



ANNO QUARTO & QUINTO

# VICTORIÆ REGINÆ.

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## *Cap. cxiii.*

An Act for the better Drainage of Lands in *Bourn North Fen* and *Dyke Fen* in the Manor and Parish of *Bourn* in the County of *Lincoln*.

[22d June 1841.]

**W**HEREAS an Act was passed in the Sixth Year of the Reign of King George the Third, intituled *An Act for allotting, dividing, inclosing, and draining several Open and Common Fields, Meadows, Waste and Fen Grounds, within the Manor and Parish of Bourn in the County of Lincoln*: And whereas divers Engines and Works of Drainage were made under the Powers and Provisions of the said Act, but such Engines afterwards became dilapidated and decayed, and are now entirely removed, and a District of Land within the said Manor and Parish of *Bourn*, called *Bourn North Fen* and *Dyke Fen*, is liable to be greatly inundated and oppressed by Water, and the Means of Drainage are very imperfect and insufficient: And whereas the Lands in the said Fens called *Bourn North Fen* and *Dyke Fen* might be more effectually drained if Powers were granted for erecting and building in the said Fens, or one of them, One or more Engine or Engines to be worked by the Power of Steam, for the Purpose of facilitating the Discharge of the Waters from and out of the said *Bourn North Fen* and *Dyke Fen* into

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into the Main Cut or Drain adjoining or near thereto, formerly called the *Double Twelves*, and more recently and now called the *Forty Foot Drain*, otherwise the *Black Sluice New Main Drain*, in the said County of *Lincoln*, and also to deepen and improve the interior Works for the more effectual Drainage of the said several Fens called *Bourn North Fen* and *Dyke Fen* respectively, with Powers for raising Money for effecting such Works and Improvements: 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 the several Persons who now are or hereafter shall be Owners or Proprietors of Fifty Acres of Land in that Part of the Manor and Parish of *Bourn* in the County of *Lincoln* called *Bourn North Fen* and *Dyke Fen*, chargeable under this Act to the Expences of carrying the same into execution, shall be Trustees for carrying this Act into execution, and shall be called "The *Bourn North Fen* and *Dyke Fen* Drainage Trustees."

Appointment  
of Trustees.

Joint Owners  
to be con-  
sidered One  
Trustee.

II. And be it enacted, That in Cases where any Land, chargeable for the Expences of carrying this Act into execution, amounting to or exceeding Fifty Acres, shall belong to Two or more Persons as Joint Tenants, Tenants in Common, or Tenants in Coparcenary, such several Tenants shall be deemed and considered to be One Trustee.

No Person  
holding Office  
or concerned  
in a Contract  
to be a  
Trustee.

III. And be it enacted, That no Person who shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, shall be capable of being or continuing a Trustee or of acting as Deputy of a Trustee.

Trustee, &c.  
not incapable  
of acting as  
a Justice.

IV. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Trustee or a Deputy.

Trustees may  
act by De-  
puty.

V. And be it enacted, That it shall be lawful for every Trustee under this Act, by Writing under his Hand, from Time to Time, and for such Time as he shall think fit, to appoint some Person to act as his Deputy in his Absence as a Trustee under this Act, whether such Deputy be or be not a Trustee in his own Right; and in case of the Coverture, Infancy, Idiocy, Lunacy, or other legal Incapacity of any Person being Owner or Proprietor of Fifty or more Acres of such Lands, then the Husband, Guardian, Committee, or Trustee of such Person may act as Deputy for such Person as a Trustee, without any such Appointment.

Declaration  
by Trustees.

VI. And be it enacted, That no Person shall be capable of acting as a Trustee, except in administering the Declaration herein-after mentioned; or as a Deputy, until he shall have made and signed, before one of the Trustees, a Declaration to the Effect following:

' I A. B.

‘ I *A. B.* do solemnly declare, That I will faithfully and impartially,  
 ‘ according to the best of my Skill and Judgment, execute all the  
 ‘ Powers and Authorities reposed in me as a Trustee by virtue of  
 ‘ an Act of Parliament, intituled *An Act for the better Drainage of*  
 ‘ *Lands in Bourn North Fen and Dyke Fen in the Manor and Parish*  
 ‘ *of Bourn in the County of Lincoln*; and [*not being a Deputy*] also  
 ‘ that I am an Owner or Proprietor of Fifty Acres of Land within  
 ‘ the said Fens, or One of them; [*or, being Deputy of any Trustee,*]  
 ‘ that I am duly appointed Deputy of \_\_\_\_\_ who is an Owner  
 ‘ or Proprietor [*or are Joint Owners or Proprietors*] of Fifty Acres  
 ‘ of Land within the said Fens, or One of them.’

VII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor. False Declaration a Misdemeanor.

VIII. And be it enacted, That, at the Meeting of Trustees at which any Person shall first attend as one of such Trustees, such Person shall make and subscribe the Declaration herein required; and it shall be lawful for any Person attending as one of such Trustees, whether he shall himself have made such Declaration or not, to administer such Declaration. Declaration to be made at the first Meeting.

IX. And be it enacted, That if any Person shall act as a Trustee, not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, or if any Person shall act as Deputy being disqualified to act as such, or before he shall have made and subscribed such Declaration as aforesaid, or having become disqualified, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Trustee in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Trustee, not duly qualified, or being disqualified, done previous to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified. Penalty for acting as Trustee not being qualified.

X. And be it enacted, That the Trustees for executing this Act shall hold their First General Meeting, at the Sessions House or some other convenient Place in the Town of *Bourn*, on the Third *Wednesday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the said Trustees shall be held on the Second *Wednesday* in the Month of *June* in every Year, at such Sessions House or other Place, and between the Hours aforesaid; and it shall be lawful for the Trustees First and annual Meetings of Trustees.

Adjourn-  
ment.

Trustees present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Town; and if at any such Meeting there shall not be Five Trustees present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Trustees present, or the major Part of them, or any One Trustee if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Trustees or the Clerk to appoint a Meeting to be held at any convenient Place within the said Town, and not less than Seven Days Notice shall be given of such intended Meeting.

Special  
Meetings.

XI. And be it enacted, That it shall be lawful for the Trustees to hold Special Meetings, and any Two or more of the Trustees may require a Special Meeting to be held; but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Quorum of  
Trustees.

XII. And be it enacted, That all Powers of this Act may be exercised by any Five or more of the Trustees present at any Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting of the Trustees unless Five or more Trustees shall be present at such Meeting.

How Notices  
of Meetings  
are to be  
given.

XIII. And be it enacted, That all Notices by this Act required to be given of any Meeting to be held under the Authority of this Act shall be advertised in One or more Newspapers circulated within the said Town of *Bourn*, Seven Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences at  
Meetings.

XIV. And be it enacted, That at all Meetings of the Trustees they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

General  
Meeting may  
appoint  
Committees;

Duration of  
such Com-  
mittees.

XV. And be it enacted, That it shall be lawful for the Trustees at any General Meeting to appoint a Committee, consisting of not more than Seven of the Trustees, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the annual General Meeting of the Trustees next following its Appointment.

Quorum of  
Committees.

XVI. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of  
Business at  
Meetings of  
Trustees or  
Committees.

XVII. And be it enacted, That at every Meeting of the Trustees or Committee One of the Trustees present shall be elected Chairman by the Majority of the Votes of the Trustees present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present; and if there be an equal Division of  
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Votes,

Votes, the Chairman, in addition to his own Vote as a Trustee or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Trustees having an equal Number of Votes whose Name would stand first if the Names of the Trustees present were alphabetically arranged shall be Chairman of such Meeting.

