



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xxxiv.

An Act to enable the General Commissioners for Drainage by the River *Witham* in the County of *Lincoln* to sue and be sued in the Name or Names of any One of the said Commissioners or of their Clerk or Clerks for the Time being.

[14th June 1839.]

WHEREAS by an Act passed in the Second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for draining and preserving certain Low Lands* 2 G. 3. c. 32. 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, the Low Lands and Fens in the said Act comprised are divided into Six several Districts or Divisions, called the First, Second, Third, Fourth, Fifth, and Sixth Districts, and certain Persons are appointed or directed to be elected General Commissioners for executing such of the Provisions of the said Act as relate to or concern the Drainage of the said Lands, with Power to rate and tax the same in manner therein directed, and to borrow Money on such Rates and Taxes, either by way of Annuity or on Mortgage: And whereas another Act was passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third,

[Local.] 8 K intituled

- 41G.3.c.135. intituled *An Act for the better and more effectual draining certain Tracts of Land called Wildmore Fen and the West and East Fens, in the County of Lincoln, and also the Low Lands and Grounds in the several Parishes, Townships, and Places having Right of Common on the said Fens and other Low Lands and Grounds lying contiguous or adjoining thereto*, whereby the said Fens and other Low Lands and Grounds were incorporated with and made Part of the Fourth District, and certain Works of Drainage were directed to be made and executed, and after the Execution thereof were placed and now are under the Direction and Control of the said General Commissioners for Drainage: And whereas another Act was passed in the Forty-third Year of the Reign of His said late Majesty King George
- 43G.3.c.118. the Third, intituled *An Act for amending an Act passed in the Forty-first Year of the Reign of His present Majesty for more effectually draining certain Tracts of Land called Wildmore Fen and the West and East Fens, in the County of Lincoln, and other Low Lands and Grounds lying contiguous or adjoining thereto*: And whereas another Act was passed in the Fifty-second Year of the Reign of His said
- 52G.3.c.108. late 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 the River Witham in the County of Lincoln, and restoring the Navigation of the said River, and for repealing another Act of His present Majesty in relation to the said Drainage and Navigation*: And whereas another Act was passed in the Fifty-eighth Year of the Reign of His said late Majesty King George the Third,
- 58G.3.c.60. intituled *An Act for rendering more effectual several Acts of His present Majesty for draining certain Low Lands on both Sides of the River Witham, and in Wildmore Fen and in the West and East Fens, and other Low Lands adjoining or contiguous thereto, in the County of Lincoln*: And whereas another Act was passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled
- 10G.4.c.123. *An Act to authorize the raising a further Sum of Money for completing the Drainage and Navigation by the River Witham, and for amending the Acts relating thereto*: And whereas great Inconvenience and Expence has been occasioned to the said General Commissioners in carrying into execution the several Powers and Authorities given to them in and by the several Acts of Parliament above mentioned, from their not being authorized to sue and be sued in the Name of any One of the said General Commissioners or of their Clerk or Clerks for the Time being, and it is desirable that the Powers herein-after contained should be granted to the said General Commissioners, but the same cannot be effected without the Aid and 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 from and after the passing of this Act the said General Commissioners may in all Cases sue and be sued in the Name of any One of the said Commissioners or of their Clerk or Clerks for the Time being; and that no Action, Suit, or Information which may be brought, commenced, or filed, or Indictment which may be preferred or prosecuted, by or against the said General Commissioners or any of them respectively, by virtue or on

General
Commissioners may sue
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or more of
the Commis-
sioners or
their Clerk.

account of any thing contained in the said recited Acts, or any of them, in the Name of any One of the said Commissioners or of their Clerk or Clerks, shall abate or be discontinued by the Death or Resignation or Removal of any such Commissioner, or by the Death or Removal of any such Clerk or Clerks, or by the Act of any such Commissioner or Clerk or Clerks without the Consent of the said General Commissioners, but any One of the said General Commissioners, or the Clerk or Clerks for the Time being to the said General Commissioners, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action, Suit, Information, or Indictment (as the Case may be): Provided always, that every such Commissioner or Clerk or Clerks in whose Name any Action, Suit, Information, or Indictment shall be commenced, preferred, prosecuted, or defended in pursuance of the said recited Acts and this Act shall always be reimbursed and paid out of the Monies to arise by virtue of the said recited Acts all such Costs, Charges, and Expences as he or they shall be put to or become chargeable with by reason of his being made Plaintiff, Prosecutor, or Defendant therein, and that all Notices which in and by the said recited Acts or any of them are authorized or directed to be given by the said General Commissioners shall and may be given under the Hand or Hands of any One or more of the said General Commissioners or of their Clerk or Clerks for the Time being, and shall be as valid and effectual to all Intents and Purposes whatsoever as if the same were given by or under the Hands of all the said Commissioners: Provided always, that such Notices be given by the Authority of or in pursuance of an Order or Resolution made at any Meeting or adjourned Meeting of the said General Commissioners.

Commissioner or Clerk to be re-im-bursed.

II. Provided always, and be it further enacted, That Execution upon any Judgment in any such Action as aforesaid obtained against the Clerk or Clerks or any One of the said General Commissioners for the Time being, whether as Plaintiff or Defendant, may be issued against any General Commissioner or General Commissioners for the Time being: Provided always, that every such Clerk or Clerks or General Commissioner in whose Name any such Action or Suit shall be commenced, prosecuted, or defended, and every such General Commissioner or General Commissioners against whom Execution upon any Judgment obtained in any such Action shall be issued as aforesaid, shall always be reimbursed and paid, out of the Funds of the said General Commissioners, all such Costs and Charges as by the Event of any such Proceedings he or they shall be put unto or become chargeable with.

Execution upon Judgments may be issued against any General Commissioner.

III. 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.

Public Act.

