rufford* aforesaid, to be inspected by all Persons at any seasonable Hours without Fee or Reward, and to cause Notice in Writing of the same being so left to be affixed in the Forenoon of some *Sunday* upon the Doors of the said Parish Churches, and also to be inserted in the last-mentioned Newspapers, that all Persons thinking themselves aggrieved thereby may appeal against the same; and in case any such Person or Persons shall signify in Writing to the Clerk to the said Commissioners within Fourteen Days after the giving such Notice, that he, she, or they will appeal to the said Commissioners against the said Rates, Taxes, or Assessments, the said Commissioners shall and are hereby required to meet for that Purpose within Fourteen Days after their said Clerk shall have received such Notice of Appeal, and shall alter such Estimate and Assessment if they shall see Cause for so doing; or otherwise ratify the same, and their Determination therein shall be final, unless the Person or Persons so appealing shall be dissatisfied therewith, and shall by Writing within Ten Days then next following give Notice to such Clerk that he, she, or they desire to have the same referred to and be determined either by the Justices of the Peace at their Quarter Sessions, or by a Jury; and in case any such Person or Persons shall desire to have the Matter of such Appeal determined by such Justices, and shall refer the same to them at such Quarter Sessions of the Peace for the said County to be holden by Adjournment or otherwise, within the Division of the same County where the said Low Lands or Grounds lie, as shall be mentioned in such Notice, (being within Six Calendar Months next after the Determination of the said Commissioners as aforesaid,) then the Justices at such Sessions, or the major Part of them not interested in the said Low Lands or Grounds, are hereby authorized and required by Examination of Witnesses upon Oath, (which Oath the said Justices are hereby empowered to administer,) and by other proper and sufficient Inquiry, Evidence, and Satisfaction, to hear and determine the Matter thereof, and to give Relief therein, and to award such Costs to either Party as they shall think reasonable, and by their Order or Warrant to levy the Costs by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and the Determina-

Determination of the said Justices therein shall be final and conclusive upon all Parties; but in case any such Persons shall by such Notice desire to have the Matter of the said Appeal referred to and determined by a Jury instead of by the said Justices, that then the said Commissioners shall and may, and are hereby empowered to issue out their Warrant or Warrants under their Hands and Seals to be directed to the Sheriff of the said County Palatine of *Lancaster*, or in case such Sheriff shall happen to be interested in the Matter in question, or any Way related to any of the Parties concerned, then to One of the Coroners of the said County not interested or related as aforesaid, for the summoning, impannelling, and returning of a Jury; and such Sheriff or Coroner respectively to whom such Warrant or Warrants shall be directed, is and are hereby required accordingly to summon, impanel; and return a Jury of Twenty-Four sufficient and indifferent Men of the said County, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Issues joined in his Majesty's Court of Common Pleas at *Lancaster*, to appear before the said Commissioners at such Time or Times, Place or Places within the said County of *Lancaster* as in such Warrant or Warrants shall be expressed, not being less than Ten or above Twenty-one Days after such Warrant shall be served upon or delivered to such Sheriff or his Deputy, or such Coroner respectively, and also to return Issues of every such Person impannelled and returned, and not appearing without reasonable Cause the Sum of Forty Shillings, which shall be duly estreated and levied by the Sheriff of the said County upon the Goods and Chattels of the Person not appearing, to the Use of the said Commissioners, to be applied for the Purposes of this Act by Warrant or Warrants of the said Commissioners, attending at such Meeting; and in case a sufficient Number of Jurymen shall not appear, the said Sheriff or his Deputy, or such Coroner shall return other honest and indifferent Men of the Standers by, or that can speedily be procured to attend that Service, so qualified as aforesaid; to make up such Jury to the Number of Twelve Men, and all Parties concerned shall and may have their lawful Challenges against any of such Jurymen when they come to be sworn, but shall not challenge the Array: And the said Commissioners, or any One or more of them, are hereby empowered from Time to Time to summon and call before the said Commissioners at any of their Meetings, in such Manner as hereinafter is mentioned, all and every Person and Persons whomsoever, who shall be thought proper or necessary to be examined as a Witness or Witnesses touching or concerning the Matters in question to be inquired of by the said Jury; and the said Commissioners, or any Three or more of them, are hereby empowered to examine on Oath any such Witness or Witnesses, as well as any other Witness or Witnesses, before the said Jury, and also to order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in question, if the said Commissioners assembled at such Meeting as aforesaid shall think fit; and the said Jurors upon their Oath (which Oath, and also the Oaths to be taken by the Persons who shall be summoned to give Evidence as aforesaid, the said Commissioners or any One or more of them assembled at any of their Meetings, are and is hereby empowered to administer) shall inquire of and finally settle and ascertain such Parts of the said Estimate, and of the said Taxes, Rates, and Assessments with which such Person or Persons shall have been so dis-

[*Loc. & Per.*]

§ IV

satisfied

or a Jury;
if to a Jury
Commission-
ers to issue
Warrants to
Sheriff or
Coroner,

for Sum-
mones.

Every Jury-
man not ap-
pearing to
forfeit Forty
Shillings.

Jury to con-
sist of Twelve.

Commission-
ers empow-
ered to sum-
mon Wit-
nesses;

and may
order Jury to
View.

Jury to assess
Damages.

Their Verdict to be recorded.

fatisfied as aforesaid, and which they shall have so referred to the Determination of such Jury; and the Verdict or Verdicts, Determination or Determinations of such Jury shall be entered and recorded or registered and kept amongst their Proceedings in Execution of this Act, and shall be binding and conclusive to all Intents and Purposes against all and every Party or Parties, his, her, or their Heirs, Executors, Administrators, and Assigns, and all others claiming or who shall claim by, through, from, or under them or any of them.

If Complaint be frivolous, Costs to be paid by Party;

XX. Provided always, that in all Cases where the said Commissioners or any Three or more of them assembled at any of their Meetings after such Verdict or Verdicts, Determination or Determinations, shall be given as aforesaid, shall adjudge such Reference or References to be frivolous or vexatious, then, and in every such Case, the Costs and Expences of summoning such Jury, and of taking such Inquest, or such Part or Parts thereof as the said Commissioners, or any Three or more of them, shall think fit to assess, shall be settled by the said Commissioners, and shall be paid by the Person or Persons whose Reference or References shall be so as aforesaid, adjudged frivolous or vexatious; but if otherwise, then the whole Costs and Expences of summoning such Jury and taking the Inquest, shall be settled by the said Commissioners, and be paid out of the Monies to be received under this Act.

if otherwise, by Commissioners.

Bond to be given to pay Costs if Complaint frivolous.

XXI. And be it further enacted, That all and every other Persons making Complaint and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury as aforesaid, first enter into a Bond to the Collector or Collectors for the Time being of the Rates and Assessments under this Act, or such other Person or Persons as the said Commissioners shall appoint, in the Penalty of Fifty Pounds conditioned to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case the Reference or Complaint, References or Complaints of such Person or Persons shall be deemed by the said Commissioners vexatious or frivolous.