XVIII. And be it enacted, That no Resolution or other Act of any Meeting of the Trustees shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Twenty-one Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Trustees present at such subsequent Meeting, if the Number of the Trustees present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of Trustees present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

No Resolution of Trustees to be revoked at a subsequent Meeting, unless under certain Circumstances.

XIX. And be it enacted, That all Acts, Orders, and Proceedings of the Trustees relative to the Execution of this Act, together with the Names of the Trustees who shall attend every such Meeting, shall be fairly entered in a Book to be called "The Register of Proceedings;" and the Chairman of the Meeting at which such Acts, Orders, and Proceedings shall be from Time to Time had or made shall subscribe his Name at the End of the Proceedings at such Meetings; and the Trustees shall from Time to Time provide proper Books for the Purpose, and also for the Purpose of entering the solemn Declarations directed to be made by the Trustees, and for entering other Matters and Proceedings done in pursuance of this Act, and such Books shall be in the Custody of the Clerk of the Trustees, and shall be open at all seasonable Times to the Inspection of the Trustees; and such Acts, Orders, and Proceedings, so entered and signed by the Chairman of such Meeting as aforesaid, shall be deemed and taken to be original Acts, Orders, and Proceedings; and which said Books, as well as the Book in which the solemn Declaration directed to be made by the said Trustees shall be entered; and all Entries in such Books respectively shall and may be read in Evidence in all Courts and Places whatsoever, in all Cases of Appeal, and in all Prosecutions, Examinations, Suits, and Actions whatsoever, before all Judges, Justices, and others, without further Proof.

Proceedings to be entered in Books to be provided, which may be read in Evidence.

XX. And be it enacted, That it shall be lawful for the Trustees to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the said Trustees, and for furnishing any Engines or Materials which may be required by the Trustees; and every such Contract shall be in Writing, and shall specify the Works to be done, and the Engines and Materials or other Matters and Things to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Trustees for that Purpose.

For what Contracts may be made.

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XXI. And

How to be signed.

XXI. And be it enacted, That every such Contract shall be signed by any Three of the Trustees and the other Parties thereto; and such Contracts shall be binding on the Trustees, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the Trustees or the other Parties failing in the Execution thereof.

Materials for Works contracted for to be considered the Property of the Trustees.

XXII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury, by Indictment as herein-after mentioned, be held to be the Property of the Trustees.

Indictments how to be preferred.

XXIII. And be it enacted, That it shall be lawful for the Trustees, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, deface or injure, any Property, Article, or Thing belonging to the Trustees; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of "The *Bourn North Fen* and *Dyke Fen* Drainage Trustees," without naming the Members thereof.

Trustees not to be personally liable.

XXIV. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on behalf of the Trustees, for any of the Purposes of this Act, shall extend to charge or affect the Persons of any of the Trustees, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Trustee shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Trustees by virtue of their Office, unless such Action or Suit or any such Damages or Charges have arisen in consequence of wilful Neglect or Default on the Part of the Trustees incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Trustees.

Liability of the Funds arising out of this Act.

Actions or Suits to be brought in the Name of any Two Trustees or their Clerk.

XXV. And be it enacted, That in all Actions and Suits, in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Trustees, it shall be sufficient to state the Names of any Two of the Trustees, or the Name of their Clerk, as the Party Plaintiff or Defendant representing the Trustees in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Trustee, or by the Death, Suspension, or Removal of such Clerk.

Executions against Goods of Trustees.

XXVI. And be it enacted, That Executions upon every Judgment or Decree against the Trustees in any such Action or Suit shall be executed

executed against the Goods and Chattels belonging to the Trustees by virtue of their Office.

XXVII. And be it enacted, That every such Trustee or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Trustees, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Trustees by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Trustee or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Trustee or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Trustees, or more, as aforesaid, it have been so brought without the Order or Direction of the Trustees.

Indemnity  
to Trustees  
and Clerk.

XXVIII. And be it enacted, That the Trustees shall from Time to Time appoint a Treasurer and Clerk, Collector and Assessor, Engineer, Superintendent, Surveyor, and such other Officers as they shall think fit, with such Salaries and Allowances as they shall think reasonable, and may remove such Clerk, Treasurer, Collector, Assessor, Engineer, Superintendent, Surveyor, and other Officers, and appoint others in their Stead.

Trustees to  
appoint Treas-  
urer and  
other Officers.

XXIX. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

Offices of  
Clerk and  
Treasurer to  
be separate.

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Trustees other than that of Clerk or Treasurer, as the Case may be:

Penalty.

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

XXX. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Trustees, exact, take, or

Officer taking  
Fees to lose  
his Office,  
or

and to be liable to a Penalty of 50*l.*

or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Trustees, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Trustees, or be in anywise concerned or interested in any Bargain or Contract made by the Trustees, he shall be incapable of being afterwards employed by the Trustees, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Trustees to take Security from all Officers entrusted with Money.

XXXI. And be it enacted, That the Trustees shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the said Trustees shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Trustees so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XXXII. And be it enacted, That every Officer appointed or employed by the Trustees by virtue of this Act shall from Time to Time, when required by the Trustees, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Trustees; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Trustees, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

XXXIII. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Trustees, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Trustees, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Trustees are in the Hands of such Officer, or owing by him to the Trustees, such Justice may order such Officer to pay the same forthwith; and if he shall



fail to pay the Amount, it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain, without Bail, for any Time not exceeding Three Calendar Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of the Act, or belonging to the Trustees, in his Possession or Power;

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power.

XXXIV. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Trustees of any Remedy which they might otherwise have against any Surety of such Officer. Commitment not to discharge the Sureties.

XXXV. And be it enacted, That the Trustees shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Trustees, and of every Creditor on the Rates and Taxes by this Act authorized to be made, and of every Person assessed to or paying such Rate or Tax, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Trustees, Creditors, and other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book, without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Trustees, Creditors, or Persons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds. Books of Account to be kept, and to be open to Inspection.

XXXVI. And be it enacted, That the Accounts of the Monies received and expended in the Execution of this Act shall be produced at the General Annual Meeting of the Trustees in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled by the Trustees, and if the same shall Accounts to be examined and settled at the annual Meeting; and to be final, unless appealed from.

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be found just and true they shall be allowed by the Trustees, and certified accordingly, under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the Parts of *Kesteven*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Trustees Fourteen Days at least before the hearing of any such Appeal.

A Statement of the Accounts to be previously prepared, and be open for Inspection at the Clerk's Office.

XXXVII. Provided always, and be it enacted, That, Ten Days at the least previously to such Examination and Settlement as aforesaid, the Trustees shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended by virtue of this Act during the preceding Period of One Year, and also of all Debts then owing by the Trustees, and they shall allow such Statement and Account to remain for Inspection at the Office of the Clerk to the Trustees; and every Creditor on the Rates and Taxes by this Act authorized to be made, and every Person paying any such Rate or Tax, or any Person acting on behalf of any such Creditor or Rate-payer, may at all reasonable Times inspect such Statement and Account; and the Clerk shall, on Demand, furnish a Copy of such Statement and Account, or any Part thereof, to any such Creditor or Rate-payer, upon being paid at the Rate of Sixpence for every One hundred Words, and so in proportion for a less Number of Words; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Trustees shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at the Office of the Trustees ready for the Inspection of the Creditors or Rate-payers, or other Parties interested.

