



ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. lix.

An Act to alter and amend the Provisions of the several Acts relating to the *Black Sluice Drainage*, to extend the Time by “*The Black Sluice Drainage Act, 1846*,” limited for the Completion of the Works, to authorize the levying and raising of further Rates and Monies, to alter existing Rates and Tolls, and for other Purposes.

[13th July 1849]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George the Third*, intituled *An Act* 5 G. 3. c. 86. *for draining and improving certain Low, Marsh, and Fen Lands lying between Boston Haven and Bourn in the Parts of Kestevan and Holland in the County of Lincoln*: And whereas an Act was passed in the Tenth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for amending and rendering* 10 G. 3. c. 41. *more effectual an Act made in the Fifth Year of the Reign of His present Majesty, intituled ‘An Act for draining and improving certain ‘Low, Marsh, and Fen Lands lying between Boston Haven and Bourne ‘in the Parts of Kesteven and Holland in the County of Lincoln,’ and for improving the Navigation through the said Lands*: And

[Local.]

9 Y

whereas

9 & 10 Vict.  
c. 297.

whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for better draining and improving certain Low, Marsh, and Fen Lands lying between Boston Haven and Bourn in the County of Lincoln, and for further improving the Navigation through such Lands*, which said last-mentioned Act is called "The *Black Sluice Drainage Act, 1846*:" And whereas all the said recited Acts relate to the same Districts of Land now denominated the *Black Sluice Level*, and are executed and put in force by the same Body of Commissioners called the *Black Sluice Commissioners*: And whereas by the said last-recited Act various and extensive Works were authorized to be executed for improving the Drainage of the said Lands, and the Navigation of the Drains through the same, and the Commissioners were empowered to let by Lease the Tolls authorized by the said second-mentioned Act to be taken for the Use of such Drains, and certain Rates or Taxes were charged or authorized to be charged on the said Lands, for the Purpose of defraying the Expense of executing and maintaining such Works, and also of discharging certain Debts which had been contracted under the Authority of and for the Purposes authorized by the said first and second recited Acts: And whereas considerable Progress hath been made in the Works authorized by the said third-recited Act; but the whole of such Works cannot be completed within the Time in the said Act limited for that Purpose, and the Monies authorized to be levied and raised for the Completion of such Works, and for other the Purposes authorized by the said Act, will not be sufficient for such Purposes respectively: And whereas the Portion of Works which must be left unfinished in consequence of such Insufficiency of Means will, if a Remedy be not provided, be very detrimental to the Drainage and Navigation so intended to have been improved: And whereas it is expedient that the Time by the said third-recited Act limited for the Completion of the Works thereby authorized should be extended, and that additional Taxes should be granted and authorized to be raised, and that Powers should be granted to raise further Sums of Money, and that some of the Powers and Provisions of the said recited Acts should be repealed, altered, amended, and extended, and that further Powers should be granted for carrying the Purposes of the said Acts into full and complete Effect: And whereas the Queen's most Excellent Majesty in right of Her Crown is seised of or entitled to certain of the said Lands proposed to be charged with such additional Taxes: And whereas the several beneficial Objects before mentioned cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, Provisions, and Enactments contained in the said recited Acts or any of them, so far as the same are now unrepealed, and except such of them or such Parts thereof respectively as are by this Act expressly repealed, altered, or otherwise provided for, shall, when the same are or can be applicable to the Objects and Purposes of this Act, extend and be construed to extend thereto and to the Provisions of this Act, and the Construction and Interpretation thereof, and to the several Matters and Things hereby

Provisions  
of recited  
Acts ex-  
tended to  
this Act.



hereby authorized to be done, and to all Actions, Suits, and Proceedings under this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Provisions, and Enactments were repeated and re-enacted in this Act, and had formed Part thereof, and with respect to the Recovery of any Monies payable to the Commissioners, as if any Proceedings under this Act for Recovery thereof were an Action or Suit under the said third-recited Act; and the said recited Acts and this Act shall be construed together as One Act.

II. And be it enacted, That in citing this Act in any Act of Parliament, in legal Instruments or Proceedings, or in Notices, Advertisements, or other like Documents, it shall be sufficient to use the Expression "The *Black Sluice* Drainage Amendment Act, 1849;" and that in citing for like Purposes the said first-recited Act it shall be sufficient to use the Expression "The *Black Sluice* Drainage Act, 1765;" and that in citing for like Purposes the said second-recited Act it shall be sufficient to use the Expression "The *Black Sluice* Drainage Act, 1770."

Short Titles.

III. And be it enacted, That the Period by the said third-recited Act limited for the Execution and Completion of the various Works thereby directed to be done shall be and the same is hereby extended and enlarged until the Twenty-seventh Day of *July* One thousand eight hundred and fifty-two.

Time for Completion of Works extended.

IV. And whereas the *Black Sluice* Level is, as regards Taxation for general Drainage under the said recited Acts, divided into Three Districts, and at the Time of the passing of the said third-recited Act one of such Districts consisted of Lands (including Lands in the *High Fen* in *Quadrang* admitted under the Provisions in that Behalf contained in the said second-recited Act) then taxed under the said first and secondly recited Acts with Eighteen-pence *per* Acre, another of such Districts consisted of Lands then taxed under the same Acts with Nine-pence *per* Acre, and the remaining District consisted of Lands then taken under the same Acts with Sixpence *per* Acre, and certain Lands in *Holland Fen* were by the said third-recited Act annexed to and now form Part of such last-mentioned District, and such several Districts are known as and usually referred to by the Denomination of the Eighteen-penny District, the Nine-penny District, and the Sixpenny District, respectively: And whereas by the said third-recited Act all the Lands within the *Black Sluice* Level (except certain Lands in *Bourn* and *Dyke*) were, besides being charged with certain general Taxes therein mentioned, charged during the Term of Three Years, commencing from the Tenth Day of *October* One thousand eight hundred and forty-six, with Two Shillings and Sixpence an Acre, and during the Fourth Year with such further Sum as would be sufficient to raise, with the Amount levied for the like Purpose during the Three preceding Years, the aggregate Sum of Thirty thousand Pounds, for or towards the Cost of erecting a new Outfall Sluice as directed by the said Act, and incidental thereto, and which Taxes, together with the Taxes herein-after charged for a Period of Two Years from the Tenth Day of *October* One thousand eight

Capital Tax to be payable for Two Years from 10th October 1850.



eight hundred and fifty, are herein-after called or referred to as Capital Taxes: And whereas the Taxes so to be levied for such Fourth Year towards the Cost of the said Sluice and incidental thereto will cease on the Tenth Day of *October* which will be in the Year One thousand eight hundred and fifty: Be it therefore enacted, That from and after the said Tenth Day of *October* One thousand eight hundred and fifty all the said Lands in the Eighteen-penny District (save and except the said Lands in *Bourn* and *Dyke*) shall be taxed and charged with an additional Sum of Two Shillings and Three-pence *per Acre per Annum*, and all the said Lands in the said Nine-penny District shall be taxed and charged with an additional Sum of One Shilling and Three Half-pence *per Acre per Annum*, and all the said Lands in the Sixpenny District shall be taxed and charged with an additional Sum of Nine-pence *per Acre per Annum*; and such additional Taxes shall continue to be charged and chargeable upon and payable out of the said Lands respectively for the Space of Two Years, to be computed from the said Tenth Day of *October* One thousand eight hundred and fifty, according to the Assessments under which the existing Taxes upon the same Lands are now levied and raised, or as near thereto as Circumstances will admit.

Further  
General  
Taxes after  
10th October  
1852.

V. And be it enacted, That from and after the Tenth Day of *October* One thousand eight hundred and fifty-two all the Lands in the Eighteen-penny District (save and except the said Lands in *Bourn* and *Dike*) shall be taxed and charged with an additional Sum of Four-pence Halfpenny *per Acre per Annum*, and all the said Lands in the Nine-penny District shall be taxed and charged with an additional Sum of Two-pence Farthing *per Acre per Annum*, and all the said Lands in the Sixpenny District shall be taxed and charged with an additional Sum of Three Halfpence *per Acre per Annum*; and all such last-mentioned Taxes (which are the Taxes in this Act afterwards referred to as the General Taxes by this Act charged) shall continue to be charged and chargeable upon and payable out of the said several Lands respectively, according to the Assessments under which the existing Taxes upon the same Lands are now levied and raised, or as near thereto as Circumstances will admit, until such further Taxes shall either be extinguished or altered or reduced under some of the Provisions in that Behalf in this Act contained.

Such further  
Taxes to be  
deemed (but  
only in favour  
of Mort-  
gages) to  
commence at  
10th October  
1849.