Commissioners may summon Witnesses and examine them on Oath.

XXII. And be it further enacted, That the said Commissioners, or any one or more of them, at his or their own Will, or at the Request of any other Person or Persons, Party or Parties interested in any Matter or Thing to be done or determined under this Act, by or before the said Commissioners, or to be inquired into or determined by the said Justices, or by any such Jury or Juries as aforesaid, shall and may summon by Writing, under the Hands or Hand of such Commissioners, or any one or more of them, such Witness or Witnesses as shall be thought necessary to appear and give Evidence before the said Commissioners at any of their Meetings to be held in pursuance of this Act, or before the said Justices, or before any such Jury or Juries as aforesaid, at such Time and Place as shall by such Summons be appointed; and if any such Witness, being duly served with such Summons, and having been paid or had tendered a Sum of Money sufficient to bear his or her Charges of Attendance shall neglect or refuse to appear or give Evidence, and shall not allege some just and reasonable Excuse, then the said Commissioners, on due Proof thereof, made before them, are hereby empowered and required, by Warrant under their Hands, and

and Seals, to levy by Distress and Sale of the Goods and Chattels of every Person so neglecting or refusing to appear or give Evidence, a Sum of Money not exceeding Ten Pounds nor less than Five Pounds, to be applied for the Purposes of this Act, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of such Summons, Distress, and Sale, to the Person whose Goods and Chattels shall be so distrained and sold as aforesaid.

XXIII. And be it further enacted, That if any Person or Persons so rated or taxed as aforesaid shall refuse or neglect to pay the Rate or Tax charged upon him, her, or them respectively, or any Part thereof, for the Space of Three Days after the respective Times of Payment to be appointed by the said Commissioners (public Notice thereof being affixed upon the Doors of the Parish Churches of *Croston* and *Rufford* aforesaid,) it shall and may be lawful for such Collector or Receiver, or for any other Person or Persons by virtue of any Warrant or Precept under the Hands and Seals of the said Commissioners (which said Warrant or Precept the said Commissioners are hereby empowered and required from Time to Time to make and grant as Occasion shall require) to levy the Sum or Sums of Money so assessed or rated, or such Part thereof as shall be unpaid, by Distress and Sale of any Goods and Chattels of the Person or Persons so assessed and rated as aforesaid, which shall be found in the said County of *Lancaster* or elsewhere, and the Goods and Chattels so distrained to keep for the Space of Five Days at the Costs and Charges of the Owner or Owners thereof; and if such Owner or Owners shall not within the Space of Five Days pay the Sum or Sums of Money so assessed or rated, that then the Goods and Chattels so distrained shall be appraised by Two or more of the Inhabitants of the Parish where the same shall be taken, or other proper Persons, and shall be sold by the said Collector or Collectors, Receiver or Receivers, for Payment of the said Money, and the Overplus (if any be) coming or arising by such Sale, after the Sum or Sums so assessed or rated, and the Charges of taking, keeping, and selling the said Distress are deducted, shall be returned to the Owner or Owners thereof upon reasonable Demand; and the several and respective Tenants of all and singular the said Low Lands or Grounds who shall be assessed or rated by virtue of this Act are hereby required and authorized from Time to Time to pay all or so much of the Sum and Sums of Money which shall be so assessed or rated and charged upon the Owner or Owners of such Low Lands or Grounds in respect thereof, as the Rents of such respective Tenants shall amount unto, or to deduct and pay out of such Rents respectively so much of the said Assessments or Rates as the respective Owners of the said Low Lands or Grounds in respect thereof are or shall be assessed or rated at less than the Amount of such Rents respectively; and the Landlords of such respective Tenants are hereby required to allow such Deduction and Payment; and every Tenant paying such Assessment or Rate, or so much thereof as his or her Rent shall amount to and be sufficient to pay, shall be acquitted and discharged for so much Money as he or she shall so pay, as if the same had been actually paid to the Person or Persons entitled to the Rents of such Lands or Grounds, except where there is a Lease or Contract for more than Three Years to come from the passing of this Act; in which Case the Proportion of the Assessment or Rate

Power of levying Rates from the Parties refusing to pay.

Tenants to deduct Rates out of their Rents.

which

which the Tenant ought to bear and pay in consideration of the Benefit he receives, shall be adjudged or awarded by the said Commissioners, having no Interest in the Premises so in Lease or Contract without any further Appeal.

For levying Rates on untenanted Premises.

XXIV. And be it further enacted, That in Case any of the said Low Lands or Grounds shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found for levying the said Assessments, Rates or Taxes, then the Lands chargeable therewith shall always remain a Security for Payment thereof; and all Goods and Chattels which shall at any Time thereafter be found thereon, shall and may be distrained, kept, appraised and sold in Manner as aforesaid, until the Arrears of the said Assessments, Rates, or Taxes, and the Charges attending such Distress or Distresses, and the Sum and Sums forfeited by Non-payment as aforesaid, shall be fully paid and satisfied; and also that it shall and may be lawful to and for the said Collector or Collectors, Receiver or Receivers for the Time being, to enter upon and let the same Lands to be mowed or depastured from Year to Year only, for the best Rent that can be gotten for the same, and to receive and take the Rents and Profits thereof for the Use of the said Commissioners, to be applied for the Purposes of this Act until all Arrears of the said Assessments, Rates, or Taxes, and Charges and Forfeitures shall be fully satisfied and paid, rendering the Overplus of the Rents and Profits (if any), after discharging such Arrears, to the Owner or Owners of such Lands.

For recovering Money from the Collectors.

XXV. And be it further enacted, That the said Commissioners shall cause Notice or Notices in Writing signed by them to be given to or left at the usual Place or Places of Abode or Dwelling of any Collector or Collectors, Receiver or Receivers, so to be nominated and appointed as aforesaid, thereby requiring him or them to pay all or any Sum or Sums of Money which shall have been collected and received by him or them over and above his or their Salary or Salaries, to the Person or Persons, and at the Time and Place therein for that Purpose mentioned; and if the Collector or Collectors, Receiver or Receivers, to or for whom any such Notice or Notices shall be so given or left as aforesaid, shall for the Space of Six Days refuse or neglect to pay the Sum or Sums of Money mentioned in such Notice or Notices to the Person or Persons therein named, then and in every such case, and as often as it shall so happen, it may and shall be lawful for any Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of the said Commissioners, (which Warrant or Precept the said Commissioners are hereby empowered from Time to Time to make and grant as they shall think fit,) to distrain all or any of the Goods and Chattels of such Collector or Collectors, Receiver or Receivers, for the Sum or Sums of Money mentioned in such Notice or Notices, and to appraise, sell, and dispose of the Goods and Chattels so distrained for Payment of the Sum or Sums of Money mentioned in the said Notice or Notices, rendering and paying the Overplus of the Money raised by such Sale or Sales (if any) as shall remain after paying all the Sum or Sums of Money mentioned in such Notice or Notices, and all the Costs and Expences of or relating to such Distresses and Sales as aforesaid, to the said Collector or Collectors, Receiver or Receivers, upon reasonable Demand.

