



ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xciv.

An Act for the more effectual Drainage of the Lands within *Blankney Fen, Blankney Dales, Linwood Fen, Linwood Dales, and Martin Fen and Martin Dales*, in the County of *Lincoln*.

[23d June 1832.]

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for dividing and inclosing the low Lands and common Fens within the Hamlet of Martin in the Parish of Timberland and within the Parish of Blankney in the County of Lincoln, and for draining and preserving the low Lands and Fens within the said Hamlet of Martin and Parish of Blankney, and within the Hamlet of Linwood in the said Parish of Blankney*: And whereas an Act was passed in the Thirty-seventh Year of the Reign of His said Majesty King George the Third, intituled *An Act to embank and drain the open and unembanked Lands and Grounds lying between the Dale's Head Dyke and the River Witham, in the several Townships or Hamlets and Parishes of Walcot, Timberland Thorpe, Timberland, Martin, Linwood, and Blankney, all in the County of Lincoln*: And whereas, under Provisions contained in the said recited Acts, Trustees have been appointed for maintaining and supporting the Drainage of the several low Lands and Fens mentioned in the said Acts: And whereas it would be very beneficial to the Owners of the Lands lying and being within *Blankney Fen, Blankney Dales, Linwood Fen, Linwood Dales, Martin Fen, and Martin Dales*, in the Parishes of *Blankney and Timberland* in the said County of *Lincoln*, that the Drainage of the said Lands,

[Local.] 24 I should

should be placed under the Direction, Care, and Management of One Body of Trustees, and that they should have more extensive Powers than are contained in the said recited Acts or either of them; but the Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all Clauses and Provisions therein contained, save and except so far as the said recited Acts or either of them authorize or empower the Trustees therein mentioned to make, support, erect, alter, and maintain, or cause to be made, supported, erected, altered, and maintained, any Cuts, Tunnels, and Watercourses through and under any Banks whatsoever to be made upon or against the Lands and Grounds therein mentioned, by virtue of the said recited Acts or either of them, and any Cuts, Drains, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and other Works, in, upon, through, and over the low Lands therein mentioned, which the Trustees thereby authorized, and acting within and for the Hamlets, Townships, or Parishes wherein Works of Drainage should respectively be situate or become requisite, should think necessary for draining and preserving the same, so far and so far only as respects the low Lands and Fens called *Blankney Fen*, *Blankney Dales*, *Linwood Fen*, *Linwood Dales*, *Martin Fen*, and *Martin Dales*, in the Parishes of *Blankney* and *Timberland* aforesaid, shall, immediately on the Appointment of Trustees under the Powers for that Purpose contained in this Act, but not until such Appointment, be and the same are hereby repealed.

Recited Acts repealed, except, &c.

Trustees acting under this Act to have the same Powers only for the Erection of Works as were vested in the Trustees under former Acts.

II. And be it further enacted, That from and after the Appointment of Trustees under this Act, as herein directed, such and the same Powers and Authorities only as by the said recited Acts or either of them were vested in the Trustees appointed under or by virtue of the said recited Acts or either of them, for making, supporting, erecting, altering, and maintaining, or causing to be made, supported, erected, altered, and maintained, any Cuts, Tunnels, and Watercourses through and under any Banks whatsoever to be made by virtue thereof upon or against the Lands and Grounds within the low Lands and Fens called *Blankney Fen*, *Blankney Dales*, *Linwood Fen*, *Linwood Dales*, *Martin Fen*, and *Martin Dales*, in the Parishes of *Blankney* and *Timberland* aforesaid, and any Cuts, Drains, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and other Works in, upon, through, and over the said low Lands and Fens herein-before mentioned, within the said Parishes of *Blankney* and *Timberland*, shall become vested in the Trustees to be appointed by virtue and in pursuance of this Act, as fully and effectually to all Intents and Purposes as the same were vested by the said recited Acts or either of them in the Trustees appointed thereby or in pursuance thereof in case this Act had not been passed.

Bonds, Contracts, &c. to remain in force.