VI. Provided always, and be it enacted, That in favour of Mortgagees for the Time being under the Provisions of this Act, and for facilitating the raising of Money at a moderate Rate of Interest, but only in favour of such Mortgagees, and Parties claiming through or under them, the said additional General Taxes so as aforesaid charged, and made to commence from the Tenth Day of *October* One thousand eight hundred and fifty-two, and all Powers and Remedies for the Recovery thereof and in relation thereto, shall be deemed to commence and as existing from the Tenth Day of *October* One thousand eight hundred and forty-nine.

Taxes by  
this Act

VII. Provided also, and be it enacted, That the General Taxes by this Act charged on Lands in the said Eighteen-penny District, exclusive



exclusive of the said Lands in *Bourn* and *Dike*, shall and may be reducible, in like Manner as the General Taxes charged on the same Lands by the said third-recited Act are made reducible, on a Memorial from any Proprietor who may deem himself aggrieved by the additional Taxation, and all the Powers and Provisions of the said third-recited Act in relation to such Reduction of Taxes, and the Award in relation thereto, shall extend and apply to the General Taxes charged on the same District by this Act, and the Amount of such last-mentioned Taxes may be reduced at the same Period or Periods of Time (notwithstanding the same shall not then have become payable) as in the said third-recited Act appointed with respect to the General Taxes by that Act charged on the same Lands, but the gross Amount of Reduction of the said General Taxes under both the said third-recited Act and this Act shall not lessen the aggregate annual Amount of such Taxes more than Two hundred and fifty Pounds *per Annum*, without regard to any Taxes which may become chargeable under the Provisions of the said third-recited Act upon the said Lands in *Bourn* and *Dike*: Provided always, that no Reduction of Taxes subsequent to any Assignment made under this Act shall be effectual as against any Assignment made under this Act; provided also, that no such Reduction (if any) under the said third-recited Act or this Act of the General Taxes charged on Lands in the said Eighteen-penny District shall exempt or be deemed to exempt the Taxes which may be so reduced from Liability to be afterwards rateably and proportionably reduced, and again increased, under the general Powers in the said third-recited Act and this Act contained for reducing and again increasing the General Taxes charged on the Lands within the Three several Districts of the Level.

charged in Eighteen-penny District to be reducible, on Memorial of Parties aggrieved.

VIII. And be it enacted, That the several Taxes by this Act charged shall be due, payable, and collected half-yearly on the Fifth Day of *April* and the Tenth Day of *October* in every Year, and shall be raised, levied, and collected by the same Ways and Methods, and under the same Rules, Directions, Powers, and Penalties, as the present Taxes on the same Lands are by the said recited Acts and this Act respectively directed or authorized to be raised, levied, and collected.

Taxes to be payable half-yearly.

IX. And be it enacted, That the several Taxes by this Act made payable shall be paid by the Occupiers of the Lands upon or out of which the same Taxes respectively are charged and made payable.

Taxes to be paid by the Occupier.

X. And be it enacted, That the Goods and Chattels of any Occupier of Lands charged with Taxes payable to the Commissioners by virtue of the said recited Acts and this Act, or any of them, shall be liable to be distrained for Recovery of such Taxes, if in arrear for the Space of Twenty-one Days after Demand of Payment thereof from such Occupier, whether such Taxes shall have become payable during his Occupation or previously thereto.

Goods and Chattels, &c. of Occupier liable to Distress for Taxes.

XI. And for better enforcing the due and punctual Payment of the Taxes by the said recited Acts and this Act, or any of them,  
 [Local.] 9 Z charged

Penalty on Occupiers neglecting to



pay Taxes within 21 Days after Demand.

charged or authorized to be levied, and without Prejudice and as supplementary to the Powers of distraining for the same, be it enacted, That if any Occupier of Lands charged with the Payment of any such Taxes shall omit or neglect to pay the Taxes payable by him, for the Space of Twenty-one Days after Demand by the Collector, or other Person appointed to receive the same, every such Occupier shall forfeit and pay by way of Penalty, for every such Omission, Neglect, or Nonpayment, the Sum of Two-pence for every One Shilling of the said Taxes which shall be so in arrear and unpaid, and so in proportion for any less Sum than One Shilling; and such Penalty shall be payable, recoverable, and applicable, or enjoyed, as if the same were added to and formed Part of the Taxes in arrear, and either together therewith or separately therefrom.

Certain Taxes paid by Occupiers may be deducted from the Rent.

Deduction not to include Penalties.

XII. And be it enacted, That it shall be lawful for every Occupier (not being the Owner of the Lands in his Occupation) who shall pay any Taxes granted by this Act to deduct such Taxes from his Rent, unless he shall hold such Lands under a Lease not at Rack Rent: Provided always, that nothing herein contained in respect of such Power to deduct Taxes from Rent shall affect any Contract between Proprietor and Occupier entered into prior to the passing of this Act; provided also, that if any Penalties shall have been incurred and levied or paid, under the Provisions of this Act, by any Occupier, for Non-payment of any Taxes, such Penalties, together with the Costs, Charges, and Expenses of taking and disposing of any Distress, shall be borne by such Occupier, and the Landlord or Proprietor of such Land shall not be compelled to allow or pay any such Penalties, Costs, Charges, or Expenses to such Occupier.

Form of Warrant and Notice of Distress for Taxes in arrear, and of Notice to Owner where no Distress found.

XIII. And be it enacted, That the Warrant of Distress for the Recovery of any Tax or Sum of Money for the Time being payable under the said recited Acts and this Act, or any of them, may be under the Hands and Seals of any Two Commissioners, or under the Hand and Seal of the Mortgagee or other Person in receipt of such Tax or Sum; and such Warrant, and the Notice of Distress taken, may be in the Forms or to the Effect mentioned in the Schedule (A.) to this Act annexed; and the Notice to be given to the Owner or his Agent in case of Lands being untenanted, or no sufficient Distress being found thereon, may be in the Form or to the Effect mentioned in the Schedule (B.) to this Act annexed.

Constables, if required, to assist in making Distress.

XIV. And be it enacted, That in all Cases where a Distress is hereby authorized to be made every Constable shall, upon being required by a Collector of the Rates or Taxes, or other Person authorized in that Behalf, aid in making a Distress or Sale pursuant to such Warrant; and every Constable who shall refuse so to do shall be liable to a Penalty not exceeding Five Pounds.

Actions may be brought for Taxes or Penalties in certain Cases.

XV. And be it enacted, That it shall be lawful for the Commissioners, whenever they shall think it expedient so to do, to bring in the Name of their Clerk, or in the Names of any Two of the Commissioners, and for any Mortgagee or other Person in receipt of any Tax or Sum of Money payable under the said recited Acts and this Act,



Act, or any of them, to bring, in his own Name, any Action of Debt, or any Special Action on the Case, or other legal Process, in any Court of competent Jurisdiction, against the Proprietor or Occupier of any Lands in respect of which any Taxes shall be in arrear and unpaid for the Space of Sixty Days after Demand thereof by the Collector or other Person appointed to receive or in receipt of the same, for the Recovery of such Taxes, and the Penalty payable in respect thereof, or for either of them or any Part thereof respectively, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in such Sum of Money as the Plaintiff shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he shall have full Costs, to be levied and recovered as other Monies upon Judgment are by Law levied and recovered: Provided always, that the Power hereby given to bring Actions for Recovery of Taxes and Penalties, or the bringing of any such Action, except so far as thereby the Monies for the Recovery whereof the same shall be brought shall have been actually recovered, shall not be deemed or taken to supersede, prejudice, or suspend the Powers of Entry, Distress and Sale, and Demise, for Recovery of such Taxes and Penalties.

XVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Assessment, when it shall appear to them that any Person is charged in error in such Assessment, or any Lands which ought to be included therein are omitted therefrom, or any Excess in Quantity is charged therein; and no such Amendment shall be held to avoid such Assessment, or the Rates or Taxes thereby made payable.

Rates may be amended.

XVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest any Sum or Sums of Money not exceeding in the whole (in addition to the Sum which the Commissioners are authorized to borrow by virtue of the said third-recited Act) the Sum of Ten thousand Pounds on the Credit of the General Rates and Taxes payable to the Commissioners under the said recited Acts and this Act, or any of them, and that any Monies which may hereafter be raised under the Powers of the said third-recited Act and this Act, or either of them, may be secured in the Manner and with all or any of the Powers and Provisions in that Behalf provided in or authorized by the said third-recited Act, as to the Monies thereby authorized to be borrowed, but including in the Securities the Taxes hereby made payable, and the Sinking Fund hereby provided for Discharge of Debt on General Taxes; and all the Provisions of the said third-recited Act in any way relating to or connected with the borrowing or re-borrowing of Money, and the securing the same, and the Receipts for the same, and the Indemnities of Mortgagees, and the Estate and Interest and Indemnity and Remedies of Purchasers, and the Contents of the Mortgage, and the Inspection of the Commissioners Books, shall extend and apply to this Act, and all Monies hereby authorized to be borrowed, as if the same Provisions were here repeated and re-enacted and made applicable thereto; and every Mortgage already granted or which may hereafter be granted under the said third-recited Act and this Act, or either of them, and appearing to be made

Power to borrow 10,000*l.*, in addition to Sums authorized to be raised under existing Acts on Credit of General Taxes.



made by Seven Commissioners, shall be valid and effectual, notwithstanding any Neglect or Error of or in any Advertisement, Notice, or other Proceeding to sanction the same, or any Irregularity or Omission in any Requisition for or in the convening of any Meeting, or any other Neglect, Error, Irregularity, or Omission in reference thereto; and it shall not be incumbent on any Mortgagee to inquire as to the Appointment or Qualification as Commissioners of the Persons, Parties as Commissioners to such Mortgage, or whether such Persons have made and subscribed the Declaration in that Behalf required by the said third-recited Act.

Prior Mortgages under recited Acts not to be affected.

XVIII. Provided always, and be it enacted, That nothing herein contained shall be held to prejudice the Validity of any Mortgages on the Taxes payable under the said recited Acts or any of them which may be subsisting at the Time of the passing of this Act, but all such Mortgages of the same Taxes shall during the Continuance thereof have Priority over any Mortgages of the same Taxes which may be created under the Powers of this Act.

Powers vested in the Commissioners for the Recovery of Taxes may be exercised by Mortgagees.

XIX. And be it enacted, That all the Powers and Remedies by the said recited Acts and this Act, or any of them, given to or vested in the Commissioners or their Collectors, for the Collection, Recovery, and Receipt of any Taxes, Penalties, or other Monies from Time to Time payable to the Commissioners under or by virtue of the said recited Acts and this Act, or any of them, shall and may be exercised by any Mortgagee of the same Taxes and other Monies, and by every Party deriving Title under or through any such Mortgagee, or by the Receiver of any such Mortgagee or Party, for the Collection, Recovery, and Receipt of such Taxes, Penalties, and other Monies, in as full and effectual and the same Manner to all Intents and Purposes as the same Powers and Remedies could or might have been exercised by the Commissioners or their Collectors.

Application of the Monies to be raised under this Act.

XX. And be it enacted, That the said Taxes, and all Penalties by this Act charged or made payable, and all Sums of Money which may be raised under the Provisions of this Act, shall be applied by the Commissioners, in the first place, in Payment of the Expenses of applying for and obtaining this Act and incidental thereto, and in the next place (subject and without Prejudice to the Claims, Powers, Rights, and Remedies of Creditors,) in executing, completing, and maintaining the several Works, Matters, and Things by the said first, second, and third recited Acts, or any or either of them, required or authorized to be made, done, executed, or maintained by the Commissioners, and for the general Purposes of carrying the said recited Acts and this Act into execution.

Sinking Fund to be provided for Liquidation of Debt.

XXI. Provided always, and be it enacted, That in order to provide for the gradual and final Extinction of the Debt to be contracted under the Powers of this Act on Security of General Taxes the Commissioners shall yearly and every Year, commencing from the Thirteenth Day of *December* One thousand eight hundred and fifty-two, appropriate out of the General Taxes charged by this Act, by equal half-yearly Payments on the Thirteenth Day of *June* and the Thirteenth Day of *December*, the additional Sum of Eighty-five Pounds



during every Year thereafter, until the Extinction of such Debt, and also shall out of the same Taxes appropriate in like Manner such a Sum as shall be equal to Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum* upon the Amount of Principal Debt which for the Time being shall have been discharged out of the Sinking Fund provided by this present Provision, the first half-yearly Sum on account of the said annual Sum of Eighty-five Pounds to be appropriated on the Thirteenth Day of *June* One thousand eight hundred and fifty-three, and the first half-yearly Sum on account of each Portion of Debt discharged to be appropriated Six Months after the Discharge of such Debt; and the annual Income of the Sinking Fund for the Time being shall be accumulated by Investment in the Manner provided by the said third-recited Act in respect of the Sinking Fund thereby authorized to be made for Discharge of Debt, and with a like Power to vary Investments to that given by the last-mentioned Act, and the Sinking Fund hereby provided for, or a Part or Parts thereof, may from Time to Time (but subject and without Prejudice to any Agreement with any Person from whom any Money may under the Power in that Behalf herein-before contained be borrowed for the Purposes of this Act) be applied in Payment of Principal Debt to be created under the Powers of this Act on Security of General Taxes, and all or any Part of the Exchequer Bills or other Securities in or upon which the same Sinking Fund or any Part or Parts thereof may have been laid out or invested may be sold for that Purpose.

XXII. And be it enacted, That it shall and may be lawful for the Commissioners to contract with any Proprietor for the Exoneration of his Land from such Portion of the additional General Taxes by this Act charged thereon as shall in effect be applicable in the Hands of the Commissioners to the Payment of Interest of Debt, in consideration of such Price, and in such Manner and Form, with such Powers, and subject to such Provisions in all respects, as in the said third-recited Act are contained with respect to the Redemption of Taxes charged by that Act; and all Redemption Monies under this Act shall be added to and for all Purposes constitute Part of the Sinking Fund under this Act.

Power to Commissioners to agree with Proprietors for Redemption of Taxes charged by this Act.

XXIII. And be it enacted, That the additional General Taxes by this Act charged may be reduced, and if reduced again increased, in all respects, and in like Manner, and subject to the like Provisions and Restrictions, as are in the said third-recited Act contained with respect to the Reduction and Increase of the Drainage Taxes thereby made subject to Reduction and Increase.

General Taxes charged by this Act may be reduced and again increased.

XXIV. And be it enacted, That it shall be lawful for the Commissioners, if they think fit, to receive from the Proprietors of any Lands charged with the Payment of the said Capital Taxes, who shall be willing to pay the same or any of them in advance, all or any Part of the Sums so taxed or charged on such Lands, and which shall not have actually become due and payable; and from the Amount of Taxes so paid in advance the Commissioners may pay, remit, or allow a Sum by way of Discount, at such Rate not exceeding Five Pounds

Commissioners may allow Discount on Capital Taxes paid in advance.

[*Locul.*]

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*per*



*per Centum per Annum*, as the Proprietors paying such Taxes in advance and the Commissioners shall agree upon; provided that no such Receipt of Taxes shall be allowable in any Case in opposition to any express Agreement to the contrary in any Mortgage made under the Powers of this Act.

Commis-  
sioners may  
borrow  
Money on  
the Capital  
Taxes by  
way of  
temporary  
Mortgage.

XXV. And whereas the Works by the said third-recited Act authorized being now in the course of Construction, the Monies to be raised by means of the said Capital Taxes charged by the said third-recited Act for erecting the said Outfall Sluice, and the Monies to be raised under this Act by means of the said Capital Taxes charged for the said Term of Two Years from the Tenth Day of *October* One thousand eight hundred and fifty, as aforesaid, will be required for actual Outlay before the whole of such Taxes can be levied and received: And whereas it would facilitate the Completion of the said Works if the Commissioners were authorized to raise Money by way of temporary Mortgage, and in anticipation of such Taxes: Be it therefore enacted, That it shall be lawful for the Commissioners to borrow on the Security of the said Capital Taxes to become due and payable after the passing of this Act any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds.

Provisions of  
10 & 11 Vict.  
c. 16. as to  
Mortgages  
incorporated  
with this Act.

XXVI. And be it enacted, That all the Clauses and Provisions of "The Commissioners Clauses Consolidation Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall, so far as the same Clauses are not varied by the Provisions of this Act, be incorporated with this Act, and such Clauses and Provisions shall apply to the Mortgages by this Act authorized to be created on Security of the said Capital Taxes, but only to such Mortgages.

Mortgagees  
may appoint  
a Receiver.

XXVII. And be it enacted, That it shall be lawful for the Mortgagees of the Commissioners to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages of the said Capital Taxes or any of them, by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Three thousand Pounds in the whole.

Expenses  
and Interest  
of Mort-  
gages of Ca-  
pital Taxes  
may be paid  
out of Gene-  
ral Taxes and  
Income.

XXVIII. And be it enacted, That the Costs and Expenses of any Mortgages of the said Capital Taxes or any of them, and also the Interest to become due upon or in respect of such Mortgages, may (subject and without Prejudice to any now existing Mortgages, and the Rights of Mortgagees in respect thereof,) be paid by the Commissioners out of any General or other Taxes and Income received by them under the Authority of the said recited Acts and this Act, or any of them.

