



ANNO QUINQUAGESIMO SEPTIMO

GEORGH III. REGIS.

Cap. Ixix.

An Act for amending and rendering more effectual an Act of His present Majesty, for draining Lands in *South Holland*; and for continuing and amending another Act of His present Majesty, for maintaining and repairing a certain Bank, and the Road thereon, from *Spalding High Bridge* to *Brother House*, all in the County of *Lincoln*.

[10th July 1817.]

WHEREAS by an Act of Parliament passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for draining, preserving, and improving certain Lands lying in the several Parishes of Spalding (including the Hamlets of Cowbit and Peakill), Weston, Moulton, Whaplode, Holbeach, Fleet, Gedney, Sutton Saint Mary, and Sutton Saint Nicholas otherwise Lutton, all in South Holland, in the County of Lincoln*, certain Commissioners thereby authorized were directed to make several Drains and other Works for the Purpose of draining, preserving, and improving certain Lands therein particularly described, and such other Lands as should by virtue of the Provisions of the said Act be included within its Operation, on Petition of the Proprietors thereof; and in order to defray the Expences of the said Works, and of executing the other Purposes of the said Act, the said Commissioners were thereby authorized and required to assess and tax, in the Manner and under the Restrictions therein mentioned, the Lands therein directed or authorized to be drained: And whereas under and by virtue of the Directions and

33 G.3.c.109.

[Local.]

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Provisions

Provisions in that Behalf contained in the said Act, certain Lands in *Spalding*, lying between the River *Welland* and the *Westlode*, and abutting upon *Hawthorne Bank*, and containing Two hundred and thirty Acres or thereabouts; and also certain other Lands in *Spalding*, lying East of the River *Welland*, and containing Three hundred and seventy Acres or thereabouts; and also certain Lands in *Moulton*, lying South of the *Old Roman Bank*, and containing Two thousand three hundred and sixty-six Acres or thereabouts, were, on the Petition of the Proprietors thereof, taken into and included within the Operation of the said Act: And whereas the King's most Excellent Majesty, in Right of His Crown, is Lord of the Manor of *Whaplode Abbatis*, and of the Manor of *Moulton Harrington*, and one Moiety of the Manor of *Moulton Dominorum*; and is also the Owner of several Lands in the said Parishes of *Weston*, *Moulton*, *Whaplode*, and *Holbeach*, of which several Manors and Lands the Right Honourable *Sampson Lord Eardley* is the Lessee of His Majesty for a Term of Years; and His said Majesty is also the Owner of several Lands in the said Parish of *Spalding*, including the Hamlet of *Cowbit*, and of other Lands in the Parish of *Weston* aforesaid, in the Tenure or Occupation of *Thomas Hall*: And whereas the said Commissioners, under the Authority of the said Act, made certain Drains, and executed certain other Works; and borrowed considerable Sums of Money on the Credit of the Taxes to be imposed by virtue of the said Act, and assessed and taxed the Lands comprised within the said Drainage with certain Sums of Money, some of which Sums were duly paid to the said Commissioners; but a considerable Number of the said Sums now remain unpaid, and no effectual Power is given by the said Act to compel Payment thereof: And whereas the said Commissioners neglected or omitted to make Agreements for the Purchase of the Land which hath been cut or covered, or otherwise taken or used for the Purposes of the said Act, except in a few Instances; and the Proprietors of the Land so cut or covered, or otherwise taken or used, except in the Instances referred to, submitted to be deprived of the Possession thereof, without any Stipulation as to Price or other Terms of Purchase; but the said Commissioners fixed annual Rents to be paid for all and every the Pieces or Parcels of Land so cut or covered, or otherwise taken or used by them for the Purposes aforesaid: And whereas the said Commissioners, out of the Monies borrowed by them, or received for Taxes, paid and discharged the Expences of obtaining the said Act, and a considerable Part of the Expences incurred by them in carrying the same into Execution: And whereas certain Sums of Money are still due in respect of carrying the said Act into Execution, and a considerable Sum remains due to some of the Persons who lent Money to the said Commissioners on the Credit of the Taxes, with an Arrear of Interest; and the Proprietors of the Lands so cut or covered, or otherwise taken or used as aforesaid, except in the Instances before referred to, claim to be paid the Arrears of the annual Rents so fixed by the said Commissioners in respect of such Lands, and also for the Fee Simple thereof: And whereas by reason of the Omission or Defect of the said Act as to Powers for compelling Payment of the Taxes, the Commissioners for many Years past have been unable to keep in Repair the Works of the said Drainage, or to make and execute the Award which by the said Act they were directed to make and execute, and the annual Tax thereby directed or authorized to be imposed after the Execution of the said Award, for the Maintenance of the Drains and other Works, could not therefore be raised, in consequence whereof such Drains and other Works are now in great

Want of Repair and Amendment: And whereas by an Act of Parliament passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Commissioners and Trustees for executing an Act* 35 G. 3. c. 166. *passed in the Thirty-third Year of the Reign of His present Majesty, intituled* ' *An Act for draining, preserving, and improving certain Lands, lying in the* ' *several Parishes of Spalding (including the Hamlets of Cowbit and Peakill),* ' *Weston, Moulton, Whaplode, Holbeach, Fleet, Gedney, Sutton Saint* ' *Mary, and Sutton Saint Nicholas otherwise Lutton, all in South Holland,* ' *in the County of Lincoln;* to support and repair a certain Bank extending from Spalding High Bridge to Brother House in the said County, and to amend and repair the Road thereupon, and for compounding with the Creditors, under an Act passed in the Twelfth Year of His present Majesty's Reign, for making and keeping in Repair the said Road; a certain Bank extending from Spalding High Bridge to Brother House, being the Barrier Bank for defending South Holland from the Waters of the River Welland, was vested in the Trustees under the said first-mentioned Act, and made subject to the Jurisdiction, Power, and Controul of the Commissioners and Trustees of the same Act, and certain Tolls were thereby made payable to the said Commissioners until the Execution of their Award, and after the Execution thereof to the said Trustees for the Term therein mentioned, for maintaining and keeping in Repair the Turnpike Road upon the said Bank from Spalding High Bridge to Brother House aforesaid, and the Term for which the said Tolls were granted will expire with the present Session of Parliament: And whereas *George Maxwell* and *Edward Hare*, Two of the Three Commissioners named in and appointed by the said first-recited Act, and who acted as Commissioners under the Authority of the said Acts, lately departed this Life, and *William Golding*, who was elected in the Room of *John Walker*, the other Commissioner named in and appointed by the said first-recited Act, and after the Death of the said *John Walker* acted as Commissioner under the said Acts, hath taken no Step towards the Election of other Commissioners in the Places of the said *George Maxwell* and *Edward Hare*: And whereas the making of the Award by the said first-recited Act required to be made by the Commissioners, would be attended with a great Expence, and with very little Advantage to the Proprietors, and it is therefore desirable that the same should be dispensed with; and it is also desirable to authorize the raising (in addition to the Taxes which have been charged or assessed under the said first-recited Act, and remain unpaid as aforesaid) of a limited Tax, for Payment of the said several Claims and Demands on the said Drainage Concern, and to impose (in lieu of the annual Tax by the said first-recited Act authorized to be charged after the Execution of the Award) an immediate annual Tax for putting into and keeping in Repair the said Drains and Works, and to continue the Tolls payable in respect of the said Turnpike Road, with an Increase thereof, for a further Term, and to amend the said Acts in other Respects; but such Purposes cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers and Authorities by the said recited Acts respectively given to or vested in the Commissioners under the same Acts respectively; and also all the Powers and Authorities by the said recited Acts respectively given to or vested in the Trustees

Repeal of the Powers vested by the Drainage Act in the Commissioners and in

Trustees
thereby ap-
pointed to act
before
Award.

Trustees by the same Acts respectively appointed and authorized to act previously to the Execution by the said Commissioners of their Award under the said first herein-before recited Act, shall from and after the passing of this Act respectively cease and be extinguished.

Appointment
of new Truf-
tees.

II. And be it further enacted; That every Proprietor for the Time being of Eighty Acres or more of Land, charged or to be charged towards the Works of the said Drainage, and also every Lessee for the Time being under the Crown of Eighty Acres or more of Land so charged, or to be charged as aforesaid, shall from Time to Time and for ever hereafter be and they are hereby appointed Trustees of the said Drainage, instead of the Trustees by the said recited Acts or either of them appointed and authorized to act after the Execution of the said Award.

Joint Tenants
and Tenants
in Common
to be con-
sidered as one
Proprietor;
and Corpora-
tions to ap-
point the
Trustees for
heir Estates.

III. Provided always, That in every Case of Joint Tenancy, Tenancy in Common, and Tenancy in Coparcenary, the several Tenants shall be deemed and considered to be one Proprietor for the Purposes of this Act; and that it shall be lawful for all and every Body and Bodies Politic, Corporate, or Collegiate, being Proprietors of Eighty Acres or more of Land so charged or to be charged as aforesaid, to appoint some one Person, either being or not being of their own Bodies or Body, to be the Trustee for the Purposes of this Act in respect of the Lands of all and every such Bodies and Body Politic, Corporate, or Collegiate respectively.

The Bursar of
St. John's
College to be
the Trustee
for the Col-
lege Estate.

IV. Provided always, and be it further enacted, That the Bursar for the Time being of the College of *Saint John the Evangelist*, in the University of *Cambridge*, shall from Time to Time and for ever hereafter be and he is hereby constituted and appointed the Trustee of the said Drainage for and in respect of the Lands of the Master, Fellows and Scholars of the said College of *Saint John the Evangelist*, in the University of *Cambridge*, charged or to be charged towards the Works of the said Drainage; and as such Trustee he is hereby constituted and appointed one of the said Trustees of the *South Holland Drainage*, and as such Trustee he is hereby invested with and declared to have and enjoy the like Powers and Authorities as each of the other Trustees constituted or appointed in and by this Act.

The Master
of Sidney
Suffex Col-
lege to be
Trustee for
the Estate of
the Four Col-
leges in Cam-
bridge.

V. Provided always, and be it further enacted, That the Master for the Time being of *Sidney Suffex College*, in the University of *Cambridge*, shall from Time to Time and for ever hereafter be and he is hereby constituted and appointed the Trustee of the said Drainage for and in respect of the Lands commonly called the Lands of the Four Colleges; namely, the Lands appropriated to the Support of Exhibitioners in *Sidney Suffex College*, *Clare Hall*, *Saint John's College*, and *Emanuel College*, all in the University of *Cambridge*, charged or to be charged towards the Works of the said Drainage; and as such Trustee he is hereby constituted and appointed one of the said Trustees of the *South Holland Drainage*, and as such Trustee he is hereby invested with and declared to have and enjoy the like Powers and Authorities as each of the other Trustees constituted or appointed in and by this Act.

VI. And

VI. And be it further enacted, That it shall be lawful for every Trustee of the said Drainage, by Writing under his or her Hand, from Time to Time, and for such Time as he or she shall think fit, to appoint an Agent or Deputy to act in his or her Absence as a Trustee under this Act, whether such Agent or Deputy be or be not a Trustee in his own Right.