III. And be it further enacted, That all Bonds, Conveyances, Covenants, Contracts, Leases, Mortgages, Assignments, Deeds, Instruments, and Securities made to or by, or entered into by any Person or Persons to or with, the Trustees for executing the said recited Acts or either of them, shall remain in full Force and Effect, and be and continue available

able in all Courts of Law and Equity, until the same be fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Trustees for executing the said recited Acts or either of them, with or to any Person or Persons, for any Purpose relating to the said Drainage or to the Execution of such Acts, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

IV. And be it further enacted, That all Books kept for registering Mortgages, or Transfers thereof, and all Entries therein, and all Books containing the Accounts and Proceedings of the Trustees acting in the Execution of the said recited Acts or either of them, kept according to the Directions or Provisions of such Acts respectively, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Books under former Acts to be Evidence.

V. And be it further enacted, That each Clerk, Agent, Collector, and other Officer appointed under or by virtue or acting under the Authority of the said recited Acts, other than and except the Treasurer, shall hold and enjoy such his Office and Employment, together with the Salary or Emolument thereunto annexed, as if he had been appointed under the Powers of this Act, unless and until he shall resign or be removed therefrom in pursuance of the Powers hereby granted; and each such Clerk, Agent, Collector, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever, as if he had been appointed by virtue of this Act.

Old Officers to continue until removed.

VI. And in order that the several Banks, Drains, Engines, and other Works necessary for draining and preserving the said Fens and Dales may be maintained, supported, and kept in repair, be it further enacted, That the Trustees under the said recited Act shall within Three Weeks after the passing of this Act (and that it shall be lawful for the Lords of the respective Manors of *Blankney*, *Linwood*, and *Martin* in the said County of *Lincoln*, or any of them, or the Rector or Vicar for the Time being of the Parish Churches of *Blankney* or *Timberland* in the same County, or any Proprietor or Proprietors of Lands in the said Fens and Dales or either of them, at any Time after the End of every Three succeeding Years from the Time of every Election of Trustees, as herein-after mentioned, to) cause public Notice to be given on some *Sunday* in the Parish Churches of *Blankney* and *Timberland* aforesaid, during Divine Service, or otherwise to be affixed on the principal Doors of the said Churches before such Service, that the Proprietors or Owners of the said Fens and Dales, or their Deputies, to be appointed by Writing under the respective Hands of such Proprietors, do meet at some convenient Place in the said Parish of *Blankney* on the *Thursday* Three Weeks next after the Day on which such Notice shall be given, between the Hours of Ten and Twelve of the Clock in the Forenoon, then and there to make Choice of Three proper Persons to be Trustees for the Execution of this Act; and it shall be lawful for every Proprietor or Owner of Thirty Acres or more of Land

Appointment of Trustees.

or

or Ground within the said Fens and Dales, or either of them, or his Deputy appointed as aforesaid, present at such Meeting, to vote for every Trustee; and every such Proprietor or Owner of more than Thirty Acres of such Lands shall have One Vote in respect of each and every Thirty Acres of the said Lands, but no Proprietor shall have more than Twenty Votes in the whole; and if at such Meeting any Number of Proprietors or Owners of Lands within the said Fens and Dales or either of them, amounting in the whole to Thirty Acres at the least of such Lands, or their Deputies appointed as aforesaid, shall by Writing under their Hands nominate any Person to vote for them at such Election, such Person so nominated shall be and is hereby authorized and empowered to give One Vote on behalf of such Proprietors or Owners in the Choice of every Trustee so to be elected; and such Trustees as shall be from Time to Time so chosen by a Majority of such Votes as aforesaid (the same being certified by Writing under the Hands of the Persons so choosing them in the Minute Book herein after mentioned) shall be and they are hereby appointed Trustees for the Execution of this Act, and the said respective Trustees shall continue to act in the Execution of this Act until the Election of others in their Stead, as herein mentioned, and no longer; and when and so often as any of such Trustees shall die, refuse or become incapable to act, or shall resign the Trust (which such Trustees respectively are hereby empowered to do by Writing under their respective Hands), it shall be lawful for the Two remaining Trustees, if that Number shall continue, by Writing under their respective Hands, but if there shall be only One remaining Trustee, or if Two, and such Two Trustees shall not agree in the Nomination of a Trustee, then for the said Lords, Rector, Vicar, Proprietors, or Owners as aforesaid, in such Manner as is hereinbefore provided with respect to the periodical Appointment of Three Trustees, upon such Notice being given as aforesaid (and which Notice such remaining Trustees and Trustee are and is hereby required to cause to be given), to appoint or elect, as the Case may be, a Trustee or Trustees in the Place and Stead of the Trustee or Trustees so dying, refusing or becoming incapable to act, or resigning the Trust; and an Entry of every such Nomination of new Trustees shall be made in such Book as aforesaid; and the new Trustees shall have and be invested with all the Powers and Authorities of the Trustees in whose Place they shall be appointed or chosen: Provided always, that no Person or Persons shall be entitled to vote in the Election of a Trustee or Trustees who shall not have paid his, her, or their Proportion of any Rate that shall have been made by the Trustees for the Time being acting under the Authority of this Act, the same having become due, and the Payment thereof having been demanded by the Collector or Collectors, Receiver or Receivers, or other Person or Persons appointed by the said Trustees to receive the same: Provided also, that no Person shall be eligible or shall continue to act as a Trustee under this Act during such Time as he shall hold any Place of Profit or be concerned directly or indirectly in any Contract or Contracts entered into with the Trustees under this Act: Provided also, that if, from the Refusal, Neglect, or Inability of Trustees to cause Notices to be given for any of the Purposes aforesaid, or from any other Cause whatsoever, such Notices shall not be given at the Time at which the same are hereby required to be given, it shall be lawful for the Lords of the respective Manors of *Blankney*, *Linzwood*, and *Martin* in the said County of *Lincoln*, or the Rector or Vicar for the Time being of the Parish Churches of *Blankney*