For Payment  
of Money  
borrowed on

XXIX. And be it enacted, That a Provision shall be inserted in every Mortgage of the said Capital Taxes fixing the Time for paying off the Monies secured by any such Mortgage out of the same Capital Taxes,



Taxes, as the same shall from Time to Time become due and payable to the Commissioners, or within a reasonable Period after the same Taxes shall so become due and payable, not being later than the End of Three Months next after the last of such Taxes shall have become due and payable; and the Commissioners shall not be at liberty, as against any Mortgagee of such Capital Taxes, to apply any of such Taxes for or towards any other Objects and Purposes of the said recited Acts and this Act contrary to any express Stipulation in the Mortgage of such Mortgagee, but it shall not be necessary to provide any Sinking Fund for the Discharge of Monies borrowed upon the Credit of such Capital Taxes.

Credit of  
Capital  
Taxes.

XXX. And be it enacted, That in case at any Time or Times hereafter the surplus general annual Income of the Commissioners, after providing for the Payment of Interest of Debt, and the Payments directed to be made in aid of the Sinking Funds for Liquidation of Debt under the said third-recited Act and this Act, shall from any special Circumstances prove inadequate to maintain the Works and other Matters and Things belonging to or connected with the said Drainage and Navigation, it shall be lawful for the Commissioners and they are hereby authorized and required to give Notice by Advertisement of the Fact of such Deficiency of annual Income, and that in consequence thereof it will be necessary to tax and charge the Lands in the said *Black Sluice* Level herein-before charged with General Taxes with certain Special Taxes of an Amount not in any Case exceeding One Shilling *per Acre per Annum* in the Eighteen-penny District, Sixpence *per Acre per Annum* in the Nine-penny District, and Four-pence *per Acre per Annum* in the Sixpenny District, to be in such Notice specified, and to be continued for the Time or Term, not exceeding Three Years, in such Notice set forth, and that a Meeting of the Commissioners will be holden at a Time and Place to be mentioned in such Notice, for the Purpose of assessing and charging such Taxes, and the Commissioners at such Meeting (which shall not be holden at an earlier Period than Twenty Days from the Publication or first Publication of such Notice) shall and may assess and charge such Special Taxes accordingly, or any Taxes of less Amount or for any shorter Period than was so specified and set forth in such Notice: Provided always, that the Commissioners shall within Fourteen Days after such Meeting give Notice by Advertisement (in the Form or to the Effect set forth in Schedule (C.) to this Act) of such Taxes having been charged, and of the Time or Times when the same will become payable, and shall in and by the same Notice convene a public Meeting of the Proprietors of the Lands so charged with Payment of such Special Taxes, to be held at the *Red Cow* Inn or some other convenient Place in *Donington*, on some Day not later than One Month from the Publication or first Publication of such Notice; and if Proprietors of not less than Ten thousand Acres of such taxable Lands shall assemble at such Meeting, and the Proprietors present at such Meeting shall by a Majority of Votes (such Majority representing in the aggregate not less than Six thousand Acres of such taxable Lands) resolve that the Taxes mentioned in such Notice shall not be levied, or that Taxes of a smaller

Power to  
Commission-  
ers to assess  
special tem-  
porary Taxes  
in Cases of  
Emergency,  
subject to  
Objection  
and Veto of  
the Pro-  
prietary.



smaller Amount only shall be levied, or that such original or reduced Taxes shall be levied for a shorter Period than mentioned in such Notice, then no such Taxes shall be levied, or Taxes of such reduced Amounts, or for such shorter Period as shall be mentioned in such Resolutions, shall be levied, as the Case may be; but in case Proprietors holding in the aggregate Ten thousand Acres of such taxable Lands shall not have assembled at the Place mentioned in the Notice convening such Meeting within One Hour after the Time appointed in such Notice for holding the same, or if such Meeting shall not disallow, reduce, or alter the Taxes mentioned in such Notice, then the Taxes mentioned in such Notice shall be levied; and it is hereby declared that the Taxes mentioned in such Notice as originally imposed, or as reduced or altered by the Resolutions of such Meeting of Proprietors, as the Case may be, shall be payable and recoverable in the same Manner, and under the same Regulations, Conditions, and Penalties, as the other Taxes granted by the said recited Acts and this Act are payable and recoverable; provided also, that all or any Taxes to be so imposed, varied, or altered shall be charged on the Lands in the Three Districts of the Level in the like Proportion as the General Taxes for the Time being shall be charged on the same Lands under the Provisions of the said recited Acts and this Act or any of them.

How Meetings of the Proprietors shall be convened.

XXXI. And be it enacted, That every Meeting of Proprietors by the said third-recited Act or this Act authorized to be holden shall be convened by the Clerk by Advertisement, to be published in some Newspaper published and circulated in the County of *Lincoln* at least Twenty Days before the Day appointed for such Meeting.

The Clerk to the Commissioners to attend at Meetings of Proprietors.

XXXII. And be it enacted, That the Clerk of the Commissioners, or some Person to be appointed by him as his Deputy for that special Purpose, shall attend every Meeting of Proprietors by the said third-recited Act or this Act authorized to be holden, and in that Capacity shall make a List of the Proprietors attending at such Meeting, and of the Quantity of taxable Lands held by each such Proprietor, and shall receive and communicate to the Commissioners the authenticated Resolutions of such Meetings.

Scale of Votes of the Proprietors according to Quantity of taxable Land.

XXXIII. And be it enacted, That the Proprietors shall be entitled to vote, at any Meeting of the Proprietors to be convened as aforesaid, in respect of their Lands respectively charged with Payment of Taxes under the Provisions of the said recited Acts and this Act, according to the Scale following; that is to say, for or in respect of any Quantity not exceeding One hundred Acres, One Vote; for any Quantity exceeding One hundred Acres and not exceeding Five hundred Acres, Two Votes; and for any Quantity exceeding Five hundred Acres, Three Votes; and if at any such Meeting any Dispute shall arise as to the Quantity of taxable Lands belonging to any Proprietor, the same shall be determined by the Clerk to the Commissioners, or his Deputy, on reference to the Assessment in which such Lands shall be included.

XXXIV. And



XXXIV. And be it enacted, That at any Meeting of Proprietors held in pursuance of the said third-recited Act or this Act one of the Proprietors present shall be elected Chairman by a Majority of Votes of the Proprietors present; and if on any Question thereafter arising at such Meeting there shall be an equal Division of Votes such Chairman, in addition to his Vote or Votes as a Proprietor, shall have a casting Vote; and the Resolutions made and passed shall be signed by the Chairman of such Meeting, and by him delivered to the Clerk of the Commissioners or his Deputy, at the Close of such Meeting, and any Resolutions which shall not be so signed and delivered shall not be deemed the Resolutions of such Meeting.

Resolutions of Meeting of Proprietors to be signed by Chairman, and delivered to the Clerk of the Commissioners.

XXXV. And be it enacted, That any absent Proprietor may vote by Proxy at any Proprietary Meeting held under the Provisions of this Act; and the Appointment of such Proxy may be in the Form or to the Effect set forth in the Schedule (D.) to this Act annexed.

Proprietors may appoint Proxies.

XXXVI. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings may appoint a Proxy to attend and vote at any such Proprietary Meeting aforesaid in respect of Lands within the *Black Sluice* Level belonging to Her Majesty in right of Her Crown.

Commissioners of Woods, &c. may appoint a Proxy on behalf of the Crown.

XXXVII. And in order to amend and extend the Powers vested in the Commissioners with regard to interior Drainage, be it enacted, That the Commissioners shall and may from Time to Time order and require any Officer of interior Drainage, or other Person whose Duty it may be to execute, repair, and support, or cause to be executed, repaired, and supported, any Works of interior Drainage in any Parish or Place within the Boundaries described or referred to in and by the said first-recited Act, and extended or which may be extended under the Provision in that Behalf contained in the said secondly-recited Act, and by the same Acts, or one of them, made subject only to the Control, Direction, Survey, Order, and Jurisdiction of the Commissioners, to scour, cleanse, deepen, widen, alter, or otherwise improve and repair and support or suspend or discontinue the Use of all or any of the Sewers, Drains, Watercourses, and all other Works, Matters, and Things whatsoever, already made or hereafter to be made for the Purposes of interior Drainage in such Parish or Place, which the Commissioners may, either on Complaint of any Party aggrieved, or on Report of their Surveyor, or otherwise, deem to require such scouring, cleansing, deepening, widening, altering, or otherwise improving, repairing, and supporting, or to require to be suspended, or the Use thereof to be discontinued; and in case any such Officer or other Person whose Duty it may be to execute, repair, or support, or cause to be executed, repaired, and supported, the Works of interior Drainage in any such Parish or Place, shall neglect, for the Space of Twenty-one Days after Service on him of a Copy of such Order of the Commissioners, to execute or cause to be executed the Works therein, and thereby required to be done, or in case there shall be no such Officer or other Person appointed to execute, repair, and support Works of interior Drainage in such Parish or Place, then it

Power to the Commissioners to order and cause to be executed Works of interior Drainage, on Neglect of local Officer.