Copies to be furnished if required.

Notice of the Meeting.

Auditors may be appointed.

XXXVIII. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Trustees it shall be lawful for the Rate-payers then present to nominate, if they think fit so to do, Two or more Persons, not being Trustees, to be Auditors of the Accounts of the Trustees; and the Persons so to be nominated Auditors shall, before entering on their Office, make and sign, before One of Her Majesty's Justices of the Peace, a solemn Declaration, faithfully and impartially, according to the best of their Skill and Judgment, to execute that Office.

Auditors to inspect Accounts, and to appeal if they think fit.

XXXIX. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Clerk of the Trustees, or at some other convenient Place to be appointed by the Trustees, and from Time to Time shall, in the Presence of the Clerk to the Trustees, in case he should desire to be present, proceed to audit the Accounts of the Trustees for the Year preceding the Appointment of such Auditors; and the Trustees shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statement and Account herein-

before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to One of the Two next General Quarter Sessions of the Peace for the Parts of *Kesteven*, Notice in Writing of such Appeal being given to the Clerk of the Trustees Fourteen Days at the least prior to the hearing of such Appeal.

XL. And be it enacted, That the Trustees shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited, and certified by the Clerk for the Time being of the said Trustees, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the Parts of *Kesteven*, on or before the Thirty-first Day of *January* in each Year, which Account shall be open to the Inspection of the Public at all reasonable Hours, on Payment of One Shilling for every such Inspection: Provided always, that if the said Trustees shall omit to prepare and transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Abstract of the annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XLI. And be it enacted, That it shall be lawful for the Trustees from Time to Time to borrow, at Interest, on the Credit of the several Rates and Taxes or Assessments by this Act granted, and other Property vested in such Trustees, any Sum of Money which, together with any Sum previously borrowed, shall not exceed the Sum of Six thousand Pounds; and in the Event of any Part of such Sum of Money being repaid by the Trustees, to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Six thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Trustees, or any Five of them, may assign over the said Rates and Taxes, and Assessments, and other Funds or Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Power to borrow on Mortgage of the Rates.

XLII. And be it enacted, That every such Assignment or Mortgage shall be by Deed, duly stamped, in which the Consideration shall be truly stated, and every such Deed shall be under the Hands and Seals of Five of the Trustees, and may be according to the Form in Schedule (A.) to this Act annexed; or to the like Effect.

Form of Mortgage.

XLIII. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums respectively mentioned,

Mortgages to be without Preference.

mentioned, be Creditors on the said Rates and Taxes or Assessments, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Expences of Mortgages.

XLIV. And be it enacted, That the Expences of every Assignment or Mortgage shall from Time to Time be defrayed by the Trustees out of the Money raised by the same.

Register of Mortgages to be kept, and to be open to Inspection.

XLV. And be it enacted, That a Register of such Mortgages or Assignments shall be kept by the Clerk to the Trustees; and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Transfer of Mortgages.

XLVI. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person by Deed in Writing, duly stamped, wherein the Consideration shall be truly stated, and any such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

XLVII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Trustees, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment in all respects, and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

XLVIII. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Power to take up Money at a less Rate of Interest.

XLIX. And be it enacted, That if the Trustees can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them and which shall then be in force shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates and Assessments, or other Funds or Property payable under this Act, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations

Règulations as are herein contained with respect to other Monies borrowed on Mortgage.

L. And in order that no undue Preference may be given in paying off any such Mortgages or Assignments, be it enacted, That when and as often as the Trustees shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form and put into a Box, and the Clerk to the Trustees shall, in the Presence of Five or more of the Trustees, draw separately out of the said Box one of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Trustees; and after every such Ballot the Trustees shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand, pursuant to such Notice, but such Principal Money and the Interest thereof to the End of the said Six Months shall nevertheless be payable on Demand.

Mode of  
paying off  
Mortgages.

LI. And be it enacted, That the Trustees may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof, and in such Case the Trustees shall cause such Period to be inserted in the Mortgage Deed; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage.

Repayment  
of Money  
borrowed  
at a Time  
fixed.

LII. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to the Mortgage may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the Trustees may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Creditor, shall be by Writing delivered to the Clerk, and if given by the Trustees shall be by Writing, given either personally to such Mortgagee or Creditor, or if such Mortgagee or Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the *London Gazette*, and in some Newspaper circulated in the Parish of *Bourn*; and at the Expiration of the said Notice, when given by the Trustees, Interest shall cease to be payable on the Money secured by such Mort-

Repayment  
of Money  
borrowed  
where no  
Time fixed.

gage, unless, on Demand of such Money, the Trustees fail to pay the same, pursuant to such Notice.

For enforcing  
Payment of  
Arrears and  
Interest.

LIII. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal, Interest, and Costs of any such Mortgage, at the respective Times at which such Interest, or such Principal and Interest, and Costs, become due, be it enacted, That if such Interest or any Part thereof shall, for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Creditor may either sue for the Interest so in arrear, by Action of Debt, in any of the Superior Courts, or he may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Principal and  
Interest.

LIV. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Creditor may sue for the same in any of the Superior Courts of Law or Equity; or if his Debt amount to the Sum of One hundred Pounds, he may alone, or, if his Debt does not amount to the Sum of One hundred Pounds, he may in conjunction with other Mortgagees or Creditors whose Debts, being so in arrear, after Demand as aforesaid, shall, together with his, amount to the Sum of One hundred Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Appointment  
of Receiver.

LV. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the Parts of *Kesteven* in the County of *Lincoln*; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Rates or Taxes, or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Rates or Taxes or Sums aforesaid, be fully paid; and upon such Appointment being made all such Rates or Taxes and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest, and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

Access to  
Account  
Books by  
Mortgagees.

LVI. And be it enacted, That at all reasonable Times the Books of Account of the Trustees shall be open to the Inspection of the respective Mortgagees and Creditors thereof, with Liberty to take Extracts therefrom, without Fee or Reward.

Application  
of Money to  
be borrowed.

LVII. And be it enacted, That all the Money which shall be raised on the Credit of the Rates and Taxes hereby authorized to be levied

levied shall be applied, in the first place, in paying the Expences of obtaining and passing this Act and of a former Application to Parliament for the same Purpose, or incident thereto, and afterwards in making the Works by this Act authorized, and such permanent Improvements in the Drainage of the Lands in *Bourn North Fen* and *Dyke Fen* as the Trustees shall direct to be made.

LVIII. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Trustees, may lawfully be served by delivering the same personally to the Clerk of the Trustees, or by leaving the same at his Office or usual Place of Abode; or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Trustee.

Service of  
Notice on  
Trustees.

LIX. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Trustees, the Signature thereof by Three Trustees or by the Clerk of the Trustees shall be a sufficient Authentication.

Authentica-  
tion of  
Notices.

LX. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Trustees, by Order of the Trustees, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Trustees to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Releases to  
Witnesses.

LXI. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before any Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of  
Amends.

LXII. And be it enacted, That every Engine, Machine, Building, and Work to be erected and made by the Trustees under the Powers of this Act, and every Site of the same respectively, and all Engines, Machinery, Buildings, Sluices, Pits, Bridges, Tunnels, Culverts, Cuts, Sewers, Drains, Watercourses, Dams, Banks, Headings, Forelands, Doors, Outlets, and other Works already made or now existing or provided for the Drainage of the said Lands called *Bourn North Fen* and *Dyke Fen*, and which shall be hereafter made and provided for such Purpose, and the Right and Property to and in

Works vested  
in Trustees.