or

or *Timberland* in the same County, or any or either of them, to cause such Notices to be given; and the same, and all Acts done in pursuance thereof, shall be as valid and effectual as if such Notices had been given by the Trustees who by this Act are required to give the same.

VII. And be it further enacted, That the Trustees to be first appointed in pursuance of this Act shall, within Three Weeks after their Appointment, meet at such Time and Place as they or the major Part of them shall think proper, for the putting into execution this Act; and that the Trustees for the Time being under this Act shall hold one Annual Meeting in every Year on the First *Tuesday* in the Month of *March*, at such Time and Place as they or the major Part of them shall think proper, for the Execution of this Act; and the said Trustees shall from Time to Time hold such other Meetings as they or the Majority of them shall think proper, and they shall be at liberty to adjourn all their Meetings, and they shall defray their own Expences at such Meetings, but no Business shall be transacted at such Meetings, except as respects the Adjournment thereof, unless Two of the said Trustees shall be present; and any Two of the said Trustees shall be and they are hereby empowered to carry this Act into execution, and to do all Acts hereby directed and authorized to be done, and to exercise all Powers and Authorities hereby given to the said Trustees: Provided always, that if at any such Meeting Two Trustees shall not attend, then One Trustee, and in case none of the Trustees shall attend, then their Clerk, shall be at liberty to adjourn such Meeting.

Meetings of Trustees.

Acts of Two Trustees valid.

VIII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be fairly entered in a Book or Books to be provided and kept for that Purpose, and which shall be called the "*Blankney, Linwood, and Martin Fen and Dales Drainage Minute Book*," and shall be signed by One at least of the said Trustees; and all such Entries shall be read and received in Evidence in all Courts whatsoever; and the said Book shall be kept by the said Trustees or their Clerk for the Time being, and all Persons interested in the said Fens and Dales shall have Access thereto at all reasonable Times, and shall be at liberty to take any Extracts from the same.

Proceedings to be entered in a Book.

IX. And be it further enacted, That the said Trustees shall have full Power and Authority over all the said Works made and to be made, and also over the Mills already set up for the draining of the said Fens and Dales, and over the Mills or Engines which shall be set up for that Purpose under the Authority of the said recited Acts or of this Act, or any of them, and over the Banks, and the Forelands and Sides thereof, and over all the public Drains, Sluices, Tunnels, and other Works thereto belonging, or now used or to be used for the draining of the said Fens and Dales or any of them, and to alter, repair, rebuild, strengthen, enlarge, widen, or deepen the same, and also to take down, fell, and remove all such Trees, Woods, and Bushes standing within the Distance of Two hundred Yards as shall at any Time or Times be an Obstruction or Impediment to the working of the said Mills or Engines, already erected or to be erected under the Authority of the said recited Acts or of this Act, or any of them, or to the Drainage of the said Fens and Dales, and shall also have full Power and Authority to divide off or cut

Power of Trustees over the Works.