[Local.]

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shall



shall be lawful for the Commissioners to cause an Estimate to be made of the Cost of such Works so required to be done, and to provide for the Execution thereof, by and out of any Rate or Rates for Works of interior Drainage which the Commissioners shall from Time to Time (as they shall see fit) assess, charge, and rate on the Lands in any such Parish or Place in which such Works of interior Drainage are to be executed, and to cause such Works to be done and executed accordingly, and to pay the Cost thereof out of such Rate or Rates; provided always that no Work of interior Drainage in any such Parish or Place within the Boundaries aforesaid which any Occupier of Land shall be obliged of Right to execute shall be paid for out of any such interior Drainage Rate as aforesaid.

How interior Drainage Rates shall be levied and recovered.

XXXVIII. And be it enacted, That all Taxes which the Commissioners shall from Time to Time assess, charge, and rate upon or in respect of the Lands and Grounds lying within any of the respective Parishes, Townships, and Places within the said Boundaries, for paying and defraying the Expenses and Charges of executing, repairing, and supporting any Works of interior Drainage, and incident thereto, shall be paid by the Occupier of such Lands respectively, and may be raised, levied, and recovered as any Taxes for Works of interior Drainage under the said recited Acts or any of them may be raised, levied, or recovered.

Commissioners may appoint Officers to superintend Works of interior Drainage.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners, yearly and every Year, at the annual Meeting of the Commissioners directed by the said first-recited Act to be holden on the Second *Tuesday* in *July*, to appoint such Surveyors, Dyke Reeves, or other Officers of interior Drainage as they may think fit, for executing, repairing, and supporting Works of interior Drainage, and for the Collection of Rates for such Works, in the various Parishes and Places within the Boundaries aforesaid, and may allow any reasonable Remuneration to such Officers out of the Monies raised by such Rates: Provided always, that it shall and may be lawful for the Commissioners, if they shall see fit, at any Time before the Expiration of the current Year of any such Officer's Service, to suspend, displace, or remove him from his said Office; and in such Case, or in case of a Vacancy happening through the Death or Resignation of any such Officer, or otherwise, it shall be lawful for the Commissioners, at any Meeting holden by them under the Authority of the said recited Acts and this Act, to appoint a Successor to such Officer.

Provisions of this Act as to interior Drainage not to extend to Lands under 2 G. 3. c. 32., 4 & 5 Vict. c. 113., and 6 & 7 Vict. c. 37.

XL. Provided always, and be it enacted, That the Provisions in this Act contained respecting interior Drainage shall not extend to Lands in the Second District for Drainage by the River *Witham* under the Act of the Second Year of the Reign of His Majesty King *George* the Third, Chapter Thirty-two, nor to any Lands included within the Provisions of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for the better draining of Lands in Bourne North Fen and Dyke Fen in the Manor and Parish of Bourne in the County of Lincoln*, and of an Act passed in the Sixth Year of the same Reign, intituled *An Act for altering, amending, and enlarging the*



*the Powers and Provisions of an Act passed in Her present Majesty's Reign, for the better Drainage of Lands in Bourne North Fen and Dyke Fen in the Manor and Parish of Bourne in the County of Lincoln, and for other Purposes concerning the Drainage of the same Lands, nor to a certain Farm or Land called the Goosedales or Pointon Cowpasture in the Parish of Pointon in the said County of Lincoln, the Property of Her Majesty in right of Her Crown.*

XLI. Provided always, and be it enacted, That nothing in this Act or the said recited Acts, or any of them, shall extend to empower the Commissioners to lower, cut through, or open any Boundary Bank between any Two Fens or Parishes in the *Black Sluice Level* so as to divert the Waters of one of such Fens or Parishes into the other of them, save for temporary Purposes during the Execution of Works.

Boundary Banks not to be cut through.

XLII. Provided always, and be it enacted, That the Powers by this Act given to the Commissioners with respect to Works of interior Drainage shall not take away, alter, or prejudice any Rights, Powers, and Authorities now subsisting and capable of taking effect of any Commissioner or Trustee appointed by or under the Provisions of any Act of Parliament for inclosing, draining, or improving any of the Lands within the Boundaries aforesaid.

Saving the Rights of Inclosure Commissioners under local Acts.

XLIII. And whereas by the said secondly-recited Act it is enacted that there shall be paid unto the Collectors (to be nominated as therein-after directed), by all and every Person or Persons who shall carry or convey any Goods, Wares, Merchandizes, or Commodities whatsoever up or down the *New River, Hammond Becks*, or other Cuts or Drains made navigable, as in the said Act mentioned or referred to, for the Liberty of passing and repassing through the same, the respective Tolls following; that is to say, for every Ton of Goods, Wares, Merchandizes, or Commodities whatsoever carried or conveyed up or down the said *New River* or *Hammond Becks*, any Sum not exceeding the Sum of One Shilling and Sixpence, and so in proportion for any greater or less Weight than a Ton; and for every Ton of Goods, Wares, Merchandizes, or Commodities whatsoever carried or conveyed up or down any other Cuts or Drains so made navigable, any Sum not exceeding the Sum of One Shilling, and so in proportion for any greater or less Weight than a Ton; which respective Sums so appointed to be paid were to be demanded and taken in the Name of or as a Toll: And whereas it is reasonable that Goods, Wares, Merchandizes, or Commodities passing along a Portion only of the said River, Becks, Cuts, or Drains should not be subject to the same Amount of Toll as if they had passed along the whole thereof: Be it therefore enacted, That it shall be lawful for the Commissioners, if they shall think proper so to do, in lieu of the said Sums of Money or Tolls which they are now authorized to demand and take under the said secondly-recited Act, to demand and take, for or in respect of any Goods, Wares, Merchandizes, or Commodities whatsoever carried or conveyed up or down any Part only, and not along the whole Length of the said *New River* or *Hammond Becks*, or any of them, or of any of the said

Power to alter Tolls on certain Navigations and navigable Cuts or Drains.



said Cuts or Drains made navigable under the said recited Acts or any of them, any Tolls not exceeding the following; that is to say,

For any Goods, Wares, Merchandizes, or Commodities whatsoever which shall be conveyed up or down the said *New River* or *Hammond Becks*, or other Cuts or Drains made navigable as aforesaid, or any of them, or any Part thereof, any Sum not exceeding One Penny *per Ton per Mile* :

Provided always, that the Tolls for any One Ton of Goods, Wares, Merchandizes, or Commodities whatsoever which shall be conveyed up or down the whole Length of the said *New River*, or up or down the said *Hammond Becks*, or any of them, shall not exceed in the aggregate for the whole Length of the said River or of either of the said Becks the Sum of Eighteen-pence; and that the Tolls for any One Ton of Goods, Wares, Merchandizes, or Commodities whatsoever which shall be conveyed up or down the whole Length of any of the said other Cuts or Drains made navigable under the said recited Acts or any of them shall not exceed in the aggregate the Sum of One Shilling for the whole Length of each such Cut or Drain.

Regulations  
as to Tolls.

XLIV. And be it enacted, That the following Provisions and Stipulations shall be applicable to the fixing of all the before-mentioned Tolls; (that is to say,)

For a Fraction of a Mile not exceeding Half a Mile, or for a Fraction of a Mile not exceeding Half a Mile beyond any integral Number of Miles, no Toll shall be demanded or taken for such Fraction; but a Fraction of a Mile exceeding Half a Mile, and a Fraction of a Mile exceeding Half a Mile beyond any integral Number of Miles, shall be deemed a Mile, and be paid for accordingly :

For a Fraction of a Ton the Commissioners may demand Tolls according to the Number of the Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Nothing to  
lessen Rights  
to measure  
and mark  
Vessels.

XLV. Provided always, and be it enacted, That nothing herein contained shall prejudice or lessen the Right and Power of the Commissioners under the Provisions of the said secondly-recited Act to require that Vessels conveying Goods up or down any of the said Drains made navigable shall be measured and marked as in the said Act mentioned.

Power to  
vary Tolls.