XXVI. And

XXVI. And be it further enacted, That the said Commissioners assembled at any Meeting to be held as aforesaid shall and may and are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money which they shall think necessary for the making, carrying, repairing, and preserving the said Works and other the Purposes of this Act, and by Writing under their Hands and Seals to assign over the said Yearly Rates and Taxes hereby charged or to be charged upon the Owners and Occupiers of the said Low Lands or Grounds and every or any Part or Parts thereof (the Costs and Charges of the Assignment to be paid out of the said Rates and Taxes) as a Security or Securities for the Re-payment of such Sum or Sums with Interest to the Person or Persons who shall advance and lend such Sum or Sums, his, her, or their Trustee or Trustees, Executors, Administrators, or Assigns, which Money so to be borrowed shall be applied and disposed of in the first Place in paying and reimbursing such Sum and Sums of Money as have been already expended and incurred by any Person and Persons in promoting the said Drainage, and in making such new Channels, Banks, Bridges, Cuts, Drains, Dams, Tunnels, Soughs, Sluices, and Outlets, and erecting and making such Flood Gates, Engines, Locks, Weirs, and other Works, Matters, and Things as will be necessary for draining, and improving and preserving the said Low Lands or Grounds, and for other the Purposes of this Act, and for no other Use or Purpose whatsoever; and the Assignments to be made in pursuance hereof shall be in the Form or to the Effect following; (*videlicet*,)

Power to borrow Money upon the Rates.

“ WE Three of the Commissioners
 “ appointed by an Act, intituled, ‘ An Act, &c. [*setting out*
 “ *the Title*] in pursuance of the Powers thereby vested in us, and in
 “ consideration of the Sum of _____ of lawful Money of *Great*
 “ *Britain* paid to us by *A. B.* at or before the Sealing and Delivery
 “ of these Presents, the Receipt whereof we do hereby acknowledge,
 “ do by this present Writing under our Hands and Seals assign to the
 “ said *A. B.* his Executors and Administrators, all (or any specific Part
 “ as the Case may be) of the Yearly Rates or Taxes charged and to
 “ be charged under Authority of the said Act on the Low Lands or
 “ Grounds thereby directed to be drained, improved, and preserved,
 “ to hold to the said *A. B.* his Executors, Administrators, and Assigns:
 “ Provided always, That when and so soon as the said Sum of _____
 “ shall be duly repaid to the said *A. B.* his Executors, Administrators,
 “ or Assigns, on or before the _____ Day of _____ with
 “ Interest thereon after the Rate of _____ *per Centum per Annum*,
 “ by equal Half Yearly Payments, at the _____ Day of _____
 “ and the _____ Day of _____ in every Year, without any
 “ Deduction or Abatement, this present Assignment shall be void.
 “ In witness whereof we have hereunto set our Hands and Seals this
 “ _____ Day of _____

XXVII. And be it further enacted, That the Rates, Taxes, and Sums of Money to be assessed or charged by virtue of this Act upon the Owners or Occupiers of the said Low Lands or Grounds, shall be charged and chargeable in the first Place with the Payment of the Principal Money so to be borrowed and the Interest of such Money from Time to Time, and shall vest in the respective Creditors, upon Default of Payment of
 [Loc. & Per.] 80 such

Rates, &c. to be Security to the Lenders.

such Principal Money and Interest, or any Part thereof, according to their respective Securities, until the same shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Non-payment thereof, but subject nevertheless to the Payment of such Sum or Sums of Money with Interest as shall be agreed to be paid, or shall be assessed for Damages as hereinbefore is mentioned; and the said Creditors, their Executors, Administrators, and Assigns respectively shall have the same Power, Rights, and Privileges of raising and recovering the several Rates, Taxes, and Sums of Money payable by the several Owners and Occupiers of the said Low Lands or Grounds for and in respect of such Principal Money and Interest in case of Default of Payment thereof, or such of the said Rates and Assessments as shall be made or be a Security or Securities to them respectively, as the said Commissioners or their Collector or Collectors, Receiver or Receivers could have had in case the said Principal and Interest Money had been regularly and duly satisfied and paid.

Securities
transfer-
able.

XXVIII. And be it further enacted, That every Person to whom any Assignment of the said Rates and Taxes, or any Part or Parts thereof, shall be made for securing any such Sum or Sums of Money lent as aforesaid, or who shall be entitled to the Money thereby secured, shall have full Power from Time to Time, by Indorsement on the original Assignment or Security, or otherwise by any Writing or Writings to assign or transfer the same to any Person or Persons whomsoever, and such Transfer or Assignment from and after the Time that a Copy of the same shall be entered in a Book to be kept by the said Commissioners for that Purpose, (which Entry their Clerk or Collector is hereby required to make upon producing such Assignment and Payment of Five Shillings for making the same,) shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the Principal Sum, and all Interest due or to grow due therefrom; and such Assignee or Assignees, and his, her, or their Executors, Administrators, or Assigns may in like Manner assign the same again, and so *toties quoties* as Occasion shall require, every such Assignment being entered as aforesaid.

Punishment
for destroying
the Works.

XXIX. And be it further enacted, That if any Person or Persons shall at any Time or Times wilfully, maliciously, or wantonly burn, cut, throw down, or otherwise destroy, or hire, cause, or procure any Person or Persons to burn, cut, throw down, or otherwise destroy any Bridge, Baulk, Mill, Mound, Bank, Rail, Clow, Sough, Engine, Flood-Gate, Lock, Weir, or Sluice, or any Work whatsoever which now is or are, or at any Time or Times hereafter shall be making or erecting, or made or erected for draining, preserving, and improving the said Low Lands or Grounds, and shall be thereof lawfully convicted, every such Person shall be subject and liable to the like Pains and Penalties as in case of Felony, and the Court by and before whom such Person or Persons shall be tried shall have Power and Authority, and is hereby accordingly empowered and authorized to cause such Person or Persons to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may if they think fit award such Sentence as the Law directs in case of Petit Larceny.

XXX. And

XXX. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter wilfully, maliciously, or wantonly open or cause to be opened any of the said Flood-Gates, Clows, Soughs, Drains, Tunnels, Sluices, or other Passage for Water, to the Prejudice of the said Low Lands or Grounds, or any Part thereof, or stop, dam up, spoil, or damage any Drain, Watercourse, Tunnel, Bridge, or other Work or Works which now is or are, or at any Time or Times hereafter shall be making or erecting, or made or erected for the Purposes aforesaid, or shall wilfully or maliciously lay, throw, or place any Matter or Thing in Order to obstruct or prevent the free Current and Passage of the Water, every Person offending in any of the said Cases who shall be convicted thereof on the Oath or Oaths of one or more credible Person or Persons before Two Justices of the Peace for the said County of *Lancaster*, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Ten Pounds to be levied by Distress and Sale of the Goods and Chattels of every such Offender by Warrant under the Hands and Seals of the Justices by whom such Conviction shall be made, to be applied and laid out for the Purposes of this Act, and for want of sufficient Distress such Offender or Offenders shall be committed to the House of Correction or Common Gaol of the said County of *Lancaster*, by virtue of any Warrant under the Hands and Seals of any Two of the Justices of the Peace for the said County, there to remain for any Time not exceeding Twelve Calendar Months, nor less than Six Calendar Months, at the Discretion of the said Justices by whom such Commitment shall be made; and if such Person or Persons shall offend again in like Manner and be thereof lawfully convicted, every such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person or Persons shall be tried shall have Power and Authority, and is hereby accordingly empowered and authorized to cause such Person or Persons to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may if they think fit award such Sentence as the Law directs in Cases of Petit Larceny.