Power to the Trustees to act by Agent.

VII. And be it further enacted, That at all Meetings of the Trustees for the Purposes of this Act, the Elections to be made, and the Questions agitated, shall be determined by a Majority of Votes of the Trustees present by themselves or Agents; and that every Trustee, who shall be a Proprietor or a Lessee of the Crown of Two hundred and eighty Acres or more of Land so charged or to be charged as aforesaid, or his or her Agent present at any such Meeting, shall have an additional Vote for every Two hundred Acres above his or her first Eighty Acres, yet so that no such Proprietor or Lessee of the Crown, or his or her Agent present at any such Meeting, shall have more than Four Votes in the whole; unless he or she shall be a Proprietor or Lessee of the Crown of One thousand one hundred and eighty Acres or more of Land, so charged or to be charged as aforesaid, in which Case he or she shall have an additional Vote for every Five hundred Acres above his or her first Six hundred and eighty Acres, yet so that no such Proprietor or Lessee of the Crown, or his or her Agent present at any such Meeting, shall have more than Eight Votes in the whole; and that in every Case of an Equality of Votes, including the Vote of the Chairman, the Chairman shall have the casting Vote: Provided always, that in every Case of a Trustee being a Proprietor, and also a Lessee of the Crown, of Land charged or to be charged as aforesaid, the Number of his or her Votes shall be regulated by the aggregate Number of Acres of Land held by him or her in both Characters.

Trustees to have Votes for every 200 Acres beyond the first 80 Acres, but no one to have more than Four Votes, unless he has 1,180 Acres, and then to have Votes for every 500 Acres beyond 680, not exceeding Eight Votes in the whole.

Proprietors and Lessees of the Crown to have Votes according to the aggregate Quantity.

VIII. And be it further enacted, That the Drain called the *Lords Drain* mentioned in the said first-recited Act, and the main Cut or Drain which hath been made by the Commissioners under the same Act, and all the Engines, Sluices, Bridges, Banks, Headings, and other Works belonging to the same respectively, together with all interior Drains, Sluices, Cloughs, Tunnels, and other Works of Drainage of the Lands lying within the Limits and Boundaries of the Drainage directed to be made by the said first-recited Act, or within any Angle or District of Land which hath been taken into the said Drainage on Petition; and all other Cuts, Drains, and Works whatsoever, which have been made by the Commissioners under the said first-recited Act, and all other Lands cut or covered or otherwise taken or used by the Commissioners under the same Act; and also the said Barrier Bank and Turnpike Road from *Spalding High Bridge* to *Brother House* aforesaid, and all Works which have been erected for the Support of the said Barrier Bank, and all other Works belonging thereto, shall immediately after the passing of this Act be vested in the Trustees under this Act.

The Drains and Works vested in the new Trustees.

IX. And be it further enacted, That all Maps, Surveys, Plans, Ad-measurements, Reports, Statements, Accounts, Receipts, Vouchers, and other Documents, Evidences, and Writings, which have been made, taken, or executed under the Directions contained in the said recited Acts or either of them, or which in anywise relate to the said Drainage,

Maps, Surveys, and Documents vested in the new Trustees.

[Local.]

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Barrier

Barrier Bank, and Turnpike Road, or any of them, shall immediately after the passing of this Act be vested in the Trustees under this Act; and shall, as soon as the Case will admit, be delivered over to the Committee Men to be appointed as herein-after is mentioned.

Arrears of Taxes and all other Funds vested in the new Trustees.

X. And be it further enacted, That all Arrears of Taxes and Assessments which have been made by the said Commissioners under the said recited Acts or either of them (including Taxes and Assessments made in respect of the Expences occasioned by the Purchase and Improvement of the *Lords Drain*), and all Arrears of Bank Rents, Tolls in the Hands of Collectors and others, and all Balances in the Hands of the said *William Golding*, or of any of the Officers appointed by or acting under the Authority of the said Commissioners; and all other Monies which under the said recited Acts or either of them are vested in the Commissioners or Trustees under the same Acts, or are subject to their or any of their Disposition, shall immediately after the passing of this Act be vested in the Trustees under this Act.

Trustees to meet every Year, and to appoint Five Committee Men at every Third Meeting.

XI. And be it further enacted, That on the Twenty-second Day of *August* in this present Year, and on the Second *Monday* in *May* in every succeeding Year, a Meeting of the Trustees under this Act, or their Agents, to be appointed as herein-before is mentioned, shall be held at the Town Hall in *Spalding*, in the County of *Lincoln*, or at such other Place as the Trustees under this Act shall think proper, and shall from Time to Time at any Meeting to be held under this Act appoint; and the said Trustees or their Agents, or such of them as shall attend, shall at the said Meeting to be held on the Twenty-second Day of *August* in this present Year, and at every Third Annual Meeting to be subsequently held as aforesaid, elect and appoint Five Persons (being Trustees under this Act) to be Committee Men for the Purposes of this Act from Election to Election.

Trustees at their Annual Meetings to settle Accounts of Committee Men.

XII. And be it further enacted, That at the Meeting to be held on the Second *Monday* in *May* next, and at every Annual Meeting to be subsequently held of the Trustees under this Act or their Agents, the Committee Men for the Time being shall produce an Account in Writing for the Year preceding, of the several Sums received and paid by them under or by virtue of any of the Provisions or Directions herein-after contained, and the Vouchers for the same Account; and that it shall be lawful for the Trustees then present, or their Agents, and they are hereby required to examine, settle, and allow the same Account, and that the Balance thereof shall be ascertained and certified by the Chairman of every such Annual Meeting.

Notice of Annual Meetings to be published.

XIII. And be it further enacted, That the said Committee Men for the Time being shall give Notice of every Annual Meeting of the Trustees to be held in pursuance of this Act, in the *Lincoln, Rutland, and Stamford Mercury*, or if that Newspaper shall not then be published, then in some other Newspaper or Newspapers circulating in the County of *Lincoln*, once a Week for Three successive Weeks immediately previous to the Day of Meeting; in which Advertisement it shall be expressly stated, that the Accounts of the said Committee Men for the Year preceding will be then audited and settled.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or their Agents, to meet at any Time and Place, for any of the Purposes of this Act, after Notice of any such intended Meeting shall have been given by Three or more of them in the *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper or Newspapers circulating in the County of *Lincoln*, for Three successive Weeks immediately previous to the Day appointed for any such Meeting; at all which Meetings it shall be lawful for the said Trustees, by themselves or their Agents, and they are hereby authorized and empowered, to require the Production of the Accounts of the Committee Men for the Time being, and to examine the same in such and the same Manner and with such and the same Effect as by this Act they are authorized and required to do at their Annual Meetings.

Trustees may meet oftener, on Three Weeks Notice by Three Trustees.

XV. And be it further enacted, That when and so often as any Committee Man or Committee Men shall, in the Judgment of the Trustees under this Act, or their Agents, misbehave himself or themselves in the Execution of this Act, or shall die, or refuse or in any way become incapable to act, during the Period for which he or they shall be elected, it shall be lawful for the Trustees under this Act, or their Agents, not being Committee Men, at any Meeting to be called in Manner herein-before directed, to remove or displace any Committee Man or Committee Men who shall so misbehave himself or themselves, and to nominate a Committee Man or Committee Men in the Place of him or them so removed or displaced, or dying, refusing, or becoming incapable to act; and that the Person or Persons so elected shall, during the then Residue of such Period, have the same Powers and Authorities in all Respects, as the Committee Man or Committee Men in whose Place or Stead he or they shall or may be appointed, could or might have had and exercised if then living and continuing to act in the Affairs of this Act.

Power of appointing new Committee Men in case of Misbehaviour, Death, Refusal, or Incapacity.

XVI. And be it further enacted, That no Person shall be capable of acting as a Committee Man in the Execution of this Act (otherwise than for the Purpose of administering the Oath or Affirmation herein-after mentioned to each other), until he shall have taken and subscribed an Oath or Affirmation to the Effect following:

Committee Men to take an Oath.

‘ I *A. B.* do swear (or, being of the People called Quakers, do solemnly affirm), That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several Trusts reposed in me as a Committee Man, by virtue of an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*], without Favour or Affection to any Person whomsoever.
So help me GOD.’

Which said Oath or Affirmation it shall be lawful for any One of the said Committee Men to administer, and they are hereby severally required to administer the same to each other.

XVII. And be it further enacted, That all Acts, Matters, and Things hereby directed or authorized to be done by the said Committee Men for the Time being, may be done and executed by any Three of them, and that the same shall be as valid and effectual as if done and executed by all the said Committee Men for the Time being.

Any Three of the Committee may act.

XVIII. And

Power for the
Committee
Men to settle
Accounts of
Commission-
ers.

XVIII. And be it further enacted, That the said Committee Men for the Time being shall be and they are hereby authorized and required to settle, compound, and compromise any Accounts which may be still subsisting between the Commissioners under the said recited Acts or either of them, and any Person or Persons whomsoever, or between the Trustees by the said recited Acts or either of them authorized and appointed to act previously to the Execution of the said Award, and any Person or Persons whomsoever; and also to settle and sign all the Accounts of the said Commissioners, which have not been already settled under the Powers of the said first-recited Act.

The Drainage
and Barrier
Bank and
Road to be
under the Di-
rection of the
Committee
Men, and the
Jurisdiction
of the Court
of Sewers
annulled.

XIX. And be it further enacted, That the said *Lords Drain*, and the said Main Cut or Drain, and the said Engines, Sluices, Bridges, Banks, Headings, and other Works belonging to the same respectively, and the said interior Drains, Sluices, Cloughs, Tunnels, and other Works of Drainage, and all other the said Cuts, Drains, and Works of Drainage hereby vested in the Trustees under this Act as aforesaid, and also the said Barrier Bank and Turnpike Road, and all Works which have been erected for the Support of the said Barrier Bank, and all other Works belonging thereto, shall from Time to Time be under the Inspection and Care of, and as often as necessary shall be amended, repaired, and kept in good Condition by or under the Direction of the said Committee Men for the Time being; and that the same, and also all Lands and Grounds included in the said Drainage, either by the said *Lords Drain* or by the said Main Cut or Drain, and the several Owners and Occupiers of the said Lands and Grounds in respect thereof, shall, from and after the passing of this Act, be subject only to the Controul, Direction, Survey, Order, or Jurisdiction of the Committee Men for the Time being under this Act, and not to the Controul, Direction, Survey, Order, or Jurisdiction of any Commission of Sewers; any Law or Statute relating to Sewers to the contrary notwithstanding.

All Powers
and Author-
ities before
vested in
Trustees or
Superinten-
dant, to be
exercised by
the Commit-
tee Men.