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away, take, and use all such Lands and Hereditaments as they the said Trustees shall judge necessary to be cut, taken, or used for erecting or building any Mill or Engine, or for making or enlarging any of the said Banks, Cuts, Drains, Watercourses, Dams, Headings, or other Work or Works under this Act, and from Time to Time to take Earth, Flag, or other Soil from the said Fens and Dales, or from any Lands or Grounds adjoining or lying near thereto, for making, supporting, or repairing the Banks or Works aforesaid, so that as little Damage as may be shall be thereby done, and such Satisfaction as is herein-after mentioned shall be made for the same.

Exceptions.

X. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or enable the said Trustees to take down, remove, use, destroy, or injure any Dwelling House or other Building for any of the Purposes of this Act, without the Consent in Writing of the respective Owners thereof and other Persons interested therein.

Works to be vested in the Trustees.

XI. And be it further enacted, That the Property of and in the present Mills already erected and built, and of and in the several public Sluices, Tunnels, Bridges, Banks, Dams, Forelands, Drains, Watercourses, Doors, and other Works already made, raised, set out, cut, and used for draining the said Fens and Dales, and also of and in the several Mills or Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Drains, Watercourses, Doors, and other Works to be erected, raised, set out, cut, made, and used under the Authority of this Act, and all Tools, Implements, Timber, and other Articles and Things provided or made use of for the Purposes of this Act, and of and in any Land, Ground, or Hereditaments to be purchased by the said Trustees in pursuance of the Powers herein contained, shall be fully and wholly vested in the said Trustees, who shall at all Times have full Power, Authority, and Controul over the same and every of them; and the said Trustees are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or to prefer or order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall injure or damage the same or any of them; and in all such Actions or Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of "The Trustees for the *Blankney, Linwood, and Martin Drainage,*" without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Trustees may enter upon and agree for the Purchase of Land, making Satisfaction for Damages.

XII. And be it further enacted, That the Trustees acting under the Authority of this Act shall have full Power and Authority to enter into or upon any of the said Fens and Dales, and to take and dig Earth or Soil therefrom, and to take the same for the Site of any Mill or Engine, Mills or Engines, and Dwelling House or Houses required for the Purposes of this Act, and to do such other Acts as may be necessary to carry into effect the Purposes of this Act, making Satisfaction to the Party or Parties injured thereby, and for that Purpose the said Trustees are hereby empowered to agree with the Proprietors of and Persons interested

interested in any Lands, Tenements, or Hereditaments which they the said Trustees shall judge necessary to be dug, cut, taken, used, or entered upon for any of the Purposes of this Act, for the Purchase of such Lands, Tenements, or Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damages they may sustain thereby; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for the Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons who is, are, or shall be seised or interested in their own Rights, and to and for all and every other Persons and Person whomsoever who are, is, or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Trustees, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Trustees for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, or Hereditaments by the Means aforesaid; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whosoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act.

Bodies Politic, &c. may contract for Sale of Lands or Compensation for Damages.

XIII. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or Hereditaments, or the Banks, Dams, Sluices, or other Works which have been or may be erected for the Protection and Drainage of certain low Lands and Grounds in the Fens and Dales of *Timberland* and *Timberland Thorpe* aforesaid, shall sustain Injury by reason of the Execution of any of the Powers by this Act given, and the said Trustees shall not agree with the Party concerned about the same, and the Compensation, Recompence, and Satisfaction to be made and paid in respect thereof, or for the absolute Purchase of any Lands, Tenements, or Hereditaments, then and in such Case the said Trustees shall and they are hereby empowered and required to sign a Requisition or Warrant in Writing under their Hands to the High Sheriff of the said County of *Lincoln*, and if he shall be interested in the Matter, then to One of the Coroners of the said County, commanding such Sheriff or Coroner to impanel, summon, and return, and he is hereby required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the Parts of *Kesteven* in the said County of *Lincoln* at some General or Quarter Sessions of the Peace to be holden in and for the said Parts, or some Adjournment thereof, as in such Requisition or Warrant shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or

Damages how to be settled and provided for.