Or opening
Flood Gates,
&c.

XXXI. And be it further enacted, That if any Person or Persons shall at any Time, without the Consent of the Commissioners signified in Writing for that Purpose, make or cause to be made any Watering Place or Places of Access for any Cattle to drink in any of the Dams or Drains within the said Low Lands or Grounds, or shall continue to use any Watering Place after Notice in Writing to the contrary shall be given to him, her, or them by any Officer appointed by any Three or more of the said Commissioners; or if any Person or Persons shall drive or cause to be driven any Waggon, Cart, or other Carriage upon or across any Bank which shall be made or maintained by virtue of this Act, (unless such Bank hath been of Right used as a Cart Way, or be made upon any Drove Way, and a sufficient Passage shall not be left along the Side of the said Bank,) or if any Person or Persons shall stack any Hay, Straw, Sedge, or Fodder upon any of the said Banks, or shall drive or cause to be driven any Horse, Mule, Ass, Cow, or other Cattle, except as aforesaid, upon any Banks which shall be raised or maintained by virtue of this Act, every Person so offending in any of the said Cases, being thereof convicted before any one Justice of the Peace for the

To prevent
making any
Watering
Places.

No Carriage
or Cattle to
go on the
Banks.

said

said County of *Lancaster*, on the Oath of one or more credible Witness or Witnesses, or on the Confession of the Party or Parties offending, shall forfeit for every such Offence any Sum not exceeding Twenty Shillings to the said Commissioners, to be levied by Distress and Sale of the Goods and Chattels of any such Offender or Offenders, by Warrant under the Hand and Seal of the said Justice before whom such Conviction shall be made; and the same shall be applied for the Purposes of this Act.

Unless where
no Driving
Way.

XXXII. Provided always, That where there is no Drove Way leading to the Lands or Grounds of the Owners or Occupiers of the said Low Lands respectively, it shall and may be lawful to and for every Owner or Occupier of such Lands or Grounds, and his, her, and their Servants and Workmen, to drive any Cattle of any Kind upon and across the said Banks to and from such Low Lands or Grounds, any Thing herein contained to the contrary notwithstanding.

To prevent
Cattle feed-
ing on the
Banks or
Driving
Ways.

XXXIII. And be it further enacted, That if any Person or Persons shall permit or suffer his, her, or their Horse or Horses, Mule or Mules, Ass or Asses, Cows, Neat Cattle, or other Cattle, except as aforesaid, to depasture or feed; or if any such Horse or Horses, Mule or Mules, Ass or Asses, Neat Cattle, or other Cattle, except as aforesaid, shall be found depasturing or feeding upon any of the Banks or Drove-Ways which shall be made or maintained by virtue of this Act, then and in either of the said Cases, when and as often as it shall so happen, it shall and may be lawful to and for any such Collector or Receiver as aforesaid, or any other Person or Persons employed by him, to seize and impound such Horse or Horses, Mule or Mules, Ass or Asses, Cows, Neat Cattle, or other Cattle, or any of them, except as aforesaid, then depasturing or feeding upon such Banks or Drove-Ways, and to detain and keep the same until the Owner or Owners thereof shall have paid to the Person or Persons impounding any Sum not exceeding Five Shillings for every Horse, Mule, or Ass, and for every Ox, Cow, or other Neat Cattle, and any Sum not exceeding Two Shillings and Sixpence for every other Cattle not before specified, which shall be so impounded; and in case the same shall not be paid, together with the reasonable Charges of detaining and keeping the same, before the then next Meeting of the said Commissioners, that then the said Commissioners, or any Three or more of them, shall and may cause the Animal or Animals so impounded to be sold, returning the Overplus of the Money arising thereby (if any be) to the Owner or Owners thereof, on reasonable Demand, after the reasonable Charges of such seizing, impounding, detaining, keeping, and selling the same be fully paid and satisfied.

The Banks
not to be
mowed,
plowed, or
dug, but by
the Direction
of Commis-
sioners in
Writing.

XXXIV. And be it further enacted, That no Person shall mow or cause to be mowed any of the Banks or Drove-Ways to be made or maintained by virtue of this Act, unless the same shall be done by the Order or Direction of the said Commissioners; and the Produce of the Banks of the New Channel and Channels shall be sold and disposed of, and the Money arising thereby applied for the Purposes of this Act; and that no Person or Persons shall plow, dig, delve, or break up, or cause to be plowed, dug, delved, or broken up, any of the Banks or Drove-
Ways

Ways made or to be made and maintained by virtue of this Act, unless the same shall be done by the Order or Direction of the said Commissioners, testified by them in Writing.

XXXV. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and impowered to cause any Willow or other aquatic Tree or Rush, or Star, to be planted in and upon the Banks of the Rivers *Lofstock*, *Yarrow*, and *Douglas*, or of any new Channel or Channels when made, or of any of the Inlets and Outlets of Water of either or of any of them, and remove any Hill or Hills which may cause any Obstruction or Impediment to either or any of the said Channels, or any of the Inlets or Outlets of Water thereto or therefrom, as they the said Commissioners, or any Three or more of them, shall from Time to Time think proper or necessary for the Preservation as well of the Course of the said old Channel, as of the Course of such New Channel or Channels when made, or any of the said Inlets or Outlets of Water thereto or therefrom respectively.

Commissioners empowered to plant Star in Low Lands.

XXXVI. And be it further enacted, That if the Occupier or Occupiers of any of the said Low Lands or Grounds shall at any Time or Times refuse or neglect well and sufficiently to widen, deepen, scour, or cleanse, or to put into good and sufficient Repair, Order, and Condition, his, her, or their Soughs, Drains, and Tunnels, Ditches, and Watercourses, or the Banks thereof respectively, in or upon any of the said Low Lands or Grounds after Ten Days Notice given to him, her, or them for any of those Purposes by any of the Officers acting for or in the Service of the said Commissioners, or any Person assisted by any Two or more of the said Commissioners, then and so often it shall be lawful for the said Commissioners, or any Two or more of them, to employ such Person or Persons as they shall think proper, well and sufficiently to widen, deepen, scour, or cleanse, and to put into good and sufficient Repair, Order, and Condition such Soughs and Tunnels, Ditches, Drains, and Watercourses, and the Banks thereof respectively, or any of them, and by Warrant or Precept under their Hands and Seals, (which Warrant or Precept the said Commissioners, or any Two or more of them, are hereby impowered and required from Time to Time to make and grant as Occasion shall require) to levy the usual or reasonable Charges and Expences of such widening, deepening, scouring, or cleansing of, and of putting into, and keeping in such Repair, Order, and Condition such Soughs and Tunnels, Ditches, Drains, and Watercourses, and the Banks thereof respectively, by Distress and Sale of the Goods and Chattels or Cattle of such Occupier or Occupiers so refusing or neglecting which shall be found upon any Part of the said Low Lands or Grounds occupied by him, her, or them respectively, in the same Manner as the said Rates and Taxes are hereinbefore directed to be levied, together with the Charges of making, keeping, and selling such Distress, rendering the Overplus (if any) to such Occupier or Occupiers respectively (after all Charges paid) upon reasonable Demand.