XX. And be it further enacted, That all the Powers or Authorities by the said recited Acts respectively given to or vested in the Trustees by the same Acts respectively appointed and authorized to act after the Execution of the said Award, or to or in the Superintendant authorized as in the said first-recited Act is mentioned, shall henceforth, so far as they are not altered, varied, or repealed by this Act, be vested in the Committee Men for the Time being under this Act, and shall or may be exercised by them in like Manner as the Trustees or Superintendant respectively authorized in that Behalf under the said recited Acts, or either of them, could or might have exercised the same, in case the Award required by the said first-recited Act had been executed, and this Act had not been passed.

Entries of
Proceedings
and Accounts
to be kept
open for In-
spection, and
to be Evi-
dence.

XXI. And be it further enacted, That from and after the passing of this Act, fair and regular Entries shall be made, in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Trustees under this Act, and of the said Committee Men for the Time being, relative to the Execution of the said recited Acts and this Act, and of the Names of the Persons who shall be present at the respective Meetings; and that fair and regular Entries shall also be made in a Book or Books, to be provided for that Purpose, of all Sums of Money received, paid, laid out, and expended in or about the Execution of this Act, and of the several Articles, Matters, and Things for
which

which such Sums of Money shall have been disbursed, laid out, and paid; and the Entries which shall from Time to Time be made in such Book or Books as aforesaid, shall be produced at each and every successive Meeting of the said Trustees or of the said Committee Men, and shall be subscribed with the Name of the Chairman of such Meeting; and that all such Entries being so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts and on all Occasions whatsoever; and all and every such Book and Books as aforesaid shall at all seasonable Times be open to the Inspection of the said Trustees or their Agents, and every or any of them, upon Payment for every such Inspection of the Sum of One Shilling; and the said Trustees and their Agents, and every or any of them, shall or lawfully may take Copies of or Extracts from such Book or Books, or any Part or Parts thereof, upon Payment for every such Copy or Extract at the Rate of Four-pence for every Sheet of Seventy-two Words; and the said Trustees and their Agents, and every or any of them, shall or lawfully may require the said Book or Books, or any of them, to be produced in Evidence in any Court or on any reasonable Occasion whatever; and in case the Person or Persons who shall have the Care and Custody of the said Book or Books shall refuse to permit the said Trustees or their Agents or any of them to inspect the same, or to take such Copies or Extracts as aforesaid, on such Payments being made as aforesaid; or shall refuse or neglect to produce the same in Evidence after having been paid or tendered a reasonable Sum for Expences and Loss of Time to be occasioned by such Production, the Person or Persons so refusing or neglecting shall forfeit and pay for every such Offence any Sum of Money not exceeding Twenty Pounds.

XXII. And be it further enacted, That it shall be lawful for the said Committee Men for the Time being, and they are hereby empowered, from Time to Time to pay and discharge such reasonable Expences as shall be incurred at their several Meetings, by and out of the Monies received or to be received by virtue of any Tax, Rate, or Assessment, Taxes, Rates, or Assessments, charged by the said Commissioners, or charged or to be charged by or under this Act; provided that no more than the Sum of Five Pounds shall be paid for the Expences of any one Meeting.

XXIII. And for the more convenient Performance of the Duties of the Committee Men, be it further enacted, That it shall and may be lawful to and for the said Committee Men for the Time being, at any of their Meetings, to nominate and appoint any Person or Persons, not being of the said Committee, to be a Treasurer or Treasurers of the Drainage Funds, and also of the Turnpike Tolls; and that the Monies from Time to Time to be received by the Collector or Collectors, or other authorized Officer or Officers of the said Committee Men, by virtue of any Tax, Rate, or Assessment, Taxes, Rates, or Assessments, charged or to be charged as aforesaid, shall be paid to such Treasurer or Treasurers; and also that it shall and may be lawful to and for the said Committee Men for the Time being to nominate and appoint any Person to act as Clerk to the said Committee Men; and also to nominate and appoint such Superintendent or Superintendants, Collector or Collectors, or other Officer or Officers as they shall see fit; and from Time to Time to remove any such Treasurer or Treasurers, Clerk, Superintendent or Superintendants, Collector or Collectors, or other Officer or Officers; and in Cases of Removal

Expences of Committee Men at their Meetings to be paid out of the Taxes.

Power to Committee Men to appoint Treasurer and Clerk and other Officers.

or Death, to nominate and appoint any other Person or Persons in his or their Room, or Stead, and to grant to such Clerk, Superintendant or Superintendants, Collector or Collectors, or other Officers (except Treasurer or Treasurers), such Salaries and Compensations as to the said Committee Men for the Time being shall seem meet, by and out of the Monies to be received by virtue of any Tax, Rate, or Assessment, Taxes, Rates, or Assessments, charged or to be charged as aforesaid.

Same Person
not to be
Clerk and
Treasurer.

XXIV. Provided always, and be it further enacted, That it shall not be lawful for the said Committee Men to appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts or either of them or this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or either of them or this Act; or to appoint the Person who has been or may be appointed Treasurer for the Purpose of the said recited Acts or either of them or of this Act, or the Partner of any such Treasurer, the Clerk to the said Committee Men for executing the said recited Acts or either of them or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts or either of them or this Act, or if any Person being a Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said recited Acts or either of them or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Treasurer and
other Officers
to give Security.

XXV. And be it further enacted, That the said Committee Men shall and they are hereby required to take such Security to the said Trustees, or any Three or more of them, from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed by the said Committee Men for the Purposes of this Act, for the faithful Execution of their respective Offices, as the said Trustees shall think necessary and sufficient.

Receipts of
authorized
Officers to be
sufficient
Discharges.

XXVI. And be it further enacted, That the Receipt or Receipts of the Collector or Collectors, Treasurer or Treasurers, or other Officer or Officers authorized by the said Committee Men in that Behalf, for any Monies which they shall respectively receive under or by virtue of the said recited Acts or either of them or this Act, shall effectually discharge the Person or Persons paying the same, from being obliged or concerned to see to the Application thereof, or from being answerable for the Non-application or Misapplication of the same.

An Award
to be made
by the Com-
mittee Men,
specifying
Exchanges
and Parti-
tions

XXVII. And be it further enacted, That the said Committee Men for the Time being shall, within Six Calendar Months from the Time of passing this Act, or as soon afterwards as conveniently may be, form and draw up or cause to be formed and drawn up an Award or Instrument in Writing, specifying and declaring the several Exchanges and Partitions which have been made under the Authority of the said first-recited Act; and the said

Award or Instrument in Writing shall be signed, and sealed by the said Committee Men, and the same shall, within the Space of Six Calendar Months next after such signing and sealing as aforesaid, be enrolled with the Clerk of the Peace for the Parts of *Holland* in the said County of *Lincoln*; and a Copy of the Enrolment, attested by the said Clerk of the Peace or his sufficient Deputy, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence, which Copy the said Clerk of the Peace or his Deputy is hereby required to make and deliver to any Person or Persons whomsoever desiring the same, he, she, or they paying for such Copy after the Rate of Four-pence per Sheet (reckoning Seventy-two Words to each Sheet); and every Person shall have Liberty to inspect and peruse the Enrolment of the said Award, paying for every such Inspection or Perusal One Shilling, and no more; and every such Exchange or Partition shall be as valid and effectual as if an Award specifying and declaring the same had been made pursuant to the Directions in that Behalf contained in the said first-recited Act; and after the Enrolment of the said Award the same shall be lodged in the Town Chest belonging to the said Parish of *Holbeach*.

XXVIII. And be it further enacted, That all the Taxes and Assessments authorized by the said first-recited Act, and already made by the said Commissioners upon the Lands within the Drainage directed by the said first-recited Act, or within any Angle or District of Land which hath been taken into the said Drainage on Petition, including the Lands draining by the said *Lords Drain*, although the same Taxes or Assessments may not have been made according to the Forms directed in the said Acts or either of them, shall be deemed and taken to be good and valid (except that it shall be lawful for the said Committee Men to correct any manifest Errors therein), and that all Arrears of the said Taxes and Assessments, and all Arrears of Bank Rents, and all the other Monies herein-before vested in the Trustees under this Act, shall be payable to the said Committee Men or their Collector or Collectors for the Time being; and that the said Committee Men shall cause Notice to be given to the Occupier or Occupiers of the several Lands and Grounds in respect whereof such Arrears of Taxes and Assessments respectively are due, and to the Person or Persons charged with or liable to the Payment of any Bank Rents in Arrear, or of any other Monies herein-before vested in the Trustees under this Act, requiring that all such several Arrears or other Monies shall be paid to the said Committee Men or their Collector or Collectors within Two Calendar Months after such Notice shall have been delivered to or left at the Dwelling House or usual Place of Abode of the Person or Persons to whom such Notice is herein-before required to be given as aforesaid; and that after the Expiration of the said Two Calendar Months, the Powers and Remedies of Distress and Entry, and Action of Debt, herein-after respectively provided for compelling and enforcing the Payment of the Taxes and Rates hereafter to be assessed by the said Committee Men for the Time being, and of the Bank Rents hereafter to become payable, and all Clauses and Provisions relating thereto, shall extend and be construed to extend to the compelling and enforcing the Payment of the Arrears of the said Taxes and Assessments already assessed and made as aforesaid, and the Arrears of Bank Rents now due or owing, and the same Powers and Remedies respectively shall or may be exercised accordingly.

Arrears of Taxes, &c. to be paid to Committee Men, and to be recovered by Distress and Action of Debt.

XXIX. Pro-

Power of
Appeal in
respect of
Arrears of
Taxes.

XXIX. Provided always, and be it further enacted, That all Persons who shall think themselves aggrieved by any Tax or Assessment made by the said Commissioners under the Provisions of the said first-recited Act, and now in Arrear (other than or except for or on account of Length of Time or Defect in Matters of Form) may appeal to the Justices of the Peace for the Wapentake of *Elloe*, in the said County of *Lincoln*, at the next *Michaelmas* Quarter Sessions of the Peace to be held for the said Wapentake after the passing of this Act; the Person or Persons so appealing first entering into a Recognizance to prosecute such Appeal with Effect; and to pay the Costs which shall be ascertained by the said Quarter Sessions, in case the Tax or Assessment appealed against shall be affirmed; and the Determination of the Justices at such Sessions shall be final and conclusive, and shall not be removable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Committee
Men to lay
a Tax of
Five Shillings
per Acre,
payable by
Five Annual
Instalments.

XXX. And be it further enacted, That it shall be lawful for the said Committee Men for the Time being to assess and tax all and every the Lands included within the several Boundaries particularly described and set forth in the said first-recited Act, and also all the Lands which have been and now are included within the Operation of the same Act, on Petition, and also all and every the Lands draining by the said Lords Drain, and benefited by the Purchase of the same Drain under the said first-recited Act, with a Tax not exceeding the Sum of Five Shillings an Acre, to be raised by Five equal Annual Instalments, the First of such Instalments to be paid on the Eleventh Day of *October* next after the passing of this Act, and the subsequent Instalments to be paid on the same Day in each of the successive Four Years; but a Deduction after the Rate of Five Pounds *per Centum per Annum* to be allowed to any Proprietor or Proprietors who may choose to pay his, her, or their Share or Proportion or respective Shares or Proportions of the Money so to be assessed and taxed, at earlier Periods.