Coroner

Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace for the said Parts of *Kesteven* in the County of *Lincoln* is hereby empowered and required to summon or call before the said Justices all Persons who may be thought necessary to be examined as Witnesses touching the Matter in question, and may order and authorize the said Jury or any Six or more of them to view the Place or Places or Matter or Matters in controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum and Sums of Money to be paid by way of Recompence, either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damage which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, repaired, or remedied by the said Trustees, and which cannot or will not be further obviated, repaired, or remedied by them or either of them; and in so doing the said Jury shall take into consideration, not only the Damage or Inconvenience, but also the Advantage and Convenience which shall or may arise by means of the Works to the Person or Persons having such Controversy or Dispute with the said Trustees; and the said Justices shall accordingly give Judgment for such Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Trustees to the principal Officers of any such Body Politic, Corporate, or Collegiate, or other Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with some Tenant or Occupier of the Premises to which Damage shall be done, or respecting which any such Question shall arise.

Expences of
Jury how to
be paid.

XIV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Trustees as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and of their going to view or assess the Extent of such Damage, Loss, or Injury, and the Expences of Witnesses, and of the Fees of Court on the hearing and determining the said Question or Controversy, shall be defrayed by the said Trustees, and such Costs and Expences shall be settled and determined by some Justice of the Peace for the Division or Place in which the Cause of Complaint shall have arisen, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the
Party

Party entitled to receive the same within Thirty Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Trustees, or of the Treasurer or Collector of the said Trustees, (unless such Treasurer or Collector shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace as aforesaid, which Warrant such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for the same or a less Sum than shall have been previously offered or tendered by or on the Behalf of the said Trustees, or if no Verdict shall be found for Damages, (where the whole Dispute shall be whether any Damage has or has not been done,) then and in every such Case one Moiety of the said Costs and Expences shall be defrayed by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Trustees; and such first-mentioned Moiety of the said Costs and Expences, having been ascertained and settled by some Justice of the Peace in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Trustees.

XV. And be it further enacted, That the said Trustees shall not be obliged to make a Recompence for any Injury done by them respectively, or their respective Agents or Servants, nor shall any Jury to be summoned by virtue of this Act be allowed to receive or take notice of any Complaint to be made by any Person or Persons for any Injury or Damage by him or her sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless such Notice shall be given within the Space of Three Calendar Months after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to Trustees before Complaint made.

XVI. And be it further enacted, That in case any Lands, Tenements, or Hereditaments which shall be purchased, taken, used, or damaged by the said Trustees under the Authority of this Act shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Trustees and they are hereby required, upon Application in Writing being made to them by the Mortgagee or Mortgagees thereof, or his, her, or their Executors, Administrators, or Assigns, for that Purpose, to pay to him, her, or them such Sum or Sums of Money as shall have been agreed or awarded to be paid by the said Trustees for or in respect of such Lands, Tenements, or Hereditaments as aforesaid, in part of the

Payment of Compensation to Mortgagees.

[Local.]

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Principal

Principal Money that shall be then due upon the Mortgage or Mortgages thereof; and upon Payment of such Sum or Sums of Money to such Mortgagee or Mortgagees, or his, her, or their Executors, Administrators, or Assigns, he, she, or they shall acknowledge the Receipt thereof in satisfaction of so much of the Principal Money due upon such Mortgage or Mortgages, by an Indorsement to that Effect to be made on such Mortgage or Mortgages to be signed by him, her, or them in the Presence of One or more credible Witness or Witnesses.

Application
of Compensation
Money
when
amounting to
or exceeding
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1 G. 4. c. 35.

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax charged upon or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or any other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or applied, or such Part thereof as shall be necessary, or until the same shall, upon the like Application, be laid out, in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be obtained the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities,

ties, or in other Government or in Real Securities; and in the meantime and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

XVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may require), be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two or more Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Trustees, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, without being required to obtain any Order of the Court of Exchequer touching the Application thereof.

When less than 200*l.* and amounting to or exceeding 20*l.*

XIX. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy or Lunacy or other Incapacity, then to the Guardian or Guardians, Committee or Committees, Trustee or Trustees of such Person or Persons, to and for the Use and Benefit of the Person or Persons respectively entitled thereto.

When less than 20*l.*

XX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded, for the Purchase of any Lands, Tenements, or Hereditaments to be taken, purchased, or used

In case of not making out Titles, or Persons entitled under

bled not
being found.

under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of
questionable
Title of Per-
sons in pos-
session.

XXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities, or Government or Real Securities, to be purchased with such Money, and also the Capital of such Bank Annuities, or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court
may order
reasonable

XXII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled

entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Purchases to be paid by the Trustees.

XXIII. And be it further enacted, That upon Payment or legal Tender of any such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury in manner aforesaid, for the Purchase of any Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein directed or required, within One Calendar Month after each such Sum or Sums of Money shall have been contracted or agreed for or assessed as aforesaid, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Trustees, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Trustees to and for the Purposes of this Act; and such Payment, Tender, or Investment shall not only bar all Right, Title, Claim, Interest, and Demand of such Person or Persons as aforesaid, and operate as a Merger of all outstanding Terms of Years, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion or Remainder, or otherwise of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investment as aforesaid it shall not be lawful for the said Trustees, or any Person acting under their Authority, to dig or cut such Lands or Grounds, Tenements or other Hereditaments, for the Purposes of this Act, without the Leave and Consent of such Person or Persons respectively; and in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act before such Payment, Tender, or Investment as aforesaid, every Person so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

Power to enter and take possession of Lands, &c. on Payment or Tender of Purchase Money.

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XXIV. And

Empowering Trustees to sell Lands purchased, &c. not wanted for the Purposes of the Act.

XXIV. And whereas by means of the Purchases which the said Trustees are empowered to make by virtue of this Act they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act, or any Land which they may have purchased may cease to be necessary for the Purposes aforesaid; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of by public Auction such Land or Ground and any Buildings that may have been erected thereon: Provided always, that the said Trustees, before they shall sell and dispose of any such Piece or Pieces of Land or Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Land or Ground; and in case such Person or Persons respectively shall not then and thereupon agree or shall refuse to purchase or repurchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, by some Person or Persons not interested in the said Piece or Pieces of Land or Ground, stating that such Offer was made by or on behalf of the said Trustees, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which shall be made by the said Trustees of such Piece or Pieces of Land or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Trustees to use Surveys already made.

XXV. And be it further enacted, That the Surveys, Maps, and Plans of the said Lands and Grounds which are now used by the Trustees under the said recited Acts shall be adopted and used by the Trustees under this Act for the Purpose of carrying the same into execution.

Power to appoint Officers.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to appoint such Treasurers, Clerks, Receivers, Dike Reeves, Collectors, Surveyors, and other Officers as to them the said Trustees shall appear necessary and proper to assist them in the Execution of this Act, and to allow such Officers and every of them reasonable Salaries or other Compensation for their Trouble, and from Time to Time as they shall see Occasion to remove any such Treasurer, Clerk, Receiver, Dike Reeve, Collector, Surveyor, or other Officer, and to appoint another or others in his or their Place or Places, and to require and take from every or any such Treasurer, Clerk, Receiver, Dike Reeve, Collector, Surveyor, or other Officer, before he shall act in the Execution of his Office, such Security for the due Execution of the same as

the said Trustees shall think proper; and an Entry in the Minute Book of the said Trustees of every such Appointment and Removal as aforesaid, and signed by Two at least of the said Trustees, shall be Evidence of such Appointment and Removal.

XXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk and
Treasurer
not to be the
same Person.

XXVIII. And be it further enacted, That every Officer and Person who shall be employed by virtue of this Act shall from Time to Time when thereunto required by the said Trustees, by Writing under their Hands, make out and deliver to the said Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments, and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or neglect to deliver up to the said Trustees, or to such Person or Persons as the said Trustees shall appoint, within Four Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Trustees, or by their Clerk or any Person on their Behalf, to any Justice of the Peace for the

Officers to
account.

the Division or Place wherein the said Officer or Person shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, and unpaid, such Justice may and he is hereby empowered, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the reasonable Charges of such Distress and Sale; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse to be sworn or affirmed, or shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to any common Prison for such Division or Place, there to remain without Bail or Mainprize until he shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Trustees (and which Composition the said Trustees are hereby empowered to make) for such Money and Charges, in case the said Trustees shall think proper to enter into any Composition, and paid the Composition Money to the said Trustees, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Accounts to
be kept.