For opening Water-courses and repairing Cloughs and Tunnels.

XXXVII. Provided always, and be it further enacted and declared, that nothing in this Act contained shall extend, or be construed to extend to defeat, alter, or change the Nature of the Tenure of the said Low Lands or Grounds, or any of them, by reason of the Non-payment of Taxes or

Tenure of Lands not to be altered.

Rates, or on any other Account mentioned in this Act; but the same shall remain, continue, and be under the several Tenures they were holden before the passing of this Act, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Works, &c.
not to be
subject to
Commission-
ers of Sewers.

XXXVIII. Provided also, and be it further enacted, That the New Channel and Channels, and the Cuts, Drains, Dams, Banks, Soughs, Tunnels, Bridges, Flood-Gates, Engines, Locks, Weirs, and other Works made and already existing in, upon, and about the said Low Lands or Grounds, and the said Rivers, Rivulets, Brooks or Streams to be made by virtue of this Act, shall not be subject to the Control, Direction, Survey, or Order of any Commissioner of Sewers, or Law or Statute relating to Sewers, and that the Power of the Commissioners of Sewers shall not extend or be deemed to extend to any of the Matters or Premises comprized in this Act, any Law or Statute to the contrary thereof notwithstanding.

Power for the
Commission-
ers to erect
Bridges over
the New
Channels.

XXXIX. And be it further enacted, That in case any New Channel or Channels shall be made as aforesaid, the said Commissioners shall and are hereby required to cause to be made a good and substantial Carriage Bridge or Bridges over every one of the said New Channels, at such Place and Places as the said Commissioners shall think most convenient and proper, and also make such other Bridge or Bridges over the said Rivers *Douglas* alias *Alland*, *Loftock*, and *Yarrow*, and also over the said New Channels respectively as to them shall appear necessary, and the said Commissioners shall from Time to Time maintain and support the said Carriage Bridges, and such other Bridge or Bridges as aforesaid, and the Expence of building, making, maintaining, and supporting the said Bridge or Bridges shall be defrayed out of any Money to be raised or received by virtue of this Act.

Appointing
New Com-
missioners.

XL. And be it further enacted, That, in case any of the said Commissioners hereinbefore named or appointed, or to be appointed, shall before the finishing and completing of the said Drainage die or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, a new Commissioner, or Commissioners shall or may be elected in Manner following; *viz.* if the said *William Miller* shall die or refuse to act or become incapable of acting as aforesaid, it shall be lawful for *Sir Thomas Dalrymple Hesketh* Baronet, by any Writing under his Hand to appoint one other Commissioner not interested in the said Drainage in the Room of the said *William Miller*, and so from Time to Time as often as any Commissioner so to be appointed by the said *Sir Thomas Dalrymple Hesketh* as aforesaid, shall die or refuse to act, or become incapable of acting as aforesaid, and if the said *James Leigh* shall die or refuse to act, or become incapable of acting as aforesaid, it shall be lawful for *John Trafford* Esquire, his Heirs or Assigns, by any Writing under his or their Hands to appoint One other Commissioner not interested in the said Drainage in the Room of the said *James Leigh*, and so from Time to Time as often as any Commissioner so to be appointed by the said *John Trafford* as aforesaid shall die or refuse to act, or become incapable of acting as aforesaid; and if the said *William Hawkshhead* shall die or refuse to act, or become incapable of acting as aforesaid, it shall and may be lawful to and for the Reverend *Streynsham Master*, or the Rector of *Croston* for the Time being, by any Writing under his Hand to appoint One other Commissioner not interested in

in the said Drainage, and so from Time to Time as often as any Commissioner so to be appointed by the said *Streynsbam Master*, or his Successors, shall die or refuse to act, or become incapable of acting as aforesaid; and if the said *James Rigby* shall die or refuse to act, or become incapable of acting as aforesaid, it shall and may be lawful to and for the Right Honourable the Earl of *Derby*, his Heirs or Assigns, to appoint One other Commissioner not interested in the said Drainage in the Room of the said *James Rigby*, and so from Time to Time as often as any Commissioner so to be appointed by the said Earl of *Derby*, his Heirs or Assigns, shall die or refuse to act, or become incapable of acting as aforesaid; and if the said *John Clifton* shall die or refuse to act, or become incapable of acting as aforesaid, it shall and may be lawful to and for *George Anthony Legh Keck* Esquire, his Heirs or Assigns, to appoint One other Commissioner not interested in the said Drainage in the Room of the said *John Clifton*, and so from Time to Time as often as any Commissioner so to be appointed by the said *George Anthony Legh Keck*, his Heirs or Assigns, shall die or refuse to act, or become incapable of acting as aforesaid; and in case the said respective Parties or any of them shall make Default in appointing any new Commissioner for the Space of Twenty-one Days after such Vacancy shall have happened, it shall and may be lawful for the surviving or remaining Commissioners, and they are hereby required, by Writing under their Hands, to elect a New Commissioner not interested in the said Drainage in the Room of such Commissioner so dying, refusing to act, or become incapable of acting as aforesaid; and every such new Commissioner so to be appointed, having first taken and subscribed the Oath herein prescribed to be administered to him by such surviving or remaining Commissioner or Commissioners, shall have the like Powers and Authorities for putting this Act in Execution in all Respects whatsoever as the Commissioner in whose Place he shall have been so appointed and chosen was vested with by virtue of this Act.

XLII. Provided always, and be it enacted, That no Person or Persons interested in the said Low Lands or Grounds, or any of them, except the perpetual Commissioners hereinafter mentioned, shall be enabled to put in Execution any of the Powers hereby given to such Commissioner or Commissioners as aforesaid, and that no Order, Adjudication, or Determination made by any of the Commissioners shall be binding, unless the same shall be made at their First General Meeting or at some or one of their General Meeting or Meetings by Adjournment, to be held in pursuance of this Act, or in consequence of or by order of such Meeting or Meetings respectively, unless in the Cases where it is otherwise provided by this Act.

Persons interested in the Lands incapable of being Commissioners. Business valid unless done at Meetings.

XLIII. Provided also, That in case any Person or Persons appointed or to be appointed a Commissioner or Commissioners, except the perpetual Commissioners hereinafter mentioned, shall at any Time after such Appointment be seized or possessed of any of the said Low Lands or Grounds by Descent or Purchase, or otherwise interested therein or entitled thereto, such Person or Persons shall immediately after his or their becoming so seized, possessed, interested, or entitled, be incapable of being or acting as such Commissioner or Commissioners, and all Acts to be afterwards done by such Person or Persons as a Commissioner or Commissioners as aforesaid, shall and are hereby declared to be respectively null and void.