5 G. 3. c. 86.

in the same, and the Materials of which the same respectively shall consist, shall be and are and is hereby vested in the said Trustees: Provided always, that nothing in this Act contained shall extend to or affect any Engines, Machinery, Buildings, Sluices, Pits, Bridges, Tunnels, Culverts, Cuts, Sewers, Drains, Watercourses, Dams, Banks, Headings, Forelands, Doors, Outlets, and other Works already made or now existing or provided for the Drainage of the said Lands called *Bourn North Fen* and *Dyke Fen*, at present vested in and under the Control of certain Commissioners, commonly called the *Black Sluice Commissioners*, elected under and by virtue of the Powers of an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Third, 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*.

Power to  
purchase  
Land.

LXIII. And be it enacted, That it shall be lawful for the Trustees to purchase any Land which they shall consider requisite for any of the Purposes of this Act from any Person who shall be willing to sell the same, and to pay for the same out of the Money to be by them received under this Act, and to accept a Conveyance of the same from the Owner, and to hold such Land in Trust for the Purposes of this Act.

Power to  
make and  
maintain  
Works of  
Drainage.

LXIV. And be it enacted, That it shall be lawful for the Trustees in and upon any Land in the said *Bourn North Fen* or *Dyke Fen*, not vested in the *Black Sluice Commissioners* above mentioned, to make, erect, and build, or to cause to be made, erected, and built, in such Manner as they shall deem most convenient, One or more, not exceeding Two, good and substantial Engine or Engines, with all proper Machinery, for propelling a Water Wheel or Water Wheels, to be worked by the Power of Steam or such other Power as the Trustees shall from Time to Time deem most expedient, together with all proper and convenient Buildings, Sluices, Pits, and other necessary Works, the united Power of such Two Engines (if Two shall be erected) not to exceed the Power of Sixty Horses; and also to cleanse, as Occasion may require, the Drains and Watercourses in and through the said Fens respectively, for the Purpose of facilitating and accelerating the Discharge of the Waters from and out of the said Fens into the Main Cut or Drain called the *Forty-foot* or *Black Sluice New Main Drain*; and also to make, and from Time to Time support, maintain, amend, repair, and improve, as Occasion may require, the Sluices, Bridges, Tunnels, Culverts, Cuts, Sewers, and other Works already or hereafter to be made in, upon, and through the said Fens, for effectually draining and preserving the same; and all and every such Engine and Engines, and Machinery, Buildings, Sluices, Pits, Bridges, Tunnels, Culverts, Cuts, Sewers, Drains, and Watercourses, and other Works of Drainage, shall from Time to Time and at all Times for ever hereafter be supported, repaired, maintained, and renewed by the said Trustees, as Occasion may require, by and out of the Funds and Monies to be from Time to Time raised by virtue and under the Authority of this Act, in such Manner as the Trustees shall think proper and order or direct: Pro-  
vided



vided always, that the Trustees shall, out of the Money to be by them received under this Act, make full Compensation for all Damage or Injury which shall be occasioned to any Person by the making any of the Works aforesaid, or carrying this Act into execution; and in case of any Dispute respecting the Amount of Compensation or Damage, the same shall be determined by some Justice of the Peace having Jurisdiction.

LXV. Provided always, and be it enacted, That the Water Wheels of any Engine or Engines to be erected under the Authority and for the Purposes of this Act shall not exceed the Diameter of Fifteen Feet.

Diameter of WaterWheels not to exceed Fifteen Feet.

LXVI. And be it enacted, That it shall not be lawful for the said Trustees or any Person acting under their Authority, by means of any Steam Engine or Machinery to be erected or constructed under the Powers of this Act, to discharge any Water from the said *Bourn North Fen* and *Dyke Fen* into the main Cut or Drain called the *Forty-foot Drain* at any Time when the Water in the said Main Cut or Drain shall exceed the Height of the Gauge or other Datum Line of Height to be ascertained and fixed as herein-after mentioned.

Water not to be discharged from the Fens into the Main Drain above a certain Gauge.

LXVII. And for defining the Height of Water in the said Main Cut or Drain at which it shall not be lawful for the said Trustees to discharge Water into the same by means of any such Steam Engine or Machinery as aforesaid, be it enacted, That the said Trustees shall and they are hereby required, within Two Months after the passing of this Act, to appoint One Civil Engineer to act on their Behalf for inquiring into and ascertaining and fixing such proper Height of Water, and such Gauge or other Datum Line as herein-after mentioned, and shall, within Ten Days next after such Appointment, give Notice thereof to the Commissioners acting in execution of an Act passed in the Fifth Year of the Reign of King *George* the Third, 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*, or to the Clerk to the said Commissioners; and in case the said Commissioners shall, within One Month after Service of such Notice, also appoint One Civil Engineer to act on their Behalf in such Inquiry and Matters, then such Two Engineers shall, before proceeding therein, appoint some Third Civil Engineer to be an Umpire, to act in case of any Difference of Opinion between them, or the said Trustees and Commissioners may agree to appoint One Civil Engineer only to be the sole Engineer for such Purposes; and it shall be lawful for such Two Engineers, or One of such Two Engineers with the Umpire, or such One Engineer, as the Case may be, or in case the said Commissioners shall refuse or neglect to appoint an Engineer on their Behalf within the Space of One Month, then for such first-mentioned Engineer alone, or in case such Two first-mentioned Engineers shall, for the Space of One Month after their Appointment, refuse or neglect to appoint an Umpire, then for any sole Engineer to be appointed by the Lord High Admiral or the Lords Commissioners of the Admiralty, as herein-after provided, to proceed to inquire into and to

For appointing Engineers to fix a Gauge as a Limit for the Discharge of Water into the Main Drain.

5 G. 3. c. 86.

[Local.]

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ascertain

Engineers to make an Award, which shall be enrolled.

If Engineers cannot agree upon an Umpire, the Board of Admiralty to appoint a sole Engineer.

Costs of Reference and Award.

Declaration to be made by Engineers.

Form thereof.

For appointing Successors to Engineers, &c. in case of Death, &c.

ascertain and fix the Height of the Water in the *Forty-foot Drain* at which the Power of the Trustees to discharge Water into the said Drain from the said Fens shall be suspended; and it shall be lawful for such Two Engineers, or One Engineer and Umpire, or One Engineer alone, as the Case may be, to cause a Gauge to be fixed in such Situation near to any such Engine as they or he shall think proper, or to define such Height, by reference to any existing Mark or Datum Line or otherwise, as they or he shall think proper, and their or his Ascertainment and Decision on the Matters aforesaid, with all Details and Particulars relative to such Height of Water, and to such Gauge or Datum Line, or requisite for elucidating the same, shall be declared and set forth in an Award in Writing under their or his Hands or Hand; and such Award or Writing shall be deposited and enrolled in the Office of the Clerk of the Peace for the Parts of *Kesteven*, and shall be final and binding for the Purposes of this Act, until altered as herein-after mentioned; and in case the Two Engineers first mentioned shall not agree, or shall refuse or neglect to appoint an Umpire as aforesaid within One Month after their Appointment, then their Appointment shall be null and void, and it shall thereupon be lawful for the Lord High Admiral or the Lords Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, to nominate and appoint a Civil Engineer for the Purposes aforesaid, on Application made to him or them by the said Trustees and Commissioners, or by either of such Parties, after giving One Month's Notice to the other of such Parties, or their Clerk, of their Intention to make such Application; and one Moiety of the Fees and Charges of such Engineers or Engineer, and of the Costs and Expences attending such Inquiry, Decision, and Award, and incident thereto, shall be paid and discharged by the said Trustees out of the Rates and Taxes to be levied under the Powers of this Act.