XLVI. And whereas it is expedient that the Commissioners should be enabled to vary the Tolls by this Act authorized to be taken so as to accommodate them to the Circumstances of the Traffic on the said River,



River, Becks, and Cuts, or Drains, but that such Power of varying should not be used for the Purpose of prejudicing or favouring particular Parties, or for the Purpose of collusively and unfairly creating a Monopoly in the Hands of particular Parties: Be it therefore enacted, That it shall be lawful for the Commissioners, subject to the Provisions of this Act contained, from Time to Time to alter or vary the Tolls by this Act authorized to be taken upon the said *New River*, or upon all or any of the said Becks or navigable Cuts or Drains, or upon any particular Portions of the said *New River*, Becks, Cuts, and Drains respectively, as they the Commissioners shall think fit: Provided always, that all such Tolls be at all Times charged equally to all Persons, and after the same Rate, whether *per Ton per Mile* or otherwise, in respect of all Goods, Wares, Merchandizes, and Commodities of the same Description, passing along the same Portion of the said *New River*, or of any navigable Becks, Cuts, or Drains within the Jurisdiction of the Commissioners, under the same Circumstances, and no Reduction or Advance in any such Tolls shall be made, either directly or indirectly, in favour of or against any particular Company or Person using the said *New River*, Becks, Cuts, or Drains, or any of them, or any Part thereof respectively.

Tolls to be charged equally under like Circumstances.

XLVII. And be it enacted, That every Person having the Charge of any Boat or Vessel passing on the said *New River*, *Hammond Becks*, or other Cuts or Drains made use of for the Purpose of Navigation, shall give a true Report or Account in Writing to the best of his Knowledge, signed by himself, to the Collector or Collectors of such Tolls, and at such Place or Places as shall be appointed by the Commissioners, of the Place or Places whence the Cargo contained in such Boat or Vessel shall have been carried, and the Distance of Drain traversed therewith; and every such Person failing to give such Account, or giving a false Account with regard to Distance, shall be liable to the same Penalties as he would be for Default of or for giving a false Account with regard to Cargo under the Provisions in that Behalf contained in the said secondly recited Act, and the Commissioners shall have the same Powers and Remedies for the Recovery and enforcing Payment of the Navigation Tolls by this Act authorized to be taken as are now vested in them under the said secondly recited Act for the Recovery and enforcing Payment of the Navigation Tolls thereby authorized to be taken.

Recovery of Tolls.

XLVIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners, if they shall think fit, at any Time after any Alteration of the Tolls for navigating the said *New River*, *Hammond Becks*, and navigable Cuts or Drains, or any of them, shall have been made, under the Powers of this Act, to adopt the present Mode of charging the said Navigation Tolls according to Weight only, and again to alter the same Tolls or any of them, at their Discretion, giving not less than One Month's Notice by Advertisement of the intended Alterations, and of the Amount or Amounts of Tolls intended to be charged.

Power, after Alterations of Tolls, to revert to present Mode of charging them.

XLIX. And be it enacted, That such Tolls respectively shall be paid to such Person or Persons, and at such Place or Places upon or

Tolls to be paid as directed by near

[Local.]

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the Commis-  
sioners.

near to the said River, Becks, Cuts, or Drains respectively, and in such Manner and under such Regulations as the Commissioners shall by Notice to be annexed to such Account or List of Tolls, and such other Particulars as next herein-after provided, from Time to Time appoint and determine.

List of Tolls  
to be exhi-  
bited on a  
Board.

L. And be it enacted, That a List of all the Tolls authorized by this Act to be taken, and which shall be exacted by the Commissioners, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on or near the respective Places where such Tolls shall be made payable respectively.

Milestones  
to be erected.

LI. And in order to ascertain Distances with greater Precision and Facility, be it enacted, That the Commissioners shall cause the Length of the said *New River*, and of each of the said Becks and navigable Cuts or Drains, to be measured, and Posts or other conspicuous Objects to be set up and maintained along the whole Line thereof respectively, at the Distance of Half a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distance.

Tolls to be  
taken only  
whilst Board  
exhibited,  
and Mile-  
stones set up.

LII. And be it enacted, That no Mileage Toll shall be demanded or taken by the Commissioners during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Powers to  
contract for  
the Support  
of the North  
Banks of the  
River Glen  
and of Bourn  
Eau.

LIII. And be it enacted, That it shall be lawful for the Commissioners to contract and agree with the Undertakers or Adventurers for draining *Deeping Fens*, or any other Person or Persons interested in the Preservation of the North Bank of the River *Glen*, for the Repair and Maintenance of such North Bank from a Place called *Gutherham Cote* to *Dovehurn* in *Pinchbeck*, and also from the said Place called *Gutherham Cote* to a Place called *Tongue End* in *Bourn North Fen*, and also to contract and agree with the Trustees of the River called *Bourn Eau*, or with any other Person or Persons interested in the Preservation of the North Bank of the said *Bourn Eau*, from the High Lands in *Bourn* to its Junction with the said River *Glen* at *Tongue End* aforesaid, for the Repair and Maintenance of such Bank or any Part thereof, and to pay to the Parties who may agree to repair and maintain such Banks or any Part or Parts thereof any gross or annual Sum or Sums of Money in respect thereof; and it shall also be lawful for the said Undertakers or Adventurers, and Trustees or other Parties respectively, to enter into and to carry into execution any such Contract or Agreement with the Commissioners for all or any of the Purposes aforesaid.

Mode of  
computing

LIV. And be it enacted, That in the Computation of the Time or Number of Days in any of the said recited Acts or this Act specified with



with respect to any Notice, Demand, Application, or other like Proceeding, one Day shall be deemed to be included and one to be excluded; and in any Case where Notice of a Meeting is required to be advertised Two successive Weeks previous to such Meeting, it shall be sufficient that such Notice be advertised on the same Day of the Week in each of Two successive Weeks, provided that not less than Eleven nor more than Sixteen Days intervene between the first Publication of such Notice and the holding of the Meeting to which the same refers.

Time for Notices, &c.

LV. And be it enacted, That any Notice, Demand, or other such Document required or deemed necessary to be given, made, or delivered by the Commissioners or their Clerk, or any of their Surveyors, Collectors, or other Officers, under or by virtue of the Provisions of the said recited Acts and this Act, any or either of them, to any Person, (except in Cases where it is specially provided that any such Document may be transmitted by Post,) may lawfully be served by delivering the same to such Person, or by delivering the same to his Wife or Servant, or any Inmate, at his usual or last known Place of Residence or Business.

Service of Notices or other like Documents on Persons generally.

LVI. And be it enacted, That all Costs, Charges, and Expenses which the Commissioners, or any Mortgagee or other Person, shall pay, sustain, or be put unto, or which may be occasioned by or by reason or in consequence of any Omission, Neglect, or Default of any Person to make any Payment, or to do any Act, under this Act and the said recited Acts, or any of them, or by reason or in consequence of any other Omission, Neglect, or Default by any Person whomsoever of any Matter or Thing in anywise in relation to the said recited Acts and this Act, or any of them, shall be borne and paid by the Person so omitting, neglecting, or making default, and may be recovered from such Person by any of the Ways or Means provided for the Recovery of General Taxes.

For Recovery of Expenses incurred by the Commissioners in certain Cases.

LVII. And be it enacted, That so much of the said secondly recited Act as enacts that if any Master or Owner of any Vessel, or any other Person or Persons, who shall wilfully and maliciously break any Locks or Gates, or cut, break down, damage, or destroy any Banks or other Works, erected and made or to be erected or made in pursuance of that or the said first-recited Act, shall be judged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony, shall be and the same is hereby repealed.

So much of 10G.3. c.41. as makes Persons injuring the Works punishable as Felons, repealed.

LVIII. And be it enacted, That if any Person shall wilfully stop up, destroy, or injure any Drain, Ditch, Tunnel, Sluice, Door, Lock, Gate, Bridge, Bank, Towing-path, Haling-way, or other Works made or erected by or vested in the Commissioners under the said recited Acts or any of them, such Person so offending shall for every such Offence forfeit to the Commissioners any Sum not exceeding Five Pounds.

Penalty for injuring Works.

LIX. And be it enacted, That if any Person shall throw any Ballast, Earth, Stones, Ashes, Weeds, or other Things into any navigable Drain under the Control of the Commissioners, or shall make

Penalty for obstructing Drains, &c.



make in any such Drain any Watering Place for Cattle, or shall suffer any Cattle to go into, across, or along any such Drain, or shall wash any Sheep in any such Drain, he shall for every such Offence forfeit to the Commissioners any Sum not exceeding Forty Shillings.

Penalty for Damages not to prevent Actions for Damages where Damage exceeds Amount of Penalty.

LX. Provided always, and be it enacted, That in every Case in which, under the Provisions of the said recited Acts or any of them, or of this Act, any Person who shall have done any Damage or Injury to the Works belonging to or vested in the Commissioners is subjected to a Penalty, and such Penalty shall be insufficient to make good the Damage or Injury so done, the Imposition of such Penalty shall not prevent the Commissioners, if they shall think proper so to do, from bringing any Action or other legal Proceeding against the Person offending, for the Recovery of the full Amount of such Damage or Injury, with Costs of Suit, instead of proceeding summarily for the Recovery of such Penalty.