Committee
Men to pay
the Expences
of this Act,
&c.

XXXI. And be it further enacted, That the Committee Men for the Time being shall pay and apply all the Arrears of Taxes and Assessments, and all Arrears of Bank Rents and other Monies herein-before vested in the Trustees under this Act, and also the Taxes to be assessed by the said Committee Men under the Power herein-before in that Behalf contained; in the first Place, in satisfying and discharging all the Expences which have been incurred in the obtaining and passing of this Act; and then in discharging the Principal Money and Interest due to the several Persons who have lent Money on the Credit of the Taxes assessed under the said first-recited Act; and then in paying the Arrears of the Rents fixed by the said Commissioners for the Lands cut or covered, or otherwise taken or used by the said Commissioners, the Purchase whereof hath not been completed; and then in paying for the Fee-Simple thereof, in such Manner and according to such Directions as are provided by the said first-recited Act for ascertaining the Purchase Monies thereof respectively; and then in discharging such Expences of carrying the said recited Acts or either of them into Execution as have not been paid; and shall lay out the Surplus thereof (if any) in repairing the said Works of Drainage, or the said Barrier Bank, or for any other of the general Purposes of the said recited Acts or either of them, or of this Act.

XXXII. And

XXXII. And be it further enacted, That in all Cases where any Tax or Assessment already charged by the said Commissioners is due or owing in respect of any Land, the Owner or Owners whereof for the Time being was or were also entitled at the Time of making such Tax or Assessment to any Land cut or covered or otherwise taken or used by the said Commissioners, the Amount of such Tax or Assessment shall be considered to have been originally a Deduction from the Purchase Money to be paid for the Land so cut or covered or otherwise taken or used, or such Purchase Money shall be considered to have been originally a Deduction from the Amount of such Tax or Assessment (as the Case may require), and accordingly a Deduction of Interest at the Rate of Five Pounds *per Centum per Annum* for the Amount of such Tax or Assessment shall be made from the Rent fixed by the said Commissioners for the Land so cut or covered or taken or used, or if the Amount of such Interest shall be equal to or shall exceed the Amount of such Rent, then no Rent shall be paid for the Land so cut or covered or otherwise taken or used.

Where Proprietors were entitled to Land cut and covered and liable to pay Taxes, the Taxes to go towards the Purchase, and Arrears of Rent to abate proportionably.

XXXIII. And be it further enacted, That in case the limited Tax of Five Shillings *per Acre* herein-before directed to be raised shall prove insufficient for the Purposes to which the same is to be applied as herein-before is mentioned, it shall be lawful for the said Committee Men for the Time being, and they are hereby required to call a Special Meeting of the Trustees under this Act, by advertising the same in the *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper or Newspapers circulating in the said County of *Lincoln*, once a Week for at least Three successive Weeks, immediately previous to the Day appointed for such Meeting, in order to take into Consideration the Propriety or Expediency of raising a further Sum of Money for the Purposes aforesaid; and if at such Meeting it shall be agreed to invest the said Committee Men for the Time being with the Power to raise a further Tax, not exceeding Two Shillings an Acre for the Purposes aforesaid, then and in such Case it shall be lawful for the said Committee Men for the Time being, and they are hereby required, to assess and tax the Lands and Grounds herein-before made liable to be charged with the said limited Tax of Five Shillings an Acre, with such further Tax not exceeding the Sum of Two Shillings an Acre as shall or may be agreed upon at the Special Meeting of the Trustees to be called as aforesaid, the same to be raised by Two equal Annual Instalments, and the First of such Instalments to be paid on the Eleventh Day of *October* which will be in the Year One thousand eight hundred and twenty-three, and the other of such Instalments to be paid on the Eleventh Day of *October* which will be in the Year One thousand eight hundred and twenty-four, but a Deduction after the Rate of Five Pounds *per Centum per Annum* to be allowed to any Proprietor or Proprietors who may choose to pay his, her, or their Share or Proportion or respective Shares or Proportions of the Money so to be assessed and taxed as last aforesaid at earlier Periods; and that the Committee Men for the Time being shall apply the Money so to be assessed and taxed as last aforesaid for the same Purposes and in the same Manner as is herein-before expressed with respect to the said limited Tax of Five Shillings an Acre.

If the Tax of Five Shillings *per Acre* shall prove insufficient, the Trustees may lay a further Tax of Two Shillings *per Acre*.

XXXIV. And be it further enacted, That the said Committee Men shall and they are hereby required to give or cause to be given Notice in Writing of their having assessed the said Lands and Grounds with the said additional Tax, by advertising the same in the *Lincoln, Rutland, and*

Notice of such additional Tax to be published in the *Stamford*

Mercury for
Three
Weeks.

Stamford Mercury, or some other Newspaper usually circulating in the County of *Lincoln*, once a Week for Three successive Weeks, immediately previous to the Time appointed for Payment of the First Instalment thereof.

Committee
Men may
execute new
Works.

XXXV. And be it further enacted, That it shall and may be lawful for the Committee Men for the Time being under this Act, and they are hereby authorized and empowered, from Time to Time when Need or Occasion shall seem to them to require, to cause such new Drains, Engines, Mills, or other Works to be from Time to Time made or executed, as in their Judgment may be proper and necessary for the Improvement of the said Drainage; and from Time to Time to pay and discharge the Expences of making and executing such new Drains, Engines, Mills, and Works out of any Monies applicable to the general Purposes of the said recited Acts or either of them, or of this Act.

Power to
purchase
Land for the
Purposes of
the Drainage.

XXXVI. And be it further enacted, That the said Committee Men under this Act shall have full Power and Authority to agree on Behalf of the Trustees under this Act, with the Proprietors of, and Persons interested in any Lands, Tenements, or Hereditaments which the said Committee Men shall adjudge necessary to be cut, digged, taken, or otherwise made use of for the Purposes of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietor or Proprietors and Persons interested for the Damage they may sustain, and also to settle and ascertain in what Proportions the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and that it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees or Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert, who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the Trustees under this Act for the Time being and their Successors, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Committee Men for the Time being, for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, and Hereditaments, by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements,

or

or Hereditaments, neglect or refuse to treat, or shall not agree with the said Committee Men for the Time being, or by reason of Absence shall be prevented from treating, or cannot be found or discovered, then and in every such Case the said Committee Men for the Time being are hereby empowered from Time to Time to issue out their Warrant or Warrants under their Hands and Seals to the Sheriff of the County of *Lincoln*, or if such Sheriff shall be immediately interested in such Matter, then to One of the Coroners of the said County, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return Twenty-four Men, resident within *South Holland* aforesaid, and qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Committee Men, at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve may be sworn, to inquire touching the Matters in question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said Committee Men are hereby empowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the said Committee Men for the Time being may order and authorize the Jury, or any Six or more of them, to view the Place or Places or Matters in controversy, which Jury, upon their Oaths (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Committee Men for the Time being are hereby empowered to administer) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages or Losses that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises; and the said Committee Men under this Act shall give Judgment for such Purchase Monies or Recompence so as aforesaid to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced by the said Committee Men, shall be binding and conclusive to all Intents and Purposes against all Parties, Bodies Politic, Corporate, and Collegiate, and all Persons whomsoever.

XXXVII. Provided always, and be it enacted, That if any such Sheriff or his Deputy or Coroner shall make Default in the Premises, every such Person shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid on such Jury shall not appear, or appearing refuse to be sworn, or being sworn refuse to give his Verdict, or in any other Manner wilfully attempt to avoid or neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences; or appearing, refuse to be sworn or examined, or to give Evidence, or being of the People called *Quakers*, shall refuse

Penalty on
Sheriff or
Coroner or
Jurors for
Neglect.

refuse to affirm or to be examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the Committee Men for the Time being, shall for every such Offence forfeit and pay such Sum as the said Committee Men for the Time being shall appoint, not exceeding the Sum of Five Pounds for any One Offence.

Form of
Conveyance.

XXXVIII. And be it further enacted, That all Sales, Conveyances, and Affurances of any Lands, Tenements, or Hereditaments, to be made to the said Trustees under this Act, may be made in the Form or to the Effect following; *videlicet*,

I *A. B.* of _____ in Consideration of the Sum
of _____ paid by the Committee Men acting
by virtue of an Act made in the Fifty-seventh Year of the Reign of
King *George* the Third, intituled [*here set forth the Title of this Act*]
do hereby grant and convey to the Trustees of the *South Holland Drainage*
Act, all [*here describe the Premises to be conveyed*] to hold to the said
Trustees for ever. In Witness whereof I have hereunto set my Hand
and Seal, this _____ Day of _____ in the
Year of our Lord _____

And every such Sale, Conveyance, and Assurance so made, shall be good, valid, and effectual to vest the Premises so conveyed in the said Trustees, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Conveyances
and Verdicts
to be recorded
with Clerk of
the Peace for
Parts of Hol-
land.

XXXIX. And be it further enacted, That all Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgments which shall be made and given in relation to any of the Matters aforesaid so left to a Jury, (such Verdicts and Judgments being signed by the Committe Men for the Time being who shall be present at the taking of the Inquest), shall be delivered to the Clerk of the Peace for the Parts of *Holland*, and shall be filed with the Rolls of such Parts; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon Payment for every such Inspection of the Sum of One Shilling, and for every such Copy at the Rate of Four-pence for every Sheet of Seventy-two Words.

Expences of
Trials.

XI. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on the Behalf of the said Committee Men before the summoning of any such Jury, for or in respect of any of the Matters aforesaid, that then all the Expences of such Jury and the Witnesses attending in consequence thereof, and of taking such Inquest, shall be paid by the said Committee Men for the Time being, out of any Monies which may be applicable thereto by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on the Behalf of the said Committee Men for the Time being, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, or Hereditaments and Premises upon or in respect of which such Jury shall have been summoned: Pro-
vided,

vided, that in all Cases, where by reason of Absence any Person or Persons shall have been prevented from treating with the said Committee Men touching the Matters aforesaid, the whole of such Expences shall be paid by the said Committee Men.

XLI. And be it further enacted, That if any Money which is or shall be payable for any Land cut or covered, or otherwise taken or used by the said Commissioners, or for any Land to be purchased under the Directions of this Act, or for the Recompence for any Damages or Losses to be assessed and ascertained in Manner herein-before provided for, in respect of any Land belonging to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account "*ex parte* the Trustees of the *South Holland Drainage*," to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Land, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid affecting the same Land, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Land in question stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of *Three per Cent. Consolidated* or *Three per Cent. Reduced Bank Annuities*; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments, so hereby directed to be purchased, in case such Purchase and Settlement were made.

Application
of Purchase
Monies when
exceeding
200l.

XLII. And be it further enacted, That if any Money so payable or to be payable for any such Land as aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the said Land, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank

Application
of Purchase
Monies when
less than 200l.
and exceed-
ing 20l.