XXIX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees and every Creditor on the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized to be made, or otherwise affected thereby, without Fee or Reward, and the said Trustees, Creditors, and other Persons aforesaid, or any of them, shall and may take Copies of or Extracts from the said Book or Books or any Part thereof without paying any thing for the same, and in case the

the said Clerk shall refuse to permit or shall not permit the said Trustees, Creditors, or Persons aforesaid to inspect the same, or to take Copies or Extracts as aforesaid; such Trustees, Creditors, or other Persons desiring to inspect the said Book or Books, or to take Copies thereof or Extracts therefrom, giving to the said Clerk Seven Days previous Notice in Writing of such their Desire or Intention, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

XXX. And be it further enacted, That the said Trustees shall and they are hereby required, at their General Annual Meeting in each Year, to examine, audit, and settle the Accounts of every Officer and Person employed under this Act, and to require every such Person to produce the Books, Accounts, Papers, and Vouchers, and to examine into the Revenues and Debts and pecuniary Concerns of the said Drainage; and when the Accounts of the said Officers and Persons shall be settled and allowed by the said Trustees present at such Meeting, the same shall be signed by Two of them; and if any Treasurer, Clerk, Receiver, Dike-reeve, Collector, Surveyor, or other Officer or Person shall refuse or neglect to produce or shall not produce his Accounts, or any Book, Paper, or Voucher required to be produced by him, such Officer or Person shall be dealt with according to the Provision herein contained with regard to Officers refusing to account or deliver up Books, Receipts, or Papers, or pay over Money in their Hands; and when and so soon as the said Accounts shall be audited, allowed, and signed, the Clerk to the said Trustees shall forthwith make out a full and clear Debtor and Creditor Statement of the Debts, Revenues, and Expenditure remaining due or received or incurred under or by virtue of this Act, which Statement shall be submitted to the said Trustees, and when approved by the Majority of them shall be signed by them. Auditing Accounts.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required, at their said First Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and from Time to Time at their General Annual Meeting in each and every succeeding Year, or at any Adjournment thereof, to assess, rate, tax, and charge all and every the Owners and Owner, Occupiers and Occupier, of all and singular the said Fens and Dales with such an equal or proportionable Acre Rate or Tax as to the said Trustees shall seem just and reasonable, for and towards the Drainage and Improvement of all the said Lands and Grounds, and the Construction, Support, and Maintenance of the several Works necessary for that Purpose, and the Satisfaction by the Means aforesaid of any Sum or Sums raised by Mortgage, and the Interest thereof, and so in proportion for any less Quantity than an Acre. Taxes to be laid.

XXXII. And be it further enacted, That the respective Assessments, Rates, and Taxes by this Act authorized to be laid shall be considered as due, and a Charge upon the said several Lands and Grounds respectively from the First Day of *January* next preceding the Time of the laying thereof in each and every Year, and shall be payable and paid by the respective Owner or Owners, Occupier or Occupiers of the said respective Lands and Grounds, to the Collector or Collectors, Receiver or Receivers; Taxes to be charged on the Lands from the 1st Day of January yearly.

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or other Person or Persons, at such Time or Times, at such Place or Places, and in such Manner and Form as the said Trustees shall at any of their Meetings to be holden under this Act, or at any Adjournment thereof, direct or appoint; and such Assessments, Rates, and Taxes shall be raised and levied in manner directed by this Act; and the Quantities of the said several Lands and Grounds shall be ascertained and determined, and the said several Assessments, Rates, and Taxes shall at all Times be paid, collected, and received, by and according to the Surveys herein-before directed to be made use of, and the Awards made in pursuance of the said recited Acts.

Tenants to pay the Taxes and deduct them from their Rents.

XXXIII. And be it further enacted, That all and every the Tenants and Occupiers of the said several Lands and Grounds who shall be assessed, rated, taxed, or charged by virtue of this Act shall, and he, she, or they is and are hereby authorized and required to pay all and every such Rates and Taxes for the Lands and Grounds in their respective Occupations, and to deduct and retain, out of his, her, or their Rent or Rents, all such Sum or Sums of Money as they shall so respectively pay as aforesaid; and the several and respective Landlords and Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments, upon Receipt of the Residue of his, her, or their Rent or Rents; and every such Tenant or Occupier paying any such Rates or Taxes shall be acquitted and discharged of as much Money as such Rates or Taxes so paid by him, her, or them respectively shall amount unto, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords (except where there shall or may be any Lease or Agreement to the contrary, and except as to Taxes which may become due and payable for or in respect of any Lands that may be held under any special Agreement or beneficial Lease for a Term of Lives, or Years determinable on Lives, which Taxes shall be borne and paid by the Lessees respectively, and shall not be deducted from the reserved Rents); provided that nothing herein contained shall extend or be construed to extend to enable any Tenant or Occupier to deduct from his or her Rent any Penalty or Forfeiture incurred by Nonpayment of the Rates and Taxes hereby imposed or authorized to be laid.