LXVIII. Provided always, and be it enacted, That every Engineer and Umpire to be appointed as aforesaid, before he shall be capable of acting in execution of the Purposes of this Act, shall make and subscribe before One of the Justices of the Peace for the said Parts of *Kesteven* a solemn Declaration in the Form or to the Effect following; (that is to say,)

‘ I do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several Powers and Duties of an Engineer [or an Umpire, as the Case may be,] under an Act passed in the Fourth Year of the Reign of Her Majesty Queen *Victoria*, intituled [here set forth the Title of this Act], according to Equity and good Conscience, and without Favour or Affection, or Prejudice or Malice, to any Person or Persons whomsoever.’

LXIX. And be it enacted, That in case any Engineer appointed as aforesaid shall die, or decline or become incapable to act in ascertaining and fixing such Gauge or Datum Line as aforesaid, before the Execution of such Award as aforesaid, then it shall be lawful for the said Commissioners or the said Trustees, or the said Commissioners and

and Trustees jointly, or the said Lord High Admiral or Lords Commissioners of the Admiralty, as the Case may be, by whom any Engineer so dying, or declining or becoming incapable to act, shall have been appointed, to appoint, in manner aforesaid, some other Civil Engineer in the Place or Stead of the Engineer so dying; or declining or becoming incapable to act; and in case any Person appointed Umpire as aforesaid shall die, or decline or become incapable to act, then some other Person shall be appointed Umpire in his Stead by the Two acting Engineers before they shall further proceed in the ascertaining and fixing such Gauge or Datum Line as aforesaid; and every new Engineer and Umpire so appointed shall, after making the Declaration by this Act prescribed, have the like Powers as are by this Act given to the Engineers or Engineer or Umpire in whose Place or Stead he shall be appointed.

LXX. And be it enacted, That, in case, at any Time after the Enrolment of such Award as aforesaid, it shall be deemed expedient, either by the said Trustees or the said Commissioners, to make any Alteration in the Height or Gauge or Datum Line thereby fixed, it shall be lawful for the said Trustees and the said Commissioners again to appoint Two Engineers or One Engineer, by the like Mode of Proceeding as is herein-before provided, for the Purpose of inquiring into, ascertaining, and fixing any different Height, or new Gauge or Datum Line, above which it shall not be lawful for the said Trustees to discharge Water into the said Main Cut or Drain, and under and subject to the like Proceedings in case of any Difference or Neglect of the Parties respectively in proceeding to the Appointment of such Engineers, or relating to the Appointment of an Umpire, and under and subject to the like Proceedings in appointing Successors to such Engineers or Engineer, or Umpire, in case of the Death, or declining or becoming incapable to act, of any such Engineers or Umpire; and an Award in Writing shall be made, deposited, and enrolled also in like Manner as is herein-before directed with respect to the Award of such first-mentioned Two Engineers, or One Engineer and Umpire, or One Engineer alone, as the Case may be, and every such Award shall be final and binding for the Purposes of this Act; and the Fees and Charges of such future Engineers, and the Costs and Expences attending every such future Inquiry, Decision, and Award, shall be defrayed in like Manner as aforesaid.

Authorizing  
Alteration in  
Gauge when  
expedient in  
future.

LXXI. And be it enacted, That in any Case of Emergency, in which Danger may be reasonably apprehended from the working of any such Engine or Machinery to the Works under the Management of the Engineer or Surveyor to the said Commissioners, it shall be lawful for such Engineer or Surveyor, by Notice in Writing under his Hand, specifying the Nature of such Emergency, to require that the working of any such Engine and Machinery shall be immediately stopped and suspended for any Length of Time, to be specified in such Notice, not exceeding Seventy-two consecutive Hours; and upon Service of such Notice upon any Officer or Servant of the said Trustees at the Station of any such Engine, or at the Place of Residence of any Officer or Servant of the said Trustees usually employed in the Care or Management or working of such Engine, the working

For suspend-  
ing the  
working of  
the Engine  
in Cases of  
Emergency.

of such Engine and Machinery shall be immediately stopped and suspended accordingly, but not for any longer Period than Seventy-two consecutive Hours, unless a Meeting of the Committee, to be appointed as herein-after mentioned, shall be held within Three Days from the Service of such Notice, to whom the Circumstances of the Case shall be submitted, and at which an Order shall be made to suspend the working of the Engine for such further Time as may appear to them to be necessary in order to remove the Cause of the apprehended Danger; in which Case, on Service of a Copy of such Order in manner before provided for Service of the before-mentioned Notice, the working of such Engine and Machinery shall be further suspended accordingly: Provided always, that if the said Trustees, or their Officer or Servant, shall not immediately stop and suspend the Operation of the said Engine or Engines, in conformity with such Notice in Writing to such Officer or Servant, it shall be lawful for the Engineer or Surveyor of the said Commissioners to make Application to any One Justice of the Peace acting in and for the Parts of *Kesteven* or *Holland* in the said County of *Lincoln*, who is hereby authorized and required, in a summary Way, by Order under his Hand, to enforce the immediate Stoppage and Suspension of such Engine or Engines.

For appoint-  
ing a Com-  
mittee to  
protect exist-  
ing Works of  
the Black  
Sluice.

LXXII. And in order to protect the Works of the said Main Cut or Drain called the *Forty-foot Drain*, and the adjoining Lands, from any Injury in consequence of the working of any such Engine and Machinery, be it enacted, That a Committee shall be annually appointed of Three of the Commissioners acting in execution of the said Act of the Fifth Year of the Reign of King *George* the Third, in manner following; (that is to say,) the Trustees for executing this Act shall annually (within One Month after the said Commissioners shall have caused to be delivered to the said Trustees or their Clerk a Notice in Writing, specifying the Appointment and Name of One of such Commissioners by them appointed to be One of such Three Committee-men,) and such Trustees are hereby required to elect and appoint One of such Commissioners to be One of such Committee-men, and such Two Committee-men shall and they are hereby required to appoint One other of the said Commissioners as the Third Committee-man; and each of the Persons so appointed shall respectively continue in Office for One Year from the Day of the Appointment of such Third Committee-man, and until others shall be appointed in their Stead respectively; and such Three Commissioners shall be a Committee for inquiring into any Case of Emergency arising from any Breach of the Banks of the said Main Cut or Drain called the *Forty-foot Drain*, or of the North Bank of the Rivers *Glen* or *Bourn Eau*, or from a reasonable Apprehension of the said Main Drain or Rivers being so surcharged with Water as to endanger by Inundation the Country below the Parish of *Bourn*, and for ascertaining, by Examination of Engineers or Surveyors, or by such other Means as they shall deem expedient, the Necessity for stopping or suspending the working of any such Engine or Machinery, or moderating the Operation thereof; and thereupon it shall be lawful for the said Committee-men, or any Two of them, or their Deputies, to be appointed as herein-after provided, by Writing under their Hands,  
delivered