[Local.]

of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placéd to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Committee Men (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom may be applied in Manner herein-before directed, so far as the same may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application
of Purchase
Monies when
less than 20l.

XLIII. And be it further enacted, That where such Money, so payable or to be payable as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to or for the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Land in question; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
Persons refus-
ing to receive
Purchase
Monies or
Arrears of
Rent, or not
being found,
or not being
able to make
a good Title,
the same to
be paid into
the Bank of
England.

XLIV. And be it further enacted, That in case the Person or Persons to whom any such Purchase Money, or any Arrears of Rent for any Land cut or covered or otherwise taken or used by the said Commissioners, or to whom the Purchase Money for any Land to be bought under the Directions of this Act, or any Recompence for any Damages or Losses, to be assessed and ascertained in Manner herein-before provided for, is or are or shall be payable, shall refuse to accept the same, or in case such Person or Persons cannot be found, or if the Person or Persons entitled to the Land in question be not known or discovered, or if the Person or Persons claiming any such Purchase Money, or Arrears of Rent, or Recompence, shall not be able to make a good Title to the Land in respect whereof the same shall be payable, to the Satisfaction of the said Committee Men for the Time being; then and in every such Case it shall be lawful for the said Committee Men for the Time being to order the said Purchase Money, or Arrears of Rent, or Recompence, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of the Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Purchase Money, or Arrears of Rent, or Recompence, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

In case of questionable Title, the Persons in Possession to be deemed entitled to the Money till the contrary be shewn.

XLVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments which have been cut or covered, or otherwise taken or used as aforesaid, or which shall or may be purchased under the Directions of this Act, or for which any Recompence shall be to be made as aforesaid, or otherwise, the Purchase Money or Recompence for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses, it shall be lawful for the said Court to order such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees under this Act, or their Committee Men for the Time being, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct, out of any Monies applicable to the general Purposes of the said recited Acts or either of them, or of this Act.

Court of Chancery may order Costs.

XLVII. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or Persons acting as Guardians, Trustees, Committees, or Attornies for the Owners or Proprietors of any Part or Parts of the Lands or Grounds within the Operation of this Act, or any Part or Parts thereof, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them for the Time being, and to and for the said Owners or Proprietors, being Tenants in Tail for Life, or Tenants in Tail after Possibility of Issue extinct, or Tenants in Dower, or being seised or entitled in Fee Simple, and to and for every of them respectively for the Time being, by Indenture or Indentures under their respective Hands and Seals, from Time to Time to charge the Part, Share, or Proportion of and in the said Lands or Grounds belonging to such Owners or Proprietors respectively, with any Sum or Sums of Money which hath or have been, or which shall or may be advanced or applied in or towards
Payment

Power to Proprietors to charge the Arrears of Taxes and the new limited Taxes on their Estates.

Payment of any of the Taxes or Assessments which have been already charged by the said Commissioners under the said first-recited Act, or which may be charged under the Powers herein-before in that Behalf contained; and for securing the Repayment of such Sum or Sums of Money with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Part or Share or Proportion of such Owners or Proprietors respectively, of and in the said Lands or Grounds, unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, either in Fee or for any Number of Years; so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to cease and be void, or under an express Trust to be surrendered in case and when the Sum or Sums of Money thereby to be secured, with lawful Interest for the same, shall be fully paid and satisfied at a Time or Times to be appointed; and so as every such Grant, Mortgage, Lease, or Demise, not being made by Tenant or Tenants in Fee Simple, do also contain a Proviso that the Person or Persons entitled in Remainder or Reversion to the Lands or Grounds therein comprised, shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One whole Year preceding the Time that his, her, or their Title to such Possession shall have commenced; and every such Charge, Grant, Mortgage, Lease, or Demise as aforesaid, shall be good, valid, and effectual in the Law for the Purposes hereby intended.

Annual Taxes to be paid to the Committee Men, to be applied in keeping up the General Works of Drainage;

XLVIII. And whereas by the said first-recited Act it was provided that the Lands and Grounds therein described (being the Lands and Grounds thereby directed to be drained), and all and every other Lands and Grounds that should be included in the said Drainage on Petition, as therein provided for, should be chargeable by a Majority of the Trustees thereby authorized and appointed to act after the Execution of the Award of the Commissioners under the same Act, including such Agents as therein mentioned, who should be present at their Annual Meeting, from Time to Time, with such equal Tax or Rate as they should think proper, not exceeding the Sum of One Shilling *per* Acre in any one Year for every Acre of the said Land comprised or to be comprised within the said Drainage and Improvement, including the Lands draining by the *Lords Drain*, which said Tax or Rate was to be payable on the Days therein mentioned, and to be applied for the Purposes therein mentioned; be it further enacted, That in lieu of the said Annual Tax or Rate by the said first-recited Act directed or authorized to be charged as aforesaid, all and every the Lands herein-before made chargeable with the said limited Tax of Five Shillings an Acre, and the further Tax of Two Shillings an Acre in the Event aforesaid, except such of the said Lands draining by the said *Lords Drain*, as are not included within the several Boundaries particularly described and set forth in the said first-recited Act, or included within the Operation of the same Act on Petition, shall from and after the passing of this Act be charged with an Annual Tax or Rate of One Shilling *per* Acre; and also that all and every or any of the said Lands last herein-before charged, shall from and after the passing of this Act be charged with such further Annual Tax or Rate as in the Judgment of the said Committee Men for the Time being may be deemed necessary, according to the Works required to be done for the Drainage of the said respective Lands, not exceeding for any of the said Lands the annual Sum of Sixpence *per* Acre; which said Annual Taxes or Rates shall be payable to the
Committee

Committee Men for the Time being under this Act, on or before the Eleventh Day of *October* in every Year, the First Payment thereof to be made on the Eleventh Day of *October* next after the passing of this Act; and the same shall be applied by the said Committee Men for the Time being in the Maintenance, Repairing, and Supporting of the said *Lords Drain*, and the said main Cut or Drain, and the Banks and Forelands thereof, and all other Cuts, Drains, Engines, Cloughs, Sluices, Tunnels, Bridges, and Works of Drainage hereby vested in the said Trustees under this Act, and for maintaining, repairing, and supporting the said Barrier Bank, or other the general Purposes of the said recited Acts and this Act.

XLIX. And be it further enacted, That it shall be lawful for the said Committee Men for the Time being to assess and tax all and every such of the Lands draining by the said *Lords Drain*, as were not included within the several Boundaries particularly described and set forth in the said first-recited Act, or included within the Operation of the same Act on Petition, with an Annual Tax or Rate not exceeding the Sum of Sixpence *per Acre*, which said Annual Tax or Rate shall be payable to the Committee Men for the Time being under this Act, on or before the Eleventh Day of *October* in every Year, the First Payment thereof to be made on the Eleventh Day of *October* next after the passing of this Act; and the same shall be applied by the said Committee Men for the Time being in discharging, conjointly with the other Lands draining thereby, the Expences of maintaining, repairing, and supporting the said *Lords Drain*, and the Bridges and Sluices thereof, and the Drainage thereby.

and the Annual Tax for the Lands draining by the *Lords Drain*, to be applied in repairing the same, and the Works there-to belonging.

L. And whereas the said Committee Men may find it expedient to anticipate the Payments of the said limited Tax herein-before directed and authorized to be raised, for the Purpose of more expeditiously making the several Payments herein-before provided for, or any of them; and they may also find it expedient to anticipate the Payments of the said Annual Tax or Rate of One Shilling *per Acre*, in order to execute Works or Repairs without Delay; be it therefore enacted, That it shall be lawful for the said Committee Men for the Time being to borrow and take up at Interest, upon the Credit of the Taxes or Assessments made or to be made by virtue of this Act, or of the said Annual Tax or Rate of One Shilling *per Acre*, such Sum or Sums of Money as they shall in their Judgment deem necessary and requisite for the Purposes of the said recited Acts or of this Act, not exceeding in the Whole the Sum of Three thousand Pounds, which Money so borrowed shall be repaid to the Person or Persons lending the same, with such Interest, not exceeding the Rate of Five Pounds *per Centum per Annum*, as may be agreed upon, out of the first Monies that shall afterwards be received by the said Committee Men for the Time being, under the Authority of the said recited Acts or of this Act, in respect of the Taxes, Rates, or Assessments so to be pledged.

Power for Committee Men to borrow Money on Credit of the Taxes and Rates.

LI. And be it further enacted, That the several and respective Tenants or Occupiers of the Lands and Grounds charged by the said Commissioners, or charged or to be charged by or under this Act, are hereby directed and required to pay the several Taxes, Rates, and Assessments so charged or to be charged upon such Lands and Grounds respectively.

Occupiers to pay Taxes and Rates.

[Local.]

19 P

LII. And

But may deduct the Arrears of Taxes, and also the limited Taxes, from their Rent, unless there be Agreements to the contrary.

LII. And be it further enacted, That it shall be lawful for every Tenant at Rack Rent, or holding under any Lease, the entire Consideration for which shall have been or shall be the Rent reserved, to deduct the Taxes, Rates, or Assessments which shall be paid by him or her under the Provision last herein-before contained, other than and except the Annual Taxes or Rates which shall or may become payable in the Year One thousand eight hundred and eighteen, and in every subsequent Year, out of his or her Rent, unless there shall be any existing Agreement to the contrary; and every Tenant who shall make any such Payment as aforesaid, shall be acquitted and discharged of the Money so authorized to be deducted, in the same Manner as if the same had been actually paid unto the Person or Persons to whom his, her, or their Rent was due or payable.

Tenants of Crown and College Estates not to deduct any Taxes.

LIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the Tenant or Tenants of any Lands, Tenements, and Hereditaments belonging to His Majesty in Right of His Crown, nor the Tenant or Tenants of any Lands, Tenements, and Hereditaments of the said Master, Fellows, and Scholars of the said College of *Saint John the Evangelist*, in the University of *Cambridge*, nor the Tenant or Tenants of any Lands, Tenements, and Hereditaments of the said Lands commonly called the Lands of the Four Colleges; *viz.* the Lands appropriated to the Support of Exhibitioners in *Sidney Sussex College*, *Clare Hall*, *Saint John's College*, and *Emanuel College*, all in the University of *Cambridge*, to deduct the Taxes, Rates, or Assessments which shall be paid by such Tenant or Tenants respectively, under any of the Provisions of this Act, out of his, her, or their Rent; but that the same Taxes, Rates, and Assessments shall be wholly borne and paid by such Tenant or Tenants respectively; any Thing herein contained to the contrary notwithstanding.

Powers of Distress and Sale for Taxes and Rates.