Commissioners becoming interested incapable of acting.

XLIII. Pro-

XLIII. Provided also, That no Person shall be capable of acting as such Commissioner in the Execution of any of the Powers or Authorities hereby given, (other than administering the Oath following to each other,) until he shall have taken and subscribed an Oath to the Effect following; (that is to say,)

Commis-
sioner's Oath.

“ I *A. B.* do swear that I will without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities given unto me as a Commissioner appointed in pursuance of an Act of Parliament, for draining, improving, and preserving the Low Lands and Grounds within the Townships of *Croston, Mawdesley, Rufford, Bispham, Tarleton, and Bretherton* in the County Palatine of *Lancaster.*”

Which Oath the said Commissioners or any one or more of them, is or are hereby authorised and empowered to administer to any other of the said Commissioners, at their first or any subsequent Meeting or Meetings to be holden in pursuance of this Act.

Commission-
ers not to be
personally on
their Estates,
subject to any
Costs by Reason
of executing this
Act.

XLIV. Provided always, and be it further enacted and declared, That nothing in this Act contained shall be construed to charge or subject the said Commissioners, or any of them, with any Costs or Charges personally, or out of their or any of their own private Estates, but that all Costs and Charges which shall be awarded against the said Commissioners, or any of them, under this Act, shall be borne and paid from and out of the Monies to be had and received by virtue of or under this Act, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Tenants for
Life may raise
Money to pay
Expences.

XLV. And whereas several of the Owners and Proprietors of Farms, Estates and Lands, Part of the Low Lands intended to be drained, containing as aforesaid Two Thousand Eight Hundred Statute Acres, or thereabouts, may have Occasion to borrow Money to defray their respective Proportions of the Charges and Expences incident thereto and attending such Draining and other Expences caused thereby, and in the obtaining and Execution of this Act, and cannot by reason of their being Tenant or Tenants for Life or Lives, or for a Term or Terms of Years, determinable with a Life or Lives thereof only, or of some Settlement or Settlements, Deed or Deeds, Will or Wills already made, or other Impediments or Incumbrances respectively affecting such Lands and Estates, or some Disability in the Person or Persons holding or being seized, possessed, or entitled thereto respectively, make an effectual Security thereof for the Money that may be necessary to be advanced by them in order to defray their respective Proportions of such Charges and Expences, and also the Purposes of this Act; be it therefore enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the said Owners or Proprietors being under Coverture, Minors, Idiots, Lunatics, or Persons beyond the Seas respectively, and to and for the several and respective Lessees of any Part of the Lands or Estates aforesaid, upon the making or renewal of the respective Leases in respect whereof any Fine or Fines have been paid, and to and for any of the Proprietors being Tenants in Tail, or Tenants for Life or Lives only, or for Years determinable with a Life or Lives, except Tenants at Rack or other Rents, and to and for any Person or Persons seized or possessed of any of the
said

faid Estates, Lands, and Tenements liable to pay any Rates by virtue of this Act, (except only Tenants at Rack or other Rents,) upon any Trust by and with the Consent and Approbation of the said Commissioners, (as to the *quantum* of Money only, and no further, or otherwise,) signified by Writings under their Hands and Seals, from Time to Time, (which they are hereby required and directed to give,) on Application of any Party, or his or her Agent, in Writing, unless they can assign some sufficient Reason for with-holding such Consent, to charge such Lands, Grounds, and Estates, Part of the said Low Lands or Grounds so to be drained, with any Sum or Sums of Money (whereof the Charge is so to be consented to by the Commissioners as aforesaid) for the Purposes hereinbefore mentioned, not exceeding Five Pounds, for every Statute Acre of the said Lands, Grounds, and Estates, and for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise the Estates, Lands, and Grounds so to be charged unto such Person or Persons who shall advance such Money respectively, for any Term or Number of Years, so as such Grant 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, with the Interest thereof, shall be paid, every such Tenant or Tenants for Life or Lives, or Years, determinable as aforesaid, or other Person or Persons seised as aforesaid, keeping down the Interest of the Principal Money so to be borrowed, and so as no Person or Persons in Reversion or Remainder be liable unto or chargeable with the Payment of more than One Year's Interest for such Principal Money at the Death of such Tenant or Tenants for Life or Lives, or the Leases of such Term or Terms of Years respectively.

XLVI. And be it further enacted, That it shall and may be lawful to and for any Tenant and Tenants for Life or Lives, or any other such Tenants and Lessees as aforesaid (except as aforesaid), and all Persons, Owners and Proprietors of any Estates, Lands, or Grounds, Part of the said Low Lands or Grounds so to be drained, by any Deed or Deeds in Writing, or by his, her, or their last Will and Testament duly executed according to Law, to charge such Estates, Lands, and Grounds respectively with such Sum and Sums of Money as shall be appointed by the said Commissioners to be paid, and which shall have accordingly been paid by such Person or Persons for his, her, or their Share and Proportion of the Expences of this present Act, and of the Drainage, Works, and Charges in any wise incident thereto, and to be made in pursuance thereof, so that the same do not exceed the Sum of Five Pounds for every Acre of such Estate, Lands, and Grounds, to be paid to such Person or Persons and in such Manner, Share, and Proportion as he, she, or they shall think fit, with Interest for the same to commence from the Day of the Death of such Person or Persons respectively.

Tenants for Life may by Deed or Will charge their Estate with the Expence of this Act.

XLVII. And be it further enacted, That every such Grant, Mortgage, Lease, or Demise, and every such Charge to be made of, in, or upon the said Lands and Grounds, or Estates, or any Part or Parts thereof in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Such Charge to be good in Law.

Power to assign such Securities.

XLVIII. And be it further enacted and declared, That all and every Person and Persons to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act, as a Security for any Sum or Sums of Money by him, her, or them lent and advanced, or paid on the Credit or for the Purposes of this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit thereof, and all his, her, or their Right, Title, and Interest in and to the same unto any Person or Persons whomsoever, who may in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, and their Executors and Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients in Law or Equity for recovering and obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest to be thereby secured, or any Part thereof, as is or are, or may be used, taken, and pursued in Cases of Mortgages of like Nature.

Enabling the Rector of Croston to borrow Money.