delivered at the Office or Place of Residence of the Clerk of the said Trustees, or to any Officer or Servant of the said Trustees at the Station of the Engine or Machinery, to order or continue the stopping or Suspension of the working thereof, or the moderating the Operation of such Engine or Machinery, for such Time as the Emergency of the Case shall require, and to be specified in such Order; and every such Order shall be observed by and be binding on the said Trustees, and on all their Engineers, Officers, and Servants: Provided always, that in case the said Two first-mentioned Committee-men shall not agree upon the Person to be appointed such Third Committee-man within One Month after their Appointment as aforesaid, then the Reverend *Basil Berridge* of *Alderchurch* in the County of *Lincoln*, Clerk, shall thereupon be the Third Committee-man for the first Year from the Time of his coming into Office as such Third Committee-man; and in case of any such Disagreement in any future Year respecting the Appointment of the Third Committee-man as aforesaid, then such Third Committee-man shall be nominated and appointed by the Justices of the Peace in Quarter Sessions assembled at *Boston*, on Application made by the said Two first-mentioned Committee-men, or either of them, for the Purpose; and in case of the Death or Refusal to act of any Person so appointed Committee-man as aforesaid, then his Successor shall be appointed by the said Commissioners or the said Trustees (as the Case may be) who appointed the Committee-man so dying or refusing to act; and with respect to the Third Committee-man, his Successor shall be appointed under the like Regulation as is herein-before contained respecting the Appointment of such Third Committee-man: Provided also, that it shall be lawful for each such Committee-man, in case of Illness or other actual Inability to attend any Meeting of such Committee, to appoint some other *Black Sluice* Commissioner to act as his Deputy at such Meeting.

LXXIII. And be it enacted, That in case any Engineer or Officer or Servant of the said Trustees or other Person shall work any such Engine or Machinery contrary to the Provisions of this Act, or to any Notice or Order to be given or made and served according to the Provisions of this Act, such Engineer, Officer, or Servant shall for each Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on the Engineers, &c. working Engines contrary to Orders.

LXXIV. And be it enacted, That the several Occupiers of the several Lands within the said Fens shall at all Times well and sufficiently cleanse, deepen, widen, and repair the several Road or Drove-way Dikes, Outring or Partition Dikes, and Division Dikes, adjoining or belonging to their said respective Lands, and shall at all Times keep and maintain the said Dikes, and every of them, of such sufficient Width and Depth as the Trustees shall direct and require; and in case any such Occupier shall at any Time refuse or neglect so to cleanse, widen, or repair any of the said Dikes adjoining or belonging to his Lands, or to keep and maintain the same of such sufficient Width and Depth as aforesaid, for the Space of Twenty-one Days next after Notice in Writing so to do, under the Hands of Three of the said Trustees for the Time being or of their Clerk, shall have been given to such Occupier, or left at his usual Place of Abode, he

Dikes to be kept open;

Penalty for Neglect.

[Local.]

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shall

In default  
of Occupiers,  
Trustees may  
repair, &c.

shall for every such Neglect forfeit any Sum not exceeding the Sum of Three Shillings for every Rod of the Dike or Dikes so neglected to be cleansed, scoured, deepened, widened, or repaired as aforesaid; and it shall be lawful for the Trustees, or their Superintendent or other Officer, from Time to Time, after such Neglect or Refusal as aforesaid, to cause such Dikes to be cleansed, deepened, widened, and repaired, and the Charges and Expences attending the same shall be reimbursed to the said Trustees by such Occupier so neglecting or refusing as aforesaid.

Power to levy  
Rates and  
Taxes.

5 G. 3. c. 86.

LXXV. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the said Trustees from Time to Time, as Occasion shall require, to rate, assess, tax, and charge all the several Lands within the said Fens called *Bourn North Fen* and *Dyke Fen*, which are now rated and charged, or liable to be rated or charged, either towards the general or interior Works for the Drainage and Preservation of the said Fens or either of them, under the Authority of the before-recited Act of the Sixth Year of the Reign of King *George* the Third, or of the before-mentioned Act, therein recited, passed in the Fifth Year of the Reign of King *George* the Third, intituled *An Act for draining and improving certain Low, Marsh, or Fen Lands lying between Boston Haven and Bourne in the Parts of Kesteven and Holland in the County of Lincoln*, in such Sum or Sums of Money *per Acre*, and so on in rateable Proportion for any less Quantity than an Acre, as shall from Time to Time be necessary for such Purpose, not exceeding Twenty Shillings *per Acre* within or during the first Year next after the passing of this Act, and not exceeding Ten Shillings *per Acre* in either of the Two following Years, and not exceeding Two Shillings and Sixpence *per Acre* in any subsequent Year; and every such Rate and Assessment shall be entered in a Book to be provided for the Purpose, and signed by a Majority of the Trustees present at any General or Special Meeting to be convened for that Purpose; and all such Entries shall be open, without Fee or Reward, at all convenient Times, for the Inspection of all Persons rated or liable to be rated.

Rates vested  
in Trustees,  
and to be  
payable by  
Proprietors.

LXXVI. And be it enacted, That the several Rates and Taxes made under this Act shall be vested in the Trustees, and shall be paid by the several and respective Owners of Lands within the said *Bourn North Fen* and *Dyke Fen* to such Persons, and at such Times, or at such Times and Places, as the said Trustees shall from Time to Time appoint.

Notice of  
Rates to be  
published  
before the  
same shall be  
payable.

LXXVII. And be it enacted, That the Trustees shall give Notice of the Time when or of the Time and Place when and where such Rates and Taxes are from Time to Time to be payable or paid, by publishing the same in some Newspaper usually circulated in the Town and Neighbourhood of *Bourn*, and by causing the same to be affixed upon the principal outer Door of the Parish Church of *Bourn*, on some *Sunday* previous to Divine Service, not more than Forty Days nor less than Ten Days before the Day of Payment.

LXXVIII. And

LXXVIII. And be it enacted, That the Books of the Rates and Taxes made under this Act, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates and Taxes imposed by virtue of this Act. Rate Books to be Evidence.

LXXIX. And be it enacted, That it shall be lawful for the Trustees from Time to Time to amend any Rate or Tax made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated or taxed, or by striking out the Name of any Person who ought not to have been rated or taxed, or by raising or reducing the Sum at which any Person shall have been rated or taxed, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate or Tax conformable to this Act; and no such Amendment shall be held to avoid the Rates or Taxes: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate and no such Alteration had been made; and every Person whose Rate or Tax shall be altered shall be entitled to Fourteen Days Notice of such Alteration before the Rate or Tax shall be payable by him. Rates may be amended.

LXXX. And be it enacted, That it shall be lawful for the Occupiers of any Property liable to be assessed, rated, or taxed under this Act to demand to be assessed for the same, and to pay the Rates or Taxes in respect thereof made under the Authority of this Act; and the Trustees shall assess every such Occupier so long as he shall duly pay the said Rates and Taxes. Occupiers may be rated if they think fit;

LXXXI. And be it enacted, That in case any Occupier shall demand to be assessed as aforesaid, it shall be lawful for the Trustees or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property, by the same Means as the same might have been recovered if the Owner had been rated thereto. and may be distrained.