LIV. And be it further enacted, That if any Instalment of any Tax or Assessment charged or to be charged by virtue of this Act, or the said Annual Taxes or Rates or any of them, shall not be paid and discharged at the Time appointed for Payment thereof respectively, it shall and may be lawful for the said Committee Men for the Time being, or any Person or Persons appointed by them in Writing, and they and he are and is hereby empowered to enter into and upon the Lands or Grounds so charged as aforesaid, of any Person or Persons refusing or neglecting to pay his, her, or their Share or Proportion of such Taxes, Rates, or Assessments respectively, or into and upon any Part or Parts of such Lands or Grounds in the Name of the Whole, and to levy the Amount of the Share or Proportion of such Person or Persons so neglecting or refusing, by Distress and Sale of the Goods and Chattels which shall be found thereon, together with all Costs occasioned by such Non-payment, and attending such Entry, Distress, and Sale, and otherwise to act therein according to the Laws now in being for distraining in Cases of Non-payment of Rent reserved on common Demises.

Power to let the Lands for Payment of Taxes and Rates in case

LV. Provided always, and be it further enacted, That if at any Time or Times no sufficient Distress can be found on any of the Lands and Grounds charged or to be charged as aforesaid, by reason of their being untenanted or unoccupied, or otherwise, for levying any Tax, Rate, or Assessment so

so charged or to be charged as aforesaid, or any Share or Proportion thereof, then and in every such Case the Lands and Grounds charged with such Tax, Rate, or Assessment shall be and remain a Security for Payment thereof; and the said Committee Men for the Time being are hereby authorized and empowered to let the said Lands and Premises from Year to Year, at the best Rent that can be got for the same, and to take the Rents and Profits thereof until the said Tax, Rate, or Assessment, and all Arrears thereof, and all Expences occasioned by the Non-payment thereof, shall be fully satisfied and paid; and the Residue (if any) shall be paid into the Hands of the Treasurer of the said Committee Men, and shall be by him paid to the Owner or Owners of such Lands, or his, her, or their Agent or Agents, when demanded.

of no sufficient Distress.

LVI. And be it further enacted, That if any Tax, Rate, or Assessment so charged or to be charged as aforesaid, or any Share or Proportion thereof, shall not be paid within Sixty Days after the Time when the same respectively shall be payable, then and in every such Case, and whenever it shall so happen, the same shall be recoverable, together with Costs of Suit, by the said Trustees under this Act, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*, against the Owner or Owners, or Occupier or Occupiers of the Lands or Grounds charged with the same Tax, Rate, or Assessment, in which Action it shall be sufficient for the Plaintiffs to declare that the Defendant or Defendants at the Time of the Commencement thereof was or were indebted to such Plaintiffs in a Sum of Money to be specified, in respect of a certain Tax or Taxes, Rate or Rates, Assessment or Assessments (as the Case may be), assessed or charged or payable under the said recited Acts or this Act, or some or one of them; and in which Action no Effoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Taxes and Rates to be further recoverable by Action of Debt.

LVII. Provided always, and be it further enacted, That it shall not be lawful for the said Committee Men for the Time being to let any Lands, nor to proceed by Action of Debt, under the Power herein-before respectively contained, until Two Months after a Demand shall have been made on, and Notice in Writing delivered to the Owner or Owners of the Lands in respect whereof such Tax, Rate, or Assessment so in Arrear and unpaid as aforesaid shall be due; and also on or to the Occupier or Occupiers thereof, in case of the said Lands being occupied.

But no Lands to be let, nor Action to be brought, till after Demand made.

LVIII. And be it further enacted, That it shall be lawful for the said Committee Men for the Time being, and they are hereby directed and required, from Time to Time to let or demise from Year to Year the Herbage of the said Barrier Bank, and of the Forelands thereof, and of the Banks of the said *Lords Drain*, and of the said main Cut or Drain, and of any other Cut or Drain made or to be made as aforesaid, and the Forelands thereof respectively, or any other Lands or Grounds which have been covered by the said Commissioners, or may be covered under the Authority of this Act, to any Person or Persons, to be grazed with Sheep only, at such yearly Rent or Rents as can be reasonably had for the same.

Committee Men to let the Herbage of the Banks and Forelands, to be grazed with Sheep only.

LIX. And be it further enacted, That the Rent or Rents payable or to be payable for the Herbage of the said Banks and Forelands now let or hereafter

Rents of Banks and Forelands to

be applied as
the Annual
Tax is appli-
cable.

hereafter to be let under the Authority of this Act, shall be paid to and received by the said Committee Men for the Time being, and shall be applied by them from Time to Time for the same Purposes as are hereinbefore expressed or referred to with respect to the Application of the said Annual Tax or Rate of One Shilling an Acre.

Power of
Distress and
Sale for Bank
Rents.

LX. And be it further enacted, That if any Rent or Rents to be payable for the Herbage of any of the said Banks and Forelands which shall be let and demised from Year to Year under the Power hereinbefore in that Behalf contained, or any other Rent or Rents now payable, or which may hereafter be payable for any Part or Parts of the said Banks and Forelands, or for any other Land or Ground which hath been or shall or may be covered as aforesaid, or for any Lands which may be let under the Power last hereinbefore contained, shall not be paid and discharged at the Time or Times at which the same respectively is, are, or shall be payable, it shall and may be lawful for the said Committee Men for the Time being, or any Person or Persons appointed by them in Writing, and they and he are and is hereby empowered, to enter into and upon the Lands or Banks or Forelands for which such Rent or Rents is, are, or shall be payable, or into and upon any Part or Parts of such Lands, Banks, or Forelands, in the Name of the Whole, and to levy such Rent or Rents by Distress and Sale of the Goods and Chattels which shall be found thereon, together with all Costs occasioned by such Non-payment and attending such Entry, Distress, and Sale, and otherwise to act therein according to the Laws now in being for distraining in Cases of Non-payment of Rents reserved on common Demises.

How Defend-
ants in Reple-
vin may avow
or make Cogni-
zance for
Taxes, Rates,
and Bank
Rents.

LXI. And be it further enacted, That in case and when and so often as any Distress which shall be made by the said Committee Men for the Time being, or by any Person or Persons to be appointed by them as aforesaid, under any of the Powers of this Act, shall be replevied, it shall be sufficient for the Defendant or Defendants in any Action of Replevin to be thereupon commenced to avow or make Cognizance (as the Case may be) that such Distress was made to recover a Sum to be specified (as the Case may be) in respect of a certain Tax or Taxes, Rate or Rates, Assessment or Assessments, before the Time of making such Distress assessed or charged under and by virtue of the said recited Acts and this Act, or some or one of them, or in respect of Rent payable under and by virtue of the said recited Acts and this Act, or some or one of them.

All Cattle but
Sheep found
on the Banks
or Forelands
may be im-
pounded.

LXII. And be it further enacted, That it shall and may be lawful for any Person or Persons whomsoever to drive any Horse or Horses, Swine or Cattle, except Sheep, which shall be found upon any of the said Banks or Forelands, to the common Pound or Fold of the Parish where such Horse or Horses, Swine or Cattle, except Sheep, shall be found; and the Pinder or Fold Keeper of the said Parish is hereby directed to impound and hold the same in his Custody, and to feed them while they shall so remain in his Custody; and the same shall not be repleviable, but shall remain in the Custody of the Pinder or Fold Keeper for the Time being until he shall have been paid for each and every of such Swine so impounded the Penalty or Sum of Ten Shillings, and for each and every of such Horses or other Cattle so impounded, the Penalty or Sum of One Pound, together with all Costs of taking, impounding, and feeding the same during the
Time

Time they shall remain impounded; and if the Penalty or Penalties, together with such Costs, shall not be accordingly paid within the Space of Fourteen Days after the Time of the impounding such Horse or Horses, Swine or Cattle, it shall be lawful for the said Committee Men for the Time being, at any Time thereafter to sell or cause to be sold the Distress so impounded by Auction at the Market Town nearest the common Pound, on some Market Day between the Hours of Twelve o'Clock at Noon and Two o'Clock in the Afternoon, and to apply the Money arising by such Sale, in the first Place, in Payment of all Costs and Charges attending the impounding, detaining, keeping, and feeding the said Horse or Horses or Swine or Cattle so impounded, and the Sale and Disposal thereof; and in the next Place, in Payment and Satisfaction of the said Penalty or Penalties incurred; and in case there shall be any Surplus, the same shall be paid to and remain in the Hands of the said Committee Men or their Treasurer, to be by them or him returned or paid to the Owner or Owners of the said Horse or Horses, Swine or Cattle, so impounded, on Demand.

LXIII. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, whether Tenant or Tenants, Occupier or Occupiers of any Part or Parts of the said Barrier Bank or other Bank or Banks, or not, at any Time knowingly to keep or suffer to be kept any Rabbit or Rabbits upon the said Barrier Bank or other Bank or Banks; and every Person so offending shall forfeit and pay the Sum of Forty Shillings for every such Offence, after Notice given to him or them by or by the Authority of any One or more of the said Committee Men for the Time being.

Penalty for keeping Rabbits on Banks.

LXIV. And be it further enacted, That all the Lands and Grounds which previously to and after the passing of the said first-recited Act were liable to the Repairs of any Part or Parts of the Banks called the *South Eau Bank* and *Queen's Bank*, and the said Barrier Bank, against the River *Welland*, or to pay any Sum or Sums of Money for or towards the Repairs thereof respectively, shall, notwithstanding this Act, remain liable to repair the same respectively, or to pay such Monies for or towards the Repairs thereof respectively, as they respectively before were liable to do or pay.

Lands subject to Repairs of Banks to remain subject thereto.

LXV. And be it further enacted, That the Powers and Authorities hereby vested in the said Committee Men for the Time being shall extend as well over all the Lands and Grounds originally comprised in the said first-recited Act, as the Lands and Grounds admitted on Petition under the Provisions of the said first-recited Act; but that the Lands or Grounds situate and being in the Parishes of *Holbeach* and *Whaplode*, between *Hurdletree Bank* and the *Old Roman Bank*, as to the Admission of which within the Benefit of the said first-recited Act, on the Petition of several of the Proprietors in the said Parishes respectively, various Doubts and Disputes have arisen, shall not be subject to the Powers of the Committee Men under this Act, and shall not be considered as being or having ever been entitled to any of the Benefits arising from the said first-recited Act or this Act.

The Lands in *Holbeach* and *Whaplode* between *Hurdletree Bank* and the *Old Roman Bank* declared to be not included in the Drainage.

LXVI. Provided always, and it is hereby further enacted, That this Act, or any Thing contained herein, shall not extend or be construed to extend to empower the said Trustees or Committee Men, or any of them, or any other Person or Persons whomsoever, to have, use, or exercise any

Saving the Rights of the Corporation of *Bedford Level*, and of

[Local.]

the Commif-
fioners of the
North Level.

Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works already made by or belonging to or hereafter to be made by or to belong to the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called *Bedford Level*, or the General Commissioners of the North Level, Part of the said Great Level, or to invalidate, lessen, or diminish, alter, or take away, any of the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, and Commonalty, or in the Governor, Bailiffs, and Conservators of the said Company, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the draining of the Great Level of the Fens called Bedford Level*, or by virtue of any Act, Statute, or Charter whatsoever; or in the said General Commissioners of the said North Level, by virtue of an Act made in the Twenty-seventh Year of the Reign of King *George* the Second, intituled *An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, from a Debt due to the Duke of Bedford and Earl of Lincoln; and for enabling the Proprietors of Lands in the North Level, Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said North Level; and for the more effectual draining and preserving the said North Level, and divers Lands adjoining thereto, in the Manor of Crowland, or of any other Act or Statute whatsoever; but that all Rights, Powers, and Authorities whatsoever; which by virtue of the said Acts of the Fifteenth of King *Charles* the Second and the Twenty-seventh of King *George* the Second, or either of them, or of any Act, Statute, or Charter whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, or in the said General Commissioners of the said North Level, shall remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and in the said General Commissioners of the said North Level respectively, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been made.*

Saving the
Rights of the
Corporation
of Wisbech.

LXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, obstruct, or prejudice any of the Rights, Privileges, or Powers of the Burgesses of the Town of *Wisbech*, or to authorize the said Trustees acting under the Authority of this Act, or any of their Agents, Officers, or Servants, to embank, cut, dam, stop up, obstruct, or interfere with any of the Rivers, Channels, Sands, Shores, Banks, Sluices, Tunnels, Erections, Works, or Property, vested in or placed under the Control or Authority of the said Burgesses or their Capital Burgesses by virtue of an Act of Parliament passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act for establishing a Cattle Market within the Town of Wisbech in the Isle of Ely; for taking down and removing the Shambles therein; for paving, cleansing, lighting, and watching the said Town, and removing Nuisances therein; for preserving and improving the Port and Harbour of Wisbech, and for increasing the Duties payable at the said Port, or otherwise belonging to the said Burgesses, without the previous Consent in Writing of the said Burgesses under their Corporate Seal; but that all the Rights, Privileges, and Powers of the said Burgesses, and all the Rivers, Channels, Sands,*

Sands, Shores, Banks, Sluices, Tunnels, Erections, Works, and Property, vested in or placed under the Control or Authority of the said Burgeses, or their Capital Burgeses as aforesaid, or otherwise belonging to them, shall be and the same are hereby saved and reserved to the said Burgeses and their Successors for ever, in as full and ample Manner to all Intents and Purposes as if this Act had not been passed.

LXVIII. And be it further enacted, That nothing herein contained shall extend or be construed to extend, in any Manner howsoever, to destroy, affect, or injure the Rights and Interests of the Court of Sewers, or of the Adventurers of *Deeping Fen*, of, in, and to the said River *Welland*, or any Part thereof, or the Navigation thereof; or to take from the said Court of Sewers, or from the said Adventurers of *Deeping Fen*, any Jurisdiction, Right, Power, or Authority that they now have in or over the Lands, Drains, Tunnels, and other Works in *South Holland* aforesaid, not expressly taken out of the said Court of Sewers, or from the said Adventurers, by the said recited Acts or this Act, and hereby vested in the Trustees under this Act; but that the same Jurisdiction, Right, Power, and Authority, so not taken out of the said Court of Sewers or Adventurers and vested in the said Trustees, shall remain vested in the said Court of Sewers and Adventurers respectively, in the same Manner as before the passing of this Act.

Saving Clause to Commissioners of Sewers, or Adventurers of *Deeping Fen*.

LXIX. And be it further enacted, That all such of the Powers and Authorities, Privileges, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said secondly recited Act, as relate to the Road leading from *Spalding High Bridge* to *Brother House*, and are now in force (except such of them as are hereby varied, altered, or repealed), shall be and continue in full Force and Effect, and be considered to apply to the Tolls by this Act directed to be taken, for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations and Amendments herein contained.

Provisions of the Act 35 G. 3. respecting the Turnpike Road from *Spalding High Bridge* to *Brother House*, to continue for a further Term.

LXX. And be it further enacted, That from and immediately after the passing of this Act, the several Tolls and Duties granted and made payable by the said secondly recited Act to the said Commissioners and Trustees shall cease and determine; and that thenceforth, in lieu thereof, there shall be demanded and taken at the Gate or Turnpike at or near *Cowbit* aforesaid, and at each and every Toll Bar to be continued or erected by virtue of this Act, before any Horse or other Beast, Cattle, or Carriage upon which any Toll is hereby imposed shall be permitted to pass through the same, the several Tolls and Duties herein-after mentioned; (that is to say),

Tolls granted.

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Two-pence:

For every Horse, Mule, Ox, Bullock, or other Beast of Draught, drawing any Waggon or Cart, the Fellies of the Wheels of which are of the Breadth of Six Inches or more, the Sum of Four-pence:

For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught, drawing any Waggon or Cart, the Fellies of the Wheels of which are of less Breadth than Six Inches, the Sum of Sixpence:

For

For every Horse, Mule, Ass, or other Beast of Draught, drawing any Coach, Chariot, Galash, Chaise, or other such Carriage, the Sum of Four-pence Halfpenny :

For every Drove of Oxen, Cows, Burlings, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score :

For Half a Score, the Sum of Seven-pence Halfpenny :

For a Quarter of a Score, the Sum of Four-pence :

For Four only of such Oxen, Cows, Burlings, or Neat Cattle, or for Four above a Score, Half Score, or Quarter Score, the Sum of Three-pence :

For Three only of such Oxen, Cows, Burlings, or Neat Cattle, or for Three above a Score, Half Score, or Quarter Score, the Sum of Two-pence Halfpenny :

For Two only of such Oxen, Cows, Burlings, or Neat Cattle, or for Two above a Score, Half Score, or Quarter Score, the Sum of Two-pence :

For One only of such Oxen, Cows, Burlings, or Neat Cattle, or for One above a Score, Half Score, or Quarter Score, the Sum of One Penny :

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Six-pence *per* Score :

For Half a Score, the Sum of Three-pence :

For a Quarter of a Score, the Sum of One Penny Halfpenny :

For Four or Three only of such Calves, Hogs, Sheep, or Lambs, or for Four or Three above a Score, Half Score, or Quarter Score, the Sum of One Penny :

For Two or One only of such Calves, Hogs, Sheep, or Lambs, or for Two or One above a Score, Half Score, or Quarter Score, the Sum of One Halfpenny.

Which said respective Sums of Money shall be demanded or taken in the Name of or as a Toll or Tolls; and the Money so to be received and collected shall be and is hereby vested in the said Trustees under this Act; and the same and every Part thereof shall be applied by the said Committee Men for the Time being in the same Manner as the Tolls directed and authorized to be taken by the said secondly recited Act, by the Commissioners and Trustees thereof, are thereby made applicable.

Penalty on
forcibly pass-
ing the Turn-
pike Gates,
or otherwise
evading Tolls.

LXXI. And be it further enacted, That if any Person or Persons shall forcibly pass or attempt to pass any Gate or Gates upon the said Road without Payment of the Tolls, or if any Person or Persons shall do any Act in order or with the Intent to avoid or evade the Payment of the said Tolls or any Part thereof, every Person offending in any Manner as afore-said, and being thereof convicted on the Oath of One or more credible Witness or Witnesses, before any One or more of His Majesty's Justices of the Peace for the said County of *Lincoln* (which Oath such Justice and Justices is and are hereby empowered and required to administer), shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety shall be paid to the Informer, and the other Moiety to the said Committee Men for the Time being, or their Treasurer, to be applied in the same Manner as the Tolls hereby granted.

Justices to
settle Dis-
putes respect-
ing Tolls.

LXXII. And be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress,
it

it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of the Tolls, or the Charges of the Distress and Sale; and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County or District wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties or other Witnesses or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Quantity of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

LXXIII. And be it further enacted, That every Collector of the Tolls granted by this Act shall on Receipt of such Tolls deliver or tender to the Person or Persons paying the same a Ticket or Tickets denoting such Payment; and specifying and naming therein the Gate or Gates to be thereby freed or exempted from Toll, on Pain that every Person offending therein shall forfeit and pay for every such Neglect or Refusal a Sum not exceeding Forty Shillings.

Collector to deliver Tickets, specifying the Gates freed thereby.

LXXIV. And be it further enacted, That every Toll Collector appointed to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate immediately on his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground; or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or the Orders and Regulations of the said Trustees, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in any Ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence;

Regulations as to Toll Collectors.

[Local.]

19 R

as

as the Justice or Justices before whom the Information shall be laid shall adjudge.

Clause in
35 Geo. 3.
as to getting
Materials,
repealed.

LXXV. And be it further enacted, That so much of the said recited Act of the Thirty-fifth Year of His present Majesty, as enables the Surveyor or Surveyors appointed by virtue of that Act, or any Person or Persons appointed by such Surveyor or Surveyors, to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or any other Materials proper for repairing the said Bank and Road, in, upon, out of, or from any Waste or Common Ground or Grounds in any Parish, Town, or Place in, adjoining to, or lying near the said Road or Bank, or in, upon, or out of any Land, Field, or Ground of any Person or Persons where the same may be had or found, to be used towards repairing the said Road and Bank (such Lands, Fields, or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery Ground, or any Walk or Walks planted with Trees, or any Avenue to any House), shall be and the same is hereby repealed and made void.

Surveyor to
get Materials
for the Road.

LXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road for the Time being, appointed by the said Committee Men, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, to gather, dig, take, and carry away any Stones, Gravel, Sand, or other Materials, proper for repairing of the said Road, out of and from any Commons or Waste Grounds, Common Rivers and Brooks, in any Parish, Township, or Place in or through which the said Road lies or passes, or any adjoining Parish, Township, or Place, without paying any Thing for the same, such Surveyor or other Person or Persons levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off any Pits, so that the same may not be dangerous to Passengers or Cattle; and in case no such Materials can conveniently be had in such Commons or Waste Grounds, Common Rivers or Brooks, within convenient Distances, then to dig, gather, take, and carry away any such Materials as aforesaid, in, upon, out of, or from and over any other Lands or Grounds in any Parish, Township, or Place in or through which the said Road lies or passes, or any adjoining Parish, Township, or Place, not being a Garden, Orchard, Yard, Paddock, or a Plantation, or a Nursery for Trees, making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be dug, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Grounds, Commons, Rivers or Brooks, or private Grounds, shall be conveyed, as any Two Justices of the Peace within their respective Jurisdictions shall, in case of any Difference between such Owners or Occupiers and the said Committee Men, judge reasonable.

But not from
private
Grounds
without
Notice.

LXXVII. Provided always nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons under Authority of the said secondly recited Act or this Act, to dig, gather, take, and carry away any Materials for repairing and amending the said Road in or from any inclosed or private Grounds or Quarries, without the Consent of the Owners of such Grounds or Quarries, until after Twenty-one Days previous Notice in Writing, signed by the Surveyor or some other Officer of the said Committee Men, shall have been given to the respective Owners or Occupiers
of

of the Lands or Grounds from which such Materials are intended to be taken, or left at the usual Place of Residence of such Owners or Occupiers respectively, requiring them to appear before Two or more Justices of the Peace acting for the County or District wherein such Lands are situate, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials should not be taken away; and such Justices, after hearing the Parties concerned, shall, if they think proper, authorize such Surveyor or other Officer to dig, gather, take, and carry away any such Materials at such Time or Times and in such Manner as to such Justices shall seem proper; or if such respective Owners or Occupiers shall not by themselves or their respective Agents attend pursuant to such Notice, such Justices may make such Order therein as they shall think fit, in the same Manner as if such respective Owners or Occupiers had attended pursuant to such Notice.