So much of 10G.3. c.41. as to Bye Laws repealed.

LXI. And be it enacted, That so much of the said secondly recited Act as enacts that the Commissioners shall from Time to Time have full Power and Authority to make Bye Laws, Orders, and Constitutions, touching the Cuts, Drains, Sewers, Banks, Cloughs, Engines, Bridges, Towing-paths, Haling-ways, and other Works made or set up and appointed, or to be made or set up and appointed, for the Purpose of Drainage, and for the preserving, repairing, and keeping the same in order, and for the good and orderly using of the said Navigation, and for the well-governing of the Bargemen, Watermen, and Boatmen who shall convey or carry any Goods, Wares, or Merchandizes on any Part of the *New River, Hammond Becks*, or other Cuts or Drains made use of for the Purpose of Navigation, and to impose and inflict such reasonable Fines and Forfeitures upon the Breaker of such Bye Laws, Orders, or Constitutions as the Commissioners shall think fit, so as no such Fine or Forfeiture shall exceed the Sum of Forty Shillings on any One Person for any One Offence, shall be and the same is hereby repealed.

Landing Places between the Outfall Sluice and Cook's Lock not to be used in certain Cases without Consent.

LXII. And be it enacted, That it shall not be lawful for Vessels passing through the *New Outfall Sluice*, and not navigating any Part of the Drains under the Control of the Commissioners above *Cook's Lock*, to lade or unlade or land or remove their Cargoes at any of the Landing Places on any of the said Drains below the said Lock, without the Consent of the Commissioners; and if the Owner or any Person having the Charge of any such Vessel shall lade or unlade or land or remove the Cargo thereof or any Part thereof at any of the said Landing Places, without such Consent, he shall for every such Offence forfeit to the Commissioners any Sum not exceeding Forty Shillings.

Power to Commissioners to make Bye Laws.

LXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For governing and regulating the Times for using, for the Purpose of Navigation, the Drains under the Control of the Commissioners:

For



For preventing Injury to the Drainage or Impediments to the Navigation by reason of Vessels being improperly moored :

For regulating the Admission of Vessels into the navigable Drains of the Commissioners, and their Removal thereout, and for the good Order and Government of such Vessels whilst within such Drains:

For regulating the lading and unlading, landing or Removal of Cargoes of Vessels navigating the said Drains :

For regulating the Use of Cranes and Weighing Machines, Store-houses, Sheds, and other Conveniences erected or provided by the Commissioners near to or connected with any of such navigable Drains :

And the Commissioners may, from Time to Time as they shall think fit, repeal or alter any such Bye Laws: Provided always, that such Bye Laws shall not be repugnant to the Laws of *England* or the Provisions of the said recited Acts or this Act; and such Bye Laws shall be reduced into Writing, and have affixed thereto the Signatures of Two or more of the Commissioners, and shall be confirmed and published in manner herein-after mentioned.

Bye Laws may be repealed or altered from Time to Time.

LXIV. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Forty Shillings for each Breach of such Bye Laws: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby shall be sought to be recovered to order the whole or Part only of such Penalty to be paid.

Bye Laws may be enforced by Imposition of Penalties.

LXV. And be it enacted, That no Bye Laws made under the Authority of this Act shall come into operation until the same be allowed by some Judge of One of the Superior Courts, or by the Justices at the General Quarter Sessions of the Peace holden in and for either of the Parts or Divisions of *Kesteven, Holland, and Lindsey* in the said County of *Lincoln*; and it shall be incumbent on such Justices, on the Application and Request of the Commissioners, to inquire into any Bye Laws tendered to them for that Purpose, and to allow or disallow the same as they shall think meet.

Bye Laws not to come into operation until confirmed.

LXVI. Provided always, and be it enacted, That no such Bye Laws shall be so allowed or confirmed as aforesaid unless Notice of the Intention of the Commissioners to apply for a Confirmation of the same have been given in One or more Newspapers of the County of *Lincoln* One Month at least before the hearing of such Application; and any Person desiring to object to any such Bye Laws, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the hearing of the Application for the Allowance or Confirmation thereof, may, by himself, or his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

Notice of Intention to apply for Confirmation of Bye Laws to be given by Advertisement.

LXVII. And be it enacted, That for One Month at least before any such Application for Allowance or Confirmation of any Bye Laws

A Copy of proposed Bye Laws to

[*Local.*]

10 D

a Copy



be open for  
Inspection.

a Copy of the proposed Bye Laws shall be kept at the principal Office of the Clerk of the Commissioners, and all Persons may at all reasonable Times inspect such Copy, without Fee or Reward; and the Commissioners shall furnish every Person who shall apply for the same with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication  
of Bye Laws.

LXVIII. And be it enacted, That the said Bye Laws, when confirmed, shall be printed, and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same, without Charge; and a Copy thereof shall be painted or placed on Boards, and put up in some conspicuous Part of the principal Office of the Clerk of the Commissioners, and also on some conspicuous Part of the Toll House or Lock-keeper's House near the Main Drain in *Skirbeck Quarter*, and in some conspicuous Place near *Clay Dike Bridge*, *Swineshead Bridge*, *Donington Bridge*, and *Gutheram Cote* otherwise *Gutheram Gowt*, adjoining the *South Forty Foot River*, and near *Dove Hurn* or *Pinchbeck Bars* and *Gosberton Clough* adjoining the *Hammond Beck*; and such Boards, with the Bye Laws thereon, shall be from Time to Time renewed as Occasion shall require; and the Bye Laws so to be put up in the principal Office of the Clerk of the Commissioners shall be open to Inspection, without Fee or Reward; and in case the Clerk to the Commissioners shall not permit the same to be inspected at all reasonable Times he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Bye Laws to  
be binding  
on all Parties.

LXIX. And be it enacted, That all Bye Laws made and confirmed according to the Provisions of this Act, when so published and put up as aforesaid, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Proof of  
Publication  
of Bye Laws.

LXX. And be it enacted, That the Production of a written or printed Copy of the Bye Laws requiring Confirmation by a Judge of the Superior Courts or the Court of Quarter Sessions, authenticated by the Signature of the Judge or of the Chairman of the Court who shall have approved of the same, shall be Evidence of the Existence and due making of such Bye Laws in all Cases of Prosecution under the same, without Proof of the Signature of such Judge or Chairman; and with respect to the Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a Board containing a Copy thereof was put up and continued in each of the Places herein-before mentioned with respect to such Boards, and in case of any of such Boards afterwards being displaced or damaged that the same was or were replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Boards or any of them did not contain Copies of such Bye Laws, or were or was not put up or continued as directed by this Act.

Nothing to  
lessen  
Powers of  
Commis-  
sioners of  
Woods, &c.

LXXI. And be it enacted, That nothing in this Act contained shall extend to abridge, lessen, or abrogate any of the Powers or Authorities by Law vested in the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.



LXXII. And be it enacted, That nothing in this Act shall be construed to extend to defeat, prejudice, lessen, abrogate, or diminish any Estate, Right, Title, Interest, Franchise, Prerogative, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown or otherwise howsoever. Saving the Rights of the Crown.

LXXIII. Provided always, and be it enacted, That nothing herein contained shall prejudice or interfere with any Works made or executed or to be made or executed by the Mayor, Aldermen, and Burgesses of the Borough of *Boston*, in pursuance of any Act or Acts now in force relating to the Port and Harbour of *Boston*, or to lessen or take away any of the Powers, Rights, or Privileges which by the said Acts are invested in the said Mayor, Aldermen, and Burgesses, or to alter or take away any of the Rights, Tolls, Emoluments, Liberties, Franchises, or any Jurisdiction which the said Mayor, Aldermen, and Burgesses are possessed of or have a Right unto by Charter, Prescription, Custom, or otherwise. Saving Rights of Corporation of Boston.

LXXIV. Provided always, and be it enacted, That nothing herein contained shall be construed to give Authority to the Commissioners acting under this Act to hinder or obstruct the Drainage of certain Fen Lands and Low Grounds by the River *Witham*, now under the Jurisdiction and Control of the General Commissioners for such Drainage acting under or by virtue of an Act of Parliament passed in the Second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for draining and preserving certain Low Lands called the Fens lying on both Sides of the River Witham in the County of Lincoln, and for restoring and maintaining the Navigation of the said River from the High Bridge in the City of Lincoln, through the Borough of Boston, to the Sea*, and under and by virtue of a certain other Act of Parliament made and passed in the Fifty-second Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for rendering more effectual an Act of His present Majesty, for draining Lands lying on both Sides of the River Witham in the County of Lincoln, and for restoring the Navigation of the said River, and for repealing another Act of His present Majesty in relation to the said Drainage and Navigation*, nor in any Manner to supersede, lessen, or take away any of the Rights, Interests, Powers, Privileges, and Authorities vested in such General Commissioners by virtue of the said above-mentioned Acts or any of them. Saving the Rights of the Witham Drainage Commissioners.  
2 G. 3. c. 32.  
52 G. 3. c. 108.