XLIX. And whereas the Reverend *Streynsham Master* Rector of *Croston*, and his Successors, will be put to very considerable Expence in draining and improving the Glebe Lands belonging to the said Rectory, and it is therefore expedient that such Rector and his Successors should be empowered to borrow a sufficient Sum of Money for that Purpose, be it further enacted, That it shall and may be lawful to and for the said *Streynsham Master*, and his Successors, Rectors as aforesaid, by any Deed or Deeds, Writing or Writings, under his or their Hand and Seal, or Hands and Seals, and attested by Two or more credible Witnesses, by and with the Consent of the Bishop of *Chester* and the Patron of the said Rectory for the Time being, to charge the Glebe Lands belonging to the said Rectory, or any Part thereof, with such Sum or Sums of Money not exceeding the Sum of Five Hundred Pounds, as the said Commissioners shall think proper; and for securing the Repayment thereof with Interest, to grant, mortgage, lease, or demise the said Glebe Lands, or any Part thereof, to such Person or Persons who shall advance and lend the same, and to his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, so as every such Grant 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 as aforesaid, with Interest thereof, shall be fully paid and satisfied; and also with another Proviso or Condition, that the said *Streynsham Master*, and his Successors, Rectors as aforesaid for the Time being, shall, at the End of every Year from the making of such Grant or Demise, pay to the Person or Persons to whom such Grant or Demise shall be made, his, her, or their Executors, Administrators, or Assigns, One-Twentieth Part of the Principal Money so to be borrowed until the Whole thereof shall be paid off and discharged, and pay and keep down the Interest of the Money so to be borrowed, in such a Manner that no future Rector or Rectors of the said Parish, becoming possessed of such Glebe Lands, shall be subject
*7
or

or liable to pay any further or larger Share of such Money than his or their Proportion thereof, according to such last-mentioned Proviso or Condition, or any Interest for the same, save only from the Day of the Death, Resignation, or Cession of the Predecessor of such future Rector or Rectors respectively.

L. And to the End that it may appear clearly what Money has been raised from Time to Time by virtue of this Act, and that the Owners and Proprietors of the said Low Lands or Grounds may be satisfied that the Money collected and raised hath been duly applied, be it further enacted, That the said Commissioners shall cause Books of Assessments, Receipts, and Disbursements to be provided and kept, and the Accounts of every Collector or Receiver shall be entered therein, after the same shall have been passed and allowed as hereinafter mentioned, and that once or oftener in every Year, on One of the Days of Meeting of the said Commissioners, Inspection shall be had by the said Commissioners of the Receipts and Disbursements of all Money which shall be collected by virtue of this Act, and all Accounts relating to the same shall be then or within Twenty Days after made up and settled by the said Commissioners assembled at such Meeting; at which Time the Collector or Collectors, Receiver or Receivers of the said Rates and Sums of Money to be raised as aforesaid is and are hereby required to attend with proper Books of Accounts of his or their Receipts and Disbursements, and all Vouchers for the same, and upon Consideration and Examination thereof upon Oath (which Oath any of the said Commissioners at such Meeting is hereby empowered to administer) the said Commissioners are hereby empowered to allow, pass, and sign the said Accounts, or such Part or Parts of the same as they shall see just and reasonable, and such Accounts, or such Part or Parts of them as shall be so allowed, passed, and signed, shall be fairly entered in such Book or Books to be kept for that Purpose as aforesaid in the Vestry of the Parish Church of *Croston*, and the said Book or Books shall and may at all Times be inspected and perused at seasonable Hours without Fee or Reward, by any Owner or Owners, Occupier or Occupiers of any of the said Low Lands or Grounds to be drained in pursuance of this Act.

Books of Accounts to be kept.

LI. And be it further enacted, That all Rules, Orders, and Proceedings of the said Commissioners, or any of them, in the Execution of this Act, shall be entered in a Book or Books to be kept for that Purpose, in the Vestry of the said Parish Church of *Croston*, and such Rules, Orders, and Proceedings, when entered, shall be signed by the said Commissioners; and the said Rules, Orders, and Proceedings so signed shall be deemed and taken to be Original Rules, Orders, and Proceedings, and shall and may be produced and read in Evidence in all Causes of Appeal, Suits, Actions, or other Proceedings touching any Thing done in pursuance of this Act, and such Book and Books shall and may be inspected and perused at all seasonable Hours without Fee or Reward, and Copies thereof, or of any Part thereof may be taken by any Person or Persons paying the said Clerk after the Rate of Three Pence for every One Hundred Words.

Rules and Orders to be entered in Books and signed;

and may be given in Evidence.

LII. Provided always, and be it further enacted, That no Order which shall be made by the said Commissioners, or any Three or more of them,

No Order to be reversed unless by Consent of

by

Commissioners.

by virtue and under the Authority of this Act at any of their Meetings, shall be altered, reversed, annulled, or made void at any subsequent Meetings, unless all the said Commissioners shall be present at such Meeting, and shall consent thereto; nor unless Ten Days Notice in Writing, signed by the said Clerk to the said Commissioners, be affixed upon the Church Doors of *Croston* and *Rufford* aforesaid respectively on some *Sunday*, and inserted in the aforesaid Newspapers, in which said Notice it shall be expressed what Order or Orders are intended to be reversed, altered, or made void.

For electing perpetual Commissioners.

LIII. And be it further enacted, That when and so soon as the Drainage aforesaid shall be completed in the Manner prescribed by this Act, and the same shall be certified so to be under the Hands and Seals of Two of His Majesty's Justices of the Peace acting in and for the said County, and such Certificate shall be delivered to the Person who, for the Time being, shall be appointed and act as Clerk to the said Commissioners, who is hereby required to give Notice of such Certificate being so signed, by affixing a true Copy thereof on the Church Doors of the several Parish Churches of *Croston* and *Rufford* within Fourteen Days from the Date of such Certificate, the Powers and Authorities hereby vested in the Commissioners hereinbefore named, or to be chosen as aforesaid, shall cease and be void; and that the Proprietors and Owners of Lands within the said respective Townships for Lives or Life, or for a Term of Years determinable on the Death of One or more Persons, or seised of any greater Estate or Estates being qualified as hereinafter mentioned, by themselves or their Agents, authorized in Writing, shall assemble in the Parish Church of *Croston* on *Thursday* next after *Low Sunday* next subsequent to the Date of the said Certificate, between the Hours of Eleven o'Clock in the Morning and Two in the Afternoon, and elect Three Commissioners for keeping in Repair the Drainage aforesaid, and all the Works, Matters, and Things relative thereto for the Year ensuing, from and out of such of the Proprietors and Owners of Lands last described, and who shall be seised or possessed of Lands, Tenements, or Hereditaments within some of the same Townships, of the Yearly Value of Fifty Pounds, clear of all Taxes, Debts, and all other Incumbrances; and the same Proprietors and Owners of Lands respectively shall, in like Manner, assemble on the *Thursday* next after *Low Sunday* in the next and every other succeeding Year, and elect Three Commissioners, to be called perpetual Commissioners; and the Persons so from Time to Time chosen and being qualified as aforesaid, shall act as Commissioners for keeping in Repair the Drainage aforesaid, and all the Works, Matters, and Things relative thereto, until the *Thursday* next after *Low Sunday* in the succeeding Year; and the said Elections shall be made by the Majority of the Proprietors and Owners of Lands of the last-mentioned Description, or their Agents authorized as aforesaid, who shall be present at such Meetings; and in case of Equality of Votes, shall be determined by the Votes of the Proprietors present who are Owners of the largest Share in Value of the Lands within the aforesaid Townships respectively, or their Agents authorized as aforesaid; and in case the aforesaid Proprietors and Owners by themselves or their Agents authorized as aforesaid, shall neglect to meet in any One Year at the Time and in the Manner hereinbefore appointed for the Choice of Commissioners as aforesaid, or being assembled shall not make such Election, the Commissioners chosen for the preceding Year shall continue

tinue from Time to Time Commissioners for the succeeding Year, and until a new Election shall be made on the *Thursday* next after *Low Sunday* as aforesaid.