LXXVIII. And be it further enacted, That so much of the said secondly recited Act as relates to the Performance of Statute Labour on the said Road shall be and the same is hereby repealed; and that from and after the Commencement of this Act, all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part or Parts thereof, shall still remain liable thereto; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered (upon Application made to them for that Purpose by the said Committee Men, or by their Clerk or Surveyor, or by their Order, or by the respective Surveyors of the Highways of any Parish, Township, or Hamlet through which the said Road passes), yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of any such Parish, Township, or Place respectively, in lieu of or as a Composition for Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Twenty-one Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work (distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid), which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and on such Parts of the said Road as the said Committee

mittee Men or their Surveyors or Surveyor shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Committee Men or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said secondly recited Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Committee Men) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Committee Men, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Committee Men, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Trustees and Committee Men to sue and be sued in the Name of their Clerk.

Suit not to abate by Changes.

LXXIX. And be it further enacted, That the said Trustees and Committee Men respectively for the Time being shall or may sue and be sued in any Action or Actions, Suit or Suits, to be commenced or prosecuted in respect of any Matter or Thing arising out of the said recited Acts or this Act, in the Name of the Clerk to the said Committee Men; and that no such Action or Suit shall abate or be discontinued by reason of the total or partial Change of the said Trustees or Committee Men respectively, or by reason of the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees or Committee Men respectively; but the Proceedings in every such Action or Suit shall be carried on to Execution, if necessary, in the Name of the Clerk by or against whom such Action or Suit shall have been commenced.

The Appointments and other Matters of Form to stand admit-

LXXX. And be it further enacted, That in any Action or Suit hereafter to be brought by or against the said Trustees under this Act, or the said Committee Men, or the Clerk of the said Committee Men, or any of the Persons acting in the Execution of the said recited Acts or either of them or this Act, for any Cause, Matter, or Thing arising out of the same Acts
or

or any of them, the Appointments of Agents of Trustees, and also of Committee Men, Superintendant, Clerk, Treasurers, Collectors, or other Officers or Persons appointed or to be appointed by the said Trustees, or by the said Committee Men for the Time being, under the Authority of the said Acts or either of them or of this Act, the Books of Entries of the Proceedings of the said Trustees and of the Proceedings and Accounts of the said Committee Men for the Time being, the Taxes, Rates, or Assessments made or to be made by the said Committee Men for the Time being, and the Notices and Demands of any such Tax, Rate, or Assessment, Taxes, Rates, or Assessments to be hereafter made, and the Insufficiency of any intended Distress or Distresses, shall upon the Trial of any such Action or Suit stand admitted in Evidence, unless the other Party or Parties shall, if Defendant or Defendants, at or before the Time of pleading, or if Plaintiff or Plaintiffs, before Issue joined, in such Action or Suit, give Notice in Writing to the Attorney for the Plaintiff or Plaintiffs, Defendant or Defendants, that he, she, or they intend to dispute such Matters, or such of them as shall be particularly specified in the Notice so hereby required to be given as aforesaid.

ted in Evidence, unless Notice given to produce them.

LXXXI. And be it further enacted, That in all Pleadings and Proceedings whatsoever, wherein it shall be necessary to state that any Articles, Materials, or Things is or are the Property of the said Trustees for the Time being, acting under the said recited Acts or either of them or this Act, it shall be sufficient to state that all and every such Articles, Materials, or Things is and are the Property of the Trustees of the *South Holland Drainage*, without particularly stating or specifying the Names of the said Trustees.

Sufficient in Proceedings to state Property to belong to the Trustees of the South Holland Drainage, without naming them.

LXXXII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of the said recited Acts or either of them or this Act, no Owner or Occupier or other Person interested in the Lands and Grounds lying within the Purview of the same Acts shall, by reason of his or her Ownership, Occupancy, or Interest, be deemed an incompetent Witness.

Persons interested, not on that Account incompetent Witnesses.

LXXXIII. And be it further enacted, That each and every Penalty or Forfeiture hereby or by the said recited Acts or either of them imposed or authorized to be imposed (the Manner of levying and recovering whereof is not herein or by the said recited Acts or either of them otherwise particularly directed) shall, upon Proof of the Offence before any One of His Majesty's Justices of the Peace for the Division of *Holland* in the said County of *Lincoln*, either by the Confession of the Offender or Offenders, or by the Oath of One or more Witnesses or Witnesses (which Oath such Justice is hereby empowered to administer), be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice, which Warrant he is hereby empowered to grant for such Purpose; and the Overplus, if any, of the Monies arising by such Distress and Sale, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and each and every such Penalty and Forfeiture, when recovered, if not otherwise directed to be applied by or by virtue of the said recited

Penalties and Forfeitures how to be applied.

Acts or either of them or this Act, shall be from Time to Time paid to the said Committee Men for the Time being, and be by them applied and disposed of for the Purposes of the said Drainage and Barrier Bank and the Works thereto belonging, as the said Committee Men for the Time being shall think proper; and in case sufficient Distress shall not be found, and the Penalty or Forfeiture in question shall not be forthwith paid, it shall and may be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol in and for the said Division of *Holland*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges and Expences attending the Proceedings against such Offender or Offenders, shall be sooner paid and satisfied.

Form of Conviction.

LXXXIV. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against the Provisions of the said recited Acts or either of them or this Act, or any other Matter or Thing done in the Execution of the said recited Acts or either of them, or this Act, the Form of Conviction may be in the Words, or to the Effect following; (that is to say),

‘ **B**E it remembered, That on this _____ Day of _____
 ‘ in the Year of our Lord _____
 ‘ is convicted before _____ of His Majesty’s Justices
 ‘ of the Peace for the _____ of having [*as the Offence*
 ‘ [*shall be*] and I [*or we*] the said _____ do adjudge him
 ‘ [*her or them*] to forfeit or pay for the same the Sum of _____
 ‘ Given under my Hand and Seal [*or our Hands and Seals*] the Day and
 ‘ Year aforesaid.’

Proceedings
not to be
quashed for
want of
Form.

LXXXV. And be it further enacted, That no Order or other Proceeding whatsoever, relative to the Conviction of any Offender or Offenders against the Provisions of the said recited Acts or either of them or this Act, or any other Matter or Thing done in the Execution of the said recited Acts or either of them or this Act, shall be quashed or vacated for want of Form only.

Power to give
Informers
Part of Pen-
alties.

LXXXVI. Provided always, and be it further enacted, That it shall be lawful for the said Committee Men for the Time being, whenever they shall see Cause, to direct any Part of such Penalty or Forfeiture which they shall think reasonable to be paid to or for the Use of any Informer or Informers, or any Person or Persons aiding or assisting in the Apprehension or in the Prosecution to Conviction of any Offender or Offenders.

Distress not
unlawful for
want of
Form.

LXXXVII. And be it further enacted, That when any Distress shall be made in pursuance of the Powers herein-before given, or any of them, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in any of the Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties so distraining; but the Person or Persons aggrieved by such

such Irregularity shall or may recover full Satisfaction for the special Damage in any Action of Trespafs on the Case.

LXXXVIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, Body Corporate or Politic, for any Thing done in pursuance of the said recited Acts or either of them or this Act, other than an Action of Replevin, unless Notice in Writing of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, and specifying the Cause of Action, shall have been given to the Defendant or Defendants, or left at his or their last or usual Place or Places of Abode, Thirty Days before such Action shall be commenced; nor shall the Plaintiff or Plaintiffs recover in any such Action as aforesaid, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; but on Proof of such Tender at any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no such Tender shall have been made before Action brought, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be depending in Term, or of a Judge of the same Court in Vacation, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

No Plaintiff to recover in any Action brought, without Notice, or after Tender of Amends, &c.

LXXXIX. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, or Body Corporate or Politic, for any Thing done in pursuance of the said recited Acts or either of them or this Act, after the Expiration of Six Calendar Months next after the Fact committed; and every such Action or Suit shall be tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, or may avow or make Cognizance as hereinbefore is provided, according to the Nature of the Case, and may give this Act and the special Matter in Evidence at any Trial to be had in any such Action or Suit; and if the same shall appear to have been done in pursuance or under the Authority of the said recited Acts or either of them, or this Act, or that such Action or Suit shall have been brought before Thirty Days Notice (except in Replevin) shall have been given, or after a sufficient Satisfaction tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if the same shall be brought in any other County than as aforesaid, then and in every such Case, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Limitation of Actions.

XC. And

Provision for
Costs.

XC. And be it further enacted, That all Costs, Charges, Damages, and Expences whatsoever incurred or hereafter to be incurred by the Trustees under this Act, or the said Committee Men for the Time being, in or about the carrying on or defending, or in consequence of any such Action or Suit as aforesaid; or in or about any Prosecution or other legal Proceeding whatsoever, in anywise arising out of or relating to the Execution of the said recited Acts or either of them or this Act, shall be paid by the said Committee Men for the Time being out of the Monies received or to be received by virtue of any Tax, Rate, or Assessment, Taxes, Rates, or Assessments, charged or to be charged by or under the said first-recited Act or this Act.

Money lent
for passing
the Act to
be repaid
with Interest.

XCI. And be it further enacted, That the Money which shall be lent or advanced by any Person or Persons for the Purpose of defraying the Expences of applying for, obtaining, and passing this Act, shall be repaid with lawful Interest to the Person or Persons who shall have lent or advanced the same, his, her, or their Executors or Administrators, out of the first Monies to be received by virtue of any Tax, Rate, or Assessment, Taxes, Rates, or Assessments, charged or to be charged by or under the said first-recited Act or this Act.

Provisions of
recited Acts
to extend to
this Act.

XCII. And be it further enacted, That the said recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Clauses, Articles, Matters, and Things therein respectively contained (save and except such Part and Parts thereof as have already ceased and determined, as also save and except such Part and Parts thereof as is and are hereby altered, varied, amended, or repealed), shall be and remain in full Force and Effect; and the same, as far as they are applicable, shall be as good, valid, and effectual to all Intents and Purposes whatsoever for carrying the said recited Acts and this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Public Act.

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

Commence-
ment and
Continuance
of this Act
so far as re-
lates to the
Road.

XCIV. And be it further enacted, That so much of this Act as relates to the Road from *Spalding High Bridge* to *Brother House* aforesaid; on the said Barrier Bank, shall commence on the passing of this Act, and shall continue in force for the Term of Twenty-one Years from thence next ensuing, and from thence to the End of the then next Session of Parliament.

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