LXXXII. And be it enacted, That if the Amount of any Rate which under the Provisions herein-before contained ought to be borne by the Owner of any rateable Property shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any) paid by him, from the Rent due or to become due from him to such Owner, except where there shall be any express Agreement to the contrary, and except as to any Taxes which may become due and payable for or in respect of any Lands held under any special Agreement, or beneficial Lease for a Term of Lives or Years determinable on Lives, which Taxes should be borne and paid by the Lessees, and shall not be deducted from the reserved Rents. Owner to repay the Occupier, except where otherwise agreed, &c.

LXXXIII. And be it enacted, That if any Person liable to the Payment of any such Rate or Tax shall omit or neglect to pay the same Penalty on the Non-payment of

Rates accord-  
ing to the  
Notice.

same for the Space of Fourteen Days after the Day appointed, according to such Notice to be published as aforesaid, every Person so omitting or neglecting shall forfeit, by way of Penalty for every such Omission or Neglect, the Sum of Five Shillings for every Pound Sterling of the Amount of the said Rates and Taxes which shall be so in arrear, and so in proportion for any less Sum than One Pound; and such Penalty shall be paid to the Collector or Receiver of such Rates and Taxes; and in default of such Payment every such Penalty shall and may be levied and recovered in the same Manner as such Rates and Taxes may or can be levied and recovered, and shall be applied by the Trustees to the same Purposes as the Rates or Taxes are applicable.

Rates may be  
recovered by  
Action or by  
Distress.

LXXXIV. And be it enacted, That if any Person rated or taxed under the Authority of this Act shall not pay any of the said Rates or Taxes due from him, together with any Penalty incurred as aforesaid, for the Space of Fourteen Days after Demand thereof in Writing by the Trustees or their Collector, it shall be lawful for the Trustees to recover the same, by Action of Debt, in any of Her Majesty's Courts of Record at *Westminster*, or any Justice shall, on the Application of the Trustees or their Collector, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates or Taxes and Penalties due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rates or Taxes and Penalty shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of  
Warrant of  
Distress.

LXXXV. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate or Tax may include One Person or several Persons, and may be to the Effect mentioned in Schedule (C.) to this Act annexed.

Constables  
to assist in  
making Dis-  
tress.

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

Lands to re-  
main liable  
if sufficient  
Distress not  
found.

LXXXVII. And be it enacted, That whenever the Lands, for or in respect of which any such Rates or Taxes, or any Penalty for the Nonpayment thereof, shall be due and unpaid, shall be unoccupied, or that sufficient Distress cannot be found thereon for levying the same, such Lands shall be and remain a Security for the Payment of all such Rates, Taxes, and Penalties respectively so due and unpaid; and all Goods, Chattels, and Effects which shall or may at any Time thereafter be found on such Lands shall and may be distrained and sold, in manner aforesaid, until all the Rates and Taxes then due in respect of such Lands, and all Penalties incurred by the Nonpayment thereof, and all Costs and Expences incident to any



previous Distress and to the then Distress and Sale shall be fully paid and satisfied.

LXXXVIII. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any partial or qualified Estate or Interest, Husbands, Guardians, Trustees or Feoffees in Trust for charitable or other Purposes, Heirs, Executors, Administrators, Successors, Committees for Lunatics and Idiots, and all other Trustees whomsoever, and for all Persons seised, possessed of, or interested in right of others, being Persons labouring under any Disability or Incapacity, and all other Persons whomsoever, and they are hereby authorized and empowered, not only for and on behalf of themselves, and their own respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their several and respective Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and for all Femes Covert and other Persons who are or shall be seised, possessed of, or interested in the Lands to be rated or taxed by virtue of this Act, to charge all or any of such Lands with any such Sums of Money, not exceeding the said several Rates or Sums of Twenty Shillings, and Ten Shillings, and Ten Shillings *per* Acre, herein-before authorized to be rated and charged within or during the first Three Years next after the passing of this Act, which shall be ascertained and determined by the Trustees to be payable by such Parties or Persons respectively as or for their Shares or Proportions of the Costs, Charges, and Expences of obtaining and passing this Act, and of making and completing the Engines, Works, and Improvements by this Act authorized; and for securing the Repayment of such Sums, with Interest, to grant, mortgage, surrender, lease, or demise such Lands to or in Trust for the Persons advancing or lending such Sums, and to their respective Heirs, Executors, Administrators, or Assigns, in Fee, or for any Term or Number of Years, so as every such Grant, Mortgage, Surrender, Lease, or Demise be made subject to a Proviso or Condition to cease and be void, or with an express Trust to be reconveyed, re-assured, or surrendered when such Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sums of Money, with lawful Interest for the same respectively, shall be paid and satisfied; and any Mortgagee advancing or lending Money under this present Power shall not be obliged to see to the Application thereof, nor be in anywise accountable for any Misapplication or Nonapplication thereof, or of any Part thereof; and so as in every such Grant, Mortgage, Surrender, Lease, or Demise which shall be made by any Tenant in Tail, or for Life or Lives, or for Years determinable upon a Life or Lives, or upon any other Contingency, there be also contained a Proviso or Condition that the Person who shall afterwards become entitled in Remainder or Reversion to the Lands or Tenements therein comprised shall not be liable to pay any further or larger Arrear of Interest in respect of the Money to be charged as aforesaid than for Six Months preceding the Time when the Title to such Possession shall have commenced.

Proprietors under Disability may borrow Money for Payment of Taxes.

[*Local.*]

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LXXXIX. Pro-

Lands not to be charged for annual Taxes.

LXXXIX. Provided always, and be it enacted, That nothing in this Act contained shall authorize or empower any Person or Party under such Disability as aforesaid to borrow Money, upon Security of or to charge the Lands so to be rated or taxed, for the Purpose of raising or paying the annual or other Rates or Taxes to be made for the Purpose of defraying the Expences of using and working any Engine or Works hereby authorized to be erected and made, after such Works shall have been erected and made, or for maintaining any Works hereby authorized to be maintained.

Mortgagees empowered to levy Rates in case Trustees neglect, &c.

XC. Provided always, and be it enacted, That in case the Trustees shall, at any Time during the Existence of any such Mortgage or Security made or granted in pursuance of this Act, neglect or refuse to execute all or any of the Powers and Remedies hereby given to them for raising Rates and Taxes, so as to meet and provide for the Payment of the Principal Monies so to be borrowed, or the Interest thereof, or any Part thereof respectively, according to the Terms of such Mortgage or Security, then and in any such Case it shall be lawful for the Mortgagees or Creditors on the Rates and Taxes by this Act granted, their Executors, Administrators, and Assigns respectively, for the Purpose of obtaining and enforcing the Payment of Interest, or the Repayment of Principal Monies due on any such Mortgage or Security, (as the Case may require,) to have and exercise the same or the like Powers, Rights, and Remedies for rating, assessing, taxing, and charging the several Lands within the said Fens, and all Powers and Remedies for collecting, receiving, and enforcing the said several Rates and Taxes, as are by this Act given to the Trustees for the like Purposes; and if any Owner or Proprietor of Lands within the said District shall at any Time advance or lend any Sum or Sums of Money for the Purposes aforesaid, it shall be lawful for him to deduct and retain such Principal Money, and all Interest which shall from Time to Time be due thereon, according to the Terms of his Security, out of and from such Sums as shall from Time to Time be rated, taxed, or assessed on his Lands; and such Lands shall be and are hereby discharged and acquitted of and from so much of the said Rates and Taxes as such Principal Money and Interest shall amount to.

Owners advancing Money on Loan may deduct it from the Rates.

Application of Rates.