LIV. Provided also and be it enacted, That no Person, by himself or his Agent, shall be enabled to vote in the Choice or Appointment of a Commissioner as aforesaid, unless such Person shall be seised in Fee Simple, Fee Tail, or for Life or Lives, or Years determinable on a Life or Lives, of Lands, Tenements, or Hereditaments within the aforesaid Townships respectively, of the Yearly Value of Fifty Pounds clear of all Taxes, Debts, and all other Incumbrances; and if any Person or Persons not being so qualified respectively as hereinbefore mentioned shall, by himself or Agent, vote for or act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of Ten Pounds, to be recovered by Action of Debt, or on the Case, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Ten Pounds without any other Proof or Evidence on the Part of the Prosecutor than that such Person, by himself or his Agent, has voted for or acted as a Commissioner as last mentioned in the Execution of this Act, One Moiety of such Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are hereinafter directed to be applied.

Qualification
of Voters for
perpetual
Commission-
ers.

LV. And be it further enacted, That the said Commissioners so to be annually elected as aforesaid shall be and are hereby vested with all the Powers and Authorities hereinbefore given to the first mentioned Commissioners, and shall and may exercise the same for the Purpose of keeping in good and substantial Repair and Condition the several Works hereby authorized to be made as far as the same are applicable thereto, as fully and effectually to all Intents and Purposes as the Commissioners hereby first nominated and appointed might or could have done.

Extending
Powers of Act
to perpetual
Commission-
ers.

LVI. Provided always, and it is hereby declared, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord or Lords, Lady or Ladies of any Manor or Manors within the Jurisdiction or Limits whereof the said Low Lands or Grounds by this Act directed to be drained, embanked, and preserved do lie, of, in, or to any Seignories, Royalties, Rights, Franchises, Jurisdictions, Privileges, Profits, Emoluments, or Advantages incident to or belonging to the said Manor or Manors, or usually holden, exercised, or enjoyed therewith; but that such Lord or Lords, Lady or Ladies, shall at all Times hereafter have, hold, exercise, and enjoy all Seignories, Rights, Royalties, Jurisdictions, Franchises, Privileges, Profits, Emoluments, and Advantages, (except such as may be prejudicial to the Draining of the said Lands hereby directed to be drained and preserved,) in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he, she, or they might have had, held, exercised, or enjoyed the same in case this Act had not been made; nor shall any Thing in this Act prejudice, lessen, or de-

Saving the
Rights of
Lords of
Manors.

[*Loc. & Per.*]

8 R

feat

No Rights of Fishery or Fowling to be altered.

feat the Right or Interest of any of the Lords or Ladies of the Manors of *Croston, Marwdesley, Rufford, Bispham, Tarleton, and Bretherton*, or any of them, or of any of the Owners or Proprietors of the said Low Lands or Grounds of, in, or to the Liberty of Fishing and Fowling in or upon the said Rivers *Douglas alias Ailand, Lostock, and Yarrow*, and the Rivulets, Brooks, or Streams running, or which may run therein.

Justices may administer Oaths.

False Evidence to be punished as Perjury.

LVII. And be it further enacted, That in all Cases where Jurisdiction is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful for such Justice or Justices to administer an Oath to any Witness or Witnesses; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act shall wilfully give false Evidence or Information before the said Commissioners, or before any Justice or Justices of the Peace, on being convicted thereof, shall be subject and liable to such Pains and Penalties as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

Persons aggrieved by Orders of Justices may appeal to the Quarter Sessions.

LVIII. And be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgment of any Justice or Justices of the Peace upon Account of any Offence committed against this Act, may appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden by Adjournment or otherwise for the District of the said County Palatine of *Lancaster* wherein the said Low Lands or Grounds directed by this Act to be drained and preserved do lie, the Person or Persons so appealing first entering into a Recognizance with Two sufficient Sureties and a sufficient Penalty to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said Justices in their said General Quarter Sessions, in case such Order or Judgment shall be affirmed; and the Justices in the said General Quarter Sessions are hereby authorized and required to hear and determine such Appeal, and to give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just, which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or for the said County Palatine of *Lancaster* or elsewhere.

Order of Sessions to be final.

No Persons to be Trespassers *ab initio* for any Proceedings under this Act, but only a special Action on the Case for Damages,

though not after tender of Amends.

LIX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Person or Persons making the same be deemed a Trespasser or Trespassers on Account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Person or Persons distraining be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall be afterwards committed by the Person or Persons distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case; but no Plaintiff or Plaintiffs in any such Action shall recover for such Irregularity, if Tender of good and sufficient Amends shall have been made by and on the Behalf of the Defendant or Defendants before such Action brought, nor if such Tender or Amends shall

shall be made at any Time after such Action brought and before the Trial thereof, together with Costs of Suit to the Time of such last mentioned Tender, but on Proof made of such Tender on the Trial of the Action, the Plaintiff or Plaintiffs therein shall suffer Judgment as in Cases of Nonsuit, to be entered against such Plaintiff or Plaintiffs with Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs at Law.

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

Proceedings not to be quashed for Want of Form.

LXI. And be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or to the same Effect:

County Palatine of } " BE it remembered, that on the
Lancaster, to wit. } Day of in the Year of our Lord
A. B. is convicted
 " before of His Majesty's Justices (or Justice)
 " of the Peace for the County of *Lancaster*, by virtue of an Act made in
 " the Fortieth Year of the Reign of His Majesty King *George* the Third,
 " [*Here insert the Title of the Act*] (specifying the Offence, and the Time
 " and Place when and where the same was committed, as the Case shall
 " be). Given under our Hands and Seals (or Hand and Seal) the Day
 " and Year aforesaid."

Form of Conviction.

LXII. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every such Action, Suit, or Information shall be commenced within Three Calendar Months next after the Fact or Act committed and not afterwards, and shall be brought and laid in One of His Majesty's Courts of Record in the County Palatine of *Lancaster* and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and if in Replevin may justify and avow by virtue of this Act, as any Person or Persons acting by Authority of Commissioners of Sewers are enabled to do, and may give this Act and the special Matter in Evidence without specially pleading the same otherwise than as aforesaid, at any Trial to be had thereupon; and that the Fact or Facts, Act or Acts alleged in such Action, Suit, or Information to have been done, was or were done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action, Suit, or Information shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if any Judgment or Verdict shall pass against him, her, or them, upon a Demurrer or otherwise, then and in every of the said Cases the Defendant or Defendants,

Limitation of Actions.

May plead the General Issue.

fendants, Avowant or Avowants, shall recover Treble Cofts, for which he or they shall have like Remedy as where Cofts are by Law awarded.

Public Act.

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

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