LXXV. Provided always, and it is hereby further enacted, That this Act, or anything herein contained, shall not prejudice or hinder the Marquess of *Exeter*, his Heirs or Assigns, from taking or running Water out of the River *Glen* into his Two Decoys in the Precincts of *Bourn* and in *Bourn Fen* Pastures, or either of them, and into his Lands and Grounds there, in such Manner and by such Ways and Means as he the said Marquess and his Predecessors have used and enjoyed, or as the said Marquess, his Heirs and Assigns, can or may lawfully use and enjoy the same. Saving the Rights of the Marquess of Exeter.

LXXVI. Saving



General  
Saving.

LXXVI. Saving always to all and every other Persons, Bodies Politic, Collegiate, and Corporate, Heirs, Successors, and Assigns, all such Estates, Rights, Interests, and Privileges, not prejudicial to the *Black Shuce* Drainage and Navigation, or expressly affected by the said recited Acts or any of them, as they had and enjoyed into, out of, or in respect of any Lands in the *Black Shuce* Level before the passing of this Act, or could or might have enjoyed in case this Act had not been passed.

Public Act.

LXXVII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.



SCHEDULES referred to by the foregoing Act.

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SCHEDULE (A.)

*Form of Warrant of Distress.*

Black Sluice Drainage.

WE, the undersigned, being Two of the Commissioners [*or, I, the undersigned, being a Mortgagee, Assignee, or Receiver, as the Case may be,*] acting under and in pursuance or by virtue of "The Black Sluice Drainage Act, 1765," "The Black Sluice Drainage Act, 1770," "The Black Sluice Drainage Act, 1846," and "The Black Sluice Drainage Amendment Act, 1849," or some or One of them, do hereby authorize and require you [*or, in the Case of more than One, and any and each of you,*] to enter into and upon the Lands in the Possession or Occupation of *A.B.* situate at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ and into and upon all Messuages and Tenements being thereon, with the Appurtenances, or into and upon any Part or Parts of such Lands, Messuages, and Tenements, and to levy the Sum of \_\_\_\_\_ due and payable under the said Acts, some or One of them, for or in respect of the said Lands, as or for [*here describe the Taxes as Black Sluice Drainage Taxes, or as the Case may require*], at a Time now passed, together with the Sum of \_\_\_\_\_ for a Penalty incurred by him the said *A.B.* for his Default in not paying the said Taxes, by Distress of any Goods or Chattels which shall be found on the said Lands and Premises, and the Goods and Chattels so distrained to impound on the Premises, or take, lead, drive, and carry away, and keep for the Space of Five Days at the Cost and Charges of the Owner thereof, giving or leaving the Notice in such Case required; and in case of the Nonpayment of the said several Sums of Money, and the Charges attending such Distress and Removal, and of the non-replevyng of the Goods and Chattels distrained, within Five Days after such Distress made and Notice given, then you are hereby further authorized and required to cause the Goods and Chattels so distrained to be appraised and sold for or towards Satisfaction of the said Monies, and the Charges of taking, keeping, removing, appraising, and selling the said Goods and Chattels; and for so doing this shall be your sufficient Warrant and Authority.

Witness \_\_\_\_\_ Hand and Seal this \_\_\_\_\_ Day of  
 One thousand eight hundred and \_\_\_\_\_

To

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*Form of Notice of Distress taken.*

To

TAKE notice, That I the undersigned have this Day distrained the several Goods and Chattels mentioned and set forth in the Schedule hereunder written, for the Sum of being the Amount of Taxes payable [to the Black Sluice Commissioners, or as the Case may be,] on the Day of 18, under the several Acts called "The Black Sluice Drainage Act, 1765," "The Black Sluice Drainage Act, 1770," "The Black Sluice Drainage Act, 1846," and "The Black Sluice Drainage Amendment Act, 1849," or some or one of them, with the Penalties added thereto under the Provisions of the last-mentioned Act; and that unless you pay the said Sum of together with the Cost of distraining for the same, within the Space of Five Days from the Date hereof, the same Goods and Chattels will be appraised and sold according to Law. Dated this Day of 18.

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 SCHEDULE (B.)
*Form of Notice of Intention to enter and let Lands until Taxes, &c. paid.*

## Black Sluice Drainage.

TAKE notice, That in default of Payment of the Sum of £ now due for Taxes to the Black Sluice Commissioners, and the Sum of £ the Penalty for the same not having been paid, and the Sum of £ for the Cost of Distress or attempted Distress, and of this Notice, the Commissioners will, at the Expiration of One Calendar Month from the Service hereof, enter into and upon and let and demise the Lands charged with such Taxes in arrear, and receive and apply the Rents, Issues, and Profits thereof in or towards Liquidation of such Taxes, Penalties, Costs, and Expenses, and of any other Taxes which may become due and payable to the said Commissioners in the meantime in respect of the same Lands, and the Costs and Expenses of letting and demising the said Lands and incidental thereto, until all such Taxes, Penalties, Costs, and Expenses shall be fully paid and satisfied. Dated this Day of 18.

To

Owner of the said Lands.

*To be signed by One Commissioner, or the Clerk of the Commissioners, or by the Mortgagee, or other Person in receipt of the Taxes.*

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## SCHEDULE (C.)

*Form of Notice of Assessment of Special Taxes.*

## Black Sluice Drainage.

NOTICE is hereby given, That the Commissioners acting in execution of "The Black Sluice Drainage Act, 1765," "The Black Sluice Drainage Act, 1770," "The Black Sluice Drainage Act, 1846," and "The Black Sluice Drainage Amendment Act, 1849," did at a Meeting held at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ assess and charge all the Lands in the Eighteen-penny District of the Black Sluice Level (save and except Lands in Bourn and Dike within such District) with an additional Special Tax of \_\_\_\_\_ per Acre, and all the Lands in the Nine-penny District of the said Level with an additional Special Tax of \_\_\_\_\_ per Acre, and all the Lands in the Sixpenny District of the said Level with an additional Special Tax of \_\_\_\_\_ per Acre; that such Taxes will be due and payable out of such Lands respectively on the \_\_\_\_\_ Day of \_\_\_\_\_ [or, in case of such Taxes being charged for a certain Term, for the Term of \_\_\_\_\_ Years, to be computed from the \_\_\_\_\_ Day of \_\_\_\_\_ and will be levied and collected on the \_\_\_\_\_ Day of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in each Year, by equal half-yearly Instalments]; that such Special Taxes are imposed by the Commissioners under the Powers in that Behalf contained in "The Black Sluice Drainage Amendment Act, 1849," for the Purpose of raising an aggregate Sum of £ \_\_\_\_\_ rendered necessary to be levied and raised by the Commissioners in consequence of [state the Cause or principal Causes which shall have rendered necessary such Special Assessments]; and Notice is hereby further given, that there will be a public Meeting, which the said Commissioners do hereby convene, of the Proprietors of Lands so charged with Special Taxes, holden at the Red Cow Inn [or as the Case may be] in Donington in the County of Lincoln on the \_\_\_\_\_ Day of \_\_\_\_\_ at Twelve o'Clock at Noon, to take into consideration such Assessment of Special Taxes; and that at such Meeting, there being present the Proprietors of not less than Ten thousand Acres of such taxable Lands, it will be competent for a Majority of such Proprietors, such Majority representing not less than Six thousand Acres of such taxable Lands, to object to and disallow such Assessment, or to reduce the Amount of such Special Taxes [or to alter the Time for which such Taxes may be charged]; and the said Special Taxes, if not then objected to and disallowed, will be levied and collected at the Time [or Times] before mentioned and appointed for Payment thereof, or as altered [if such be the Case] by such Meeting, pursuant to the Provisions of the said Acts, some or one of them.

Dated

B.S.

Clerk to the said Commissioners.

SCHE-



## SCHEDULE (D.)

*Form of Appointment of Proxy by a Proprietor.*

Black Sluice Drainage.

I, the undersigned *A.B.* of \_\_\_\_\_ in the County of \_\_\_\_\_  
 being a Proprietor of Lands in the Parish  
 of \_\_\_\_\_ within the Black Sluice Level, containing in  
 the whole Acres Roods Perches, do hereby appoint  
*C.D.* of \_\_\_\_\_ in the County of \_\_\_\_\_ my Proxy, to  
 vote on my Behalf at a Proprietary Meeting to be holden at  
 on the \_\_\_\_\_ Day of \_\_\_\_\_  
 Witness my Hand, this \_\_\_\_\_ Day of \_\_\_\_\_ 18 .  
 (Signed) *A.B.*

LONDON :

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