XCI. And be it enacted, That the Money which shall arise from the said Rates and Taxes, and all Money which shall be received by the Trustees in respect of any Lands allotted or appointed by the Award of the Commissioners acting in execution of the said recited Act as aforesaid, for the Purpose of effectuating the Drainage of the said Fen Lands, and all other Monies to be received by the Trustees under or by virtue or in pursuance of this Act, shall (after Payment of the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and incident thereto, and of all Money advanced by any Owner or Proprietor or other Person for such Purposes, and of the Costs and Expences of a former Application to Parliament for the like Purposes, and all Monies advanced for the same, with lawful Interest), be applied, in the first place, in Payment of the Interest of all Monies borrowed on Mortgage or Security of the said Rates and Taxes,

Taxes, and then in defraying the Expences of erecting Engines and executing all other Works by this Act authorized, and in maintaining the same in repair, and in carrying the several Purposes of this Act into execution, and in paying off all Principal Sums to be borrowed on the Credit of the said Rates and Taxes, in such Order as the Trustees shall think proper.

XCII. And be it enacted, That where any Damages or Charges are under this Act to be paid, in addition to any Penalty, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justice before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and the Justice shall issue his Warrant accordingly.

Damages to be ascertained with the Penalty.

XCIII. And for the Purpose of providing for the Recovery of any Compensation for any Damage or Injury done in the Execution of this Act, or for any Expences or Charges which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of all such Compensation, Expences, and Charges shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justices; and the same shall be levied by Distress, and such Justice or Justices shall issue his or their Warrant accordingly.

Provision for Damages not otherwise provided for.

XCIV. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question and their Witnesses on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse, to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Justices to examine Parties and Witnesses.

XCV. And with respect to any Money under the Provisions of this Act to be paid by the Trustees, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Trustees to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Trustees, and if no sufficient Goods of the Trustees can be found, by Distress of the Goods of the Treasurer of the Trustees; but no such Distress shall issue against the Goods of such Treasurer, unless Seven Days previous Notice, in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Recovery of Money from Trustees.

XCVI. And

Reimburse-  
ment of  
Treasurer.

XCVI. And be it enacted, That if any such Treasurer pay any Money under any such Distress as aforesaid, it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Trustees coming into his Custody or Control, or to sue the Trustees for the same, in the same Manner as other Parties are by this Act enabled to sue the said Trustees.

Penalties to  
be summarily  
recovered  
before a  
Justice.

XCVII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before a Justice; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending, it shall be lawful for the Justice to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before him; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for a Justice to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justice shall think fit.

Penalties may  
be levied by  
Distress.

XCVIII. And be it enacted, That if, forthwith upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and the Justice shall issue his Warrant of Distress accordingly.

Imprison-  
ment in  
default of  
Distress.

XCIX. And be it enacted, That it shall be lawful for the Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding

Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

C. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Trustees, and the other Half thereof to the Informer or any Person suing for the same; or, if the Trustees be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Application  
of Penalties.

CI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalties to  
be sued for  
within Six  
Months.

CII. And be it enacted, That it shall be lawful for any Justice to summon any Person as a Witness in any Matter over which he shall have Jurisdiction, and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on  
Witnesses  
making  
Default.

CIII. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates or Taxes authorized to be raised by this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before any Court or Justice by virtue of this Act; and no Justice shall be disabled from acting in the Execution of this Act by reason of his being liable to the Payment of any Money towards the Rates or Taxes authorized to be raised by this Act.

Liability to  
Rates not to  
disqualify  
Witnesses  
or Justices.

CIV. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Trustees, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him, with all convenient Despatch, before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Transient  
Offenders.

[Local.]

28 M

CV. And

Form of  
Conviction.

CV. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (D.) to this Act annexed.

Informalities.

CVI. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress  
how to be  
levied.

CVII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distresses  
not unlawful  
for Want of  
Form.

CVIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damages in an Action upon the Case.

Parties may  
appeal to  
Quarter  
Sessions  
on giving  
Security.

CIX. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General or Quarter Sessions for the Parts of *Kesteven* in the County of *Lincoln*; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court may  
make such  
Order as they  
think reason-  
able, and  
award Costs.

CX. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs,  
both

both of the Adjudication and of the Appeal, as they may think reasonable.

CXI. Provided always, and be it enacted, That nothing in this Act shall prejudice or affect the Right, Title, or Interest of the Lords of the Manors of *Bourn* with the Members, or of *Bourn Abbots* with its Members, to any Manorial Rights, Privileges, Jurisdictions, Services, or Profits incident or appertaining to the said Manors, or either of them. Saving of Manorial Rights.

CXII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation Clause.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender only shall include Females :

The Word "Month" shall mean Calendar Month :

The Word "Person" shall include Corporation, whether Aggregate or Sole :

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath :

The Word "Justice" shall mean Justice of the Peace acting within the Limits of this Act :

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Expression "the Trustees" shall mean the Trustees for the Time being acting by virtue of this Act, or their Deputies duly appointed :

The Word "Commissioners" shall mean the Commissioners for the Time being acting by virtue of the Act of the Fifth Year of the Reign of King *George* the Third, 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.* 5 G. 3. c. 86.

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

SCHEDULES to which the foregoing Act refers.

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SCHEDULE (A.)

*Form of Mortgage Deed.*

By virtue of an Act passed in the Fourth Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], we, Five of the Trustees appointed by [*or by virtue of*] the said Act, in consideration of the Sum of \_\_\_\_\_ paid to us by *A. B.* of \_\_\_\_\_ for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates and Taxes arising by virtue of the said Act as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates and Taxes; to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of \_\_\_\_\_ with Interest at \_\_\_\_\_ per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

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SCHEDULE (B.)

*Form of Transfer of Mortgage.*

I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number \_\_\_\_\_ made by the Trustees for executing the [*Title of the Act*] to \_\_\_\_\_ bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ for securing the Sum of \_\_\_\_\_ and Interest, [*or, if such Transfer be by Indorsement, the within Security,*] and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates, Taxes, Money, and Property thereby assigned. In witness whereof, &c. this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

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SCHEDULE (C.)

*Form of Warrant of Distress.*

to wit. } To One of the Collectors of the Rates and Taxes under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [here insert the Title of this Act], and to all Constables:

Whereas the under-mentioned Persons, now or late Owners or Proprietors of Lands within the Parish of Bourn, have been duly rated in or are liable to the Payment of a Rate or Tax made on the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, and the Penalty of incurred under the same Act, which they have not paid, as appeareth upon Oath to me, one of Her Majesty's Justices of the Peace for the and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such several Sums of Money should not be paid; These are therefore, in Her Majesty's Name, to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Surplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct: And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all things relating to the Premises. Given under my Hand and Seal this Day of in the Year of our Lord One thousand eight hundred and

	Sums due.			
	£	s.	d.	
A. B. - - - - -	-	-	-	-
C. D. - - - - -	-	-	-	-

SCHEDULE (D.)

*Form of Conviction.*

to wit. } Be it remembered, That on the Day of A. B. in the Year of our Lord is convicted before me, C. D., one of Her Majesty's Justices of the Peace for the [here describe the Offence generally, and the Time and Place when and where committed,] contrary [Local.] [28 N]

trary to an Act passed in the Year of the Reign of  
Her Majesty Queen Victoria, intituled [*here insert the Title of this*  
*Act*]. Given under my Hand and Seal the Day and Year first above  
written.

C. D.

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