Penalty on neglecting to pay the Rates.

XXXIV. And for enforcing the due and punctual Payment of the Rates and Taxes by this Act charged or authorized to be laid, be it further enacted, That if any Person or Persons subject or liable to the Payment of the said Rates or Taxes, or any Part thereof, shall omit or neglect to pay the same or any Part thereof to the Collector or Collectors, Receiver or Receivers, or other Person or Persons appointed by the said Trustees to receive and collect the same, for the Space of Thirty Days next after the respective Days or Times appointed for Payment of the same by the said Trustees, Fourteen Days Notice in Writing of the respective Times of such Payments having been previously given by the said Collector or Collectors, Receiver or Receivers, or other Person or Persons appointed as aforesaid, to the Person or Persons who is or are liable to pay the same, either by delivering such Notice to him, her, or them, or leaving the same at his, her, or their usual Place or Places of Abode, or if such last-mentioned Person or Persons shall not have any Place of Abode within either of the Parishes of *Blankney* or *Timberland*, then by affixing such Notice upon the Church Door of the Parish where such Lands

and Grounds or any Part thereof shall lie, (and which Notice shall be and be deemed and taken to be a full and sufficient Notice to all Persons concerned of the Day of Payment of such Rates and Taxes,) then and in every such Case every Person so omitting or neglecting shall forfeit and pay to the said Trustees, by way of Penalty for every such Omission, Neglect, or Nonpayment, the Sum of Two-pence for every One Shilling of the said Rates and Taxes which shall be so in arrear and unpaid, and so in proportion for any less Sum than One Shilling; and such Penalty shall be paid to the Collector or Collectors, Receiver or Receivers of such Rates and Taxes, or to such Person or Persons as the said Trustees shall appoint to receive the same; and in default of Payment thereof to such Collector or Collectors, Receiver or Receivers, or to such other Person or Persons as aforesaid, on Demand, every such Penalty shall and may be levied and recovered by such Ways and Means, and in such and the same Manner, as the Rates and Taxes hereby charged or authorized to be made or imposed, or any of them, may or can be levied and recovered, and all such Penalties when received shall be applied by the said Trustees in carrying this Act into execution.

XXXV. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay all or any Part of the Rates or Taxes which he, she, or they is and are hereby made liable to pay and discharge for the Space of Two Calendar Months next after the Days or Times which shall be appointed for Payment of the same respectively, or shall refuse, omit, or neglect to pay all or any Part of the Penalty or Penalties which shall become due by reason of Nonpayment thereof, then and in every such Case it shall and may be lawful to and for the Collector or Collectors, Receiver or Receivers of the said Rates and Taxes, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of the said Trustees, (which Warrant or Precept the said Trustees are hereby authorized and required from Time to Time to grant and make as Occasion shall require, whether assembled at a Meeting or not,) to enter into and upon all or any Part of the Lands and Grounds hereby authorized to be taxed and charged as aforesaid, for which such Rates, Taxes, or Penalties shall be due and owing, and all Messuages and Tenements thereupon standing and thereto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and owing or payable for such Rates and Taxes by such Person or Persons having refused, omitted, or neglected to pay the same, and also to levy the Sum or Sums of Money due and owing by such Person or Persons as last aforesaid by way of Penalty for the Nonpayment of such Rates and Taxes or of any Part thereof, by Distress of the Goods, Chattels, and Effects which shall or may be found thereon, or of a sufficient Part thereof, and the Goods, Chattels, and Effects which shall be so distrained to impound and keep on the Premises, or to take, lead, drive, carry away, and keep for the Space of Five Days, at the Costs and Charges of the Person or Persons liable to pay the said Rates, Taxes, and Penalties, leaving at such Messuages or Tenements, Lands, Grounds, or Premises, or delivering to the Occupier or One of the Occupiers of the same, Notice in Writing of such Distress having been made, and of the Cause thereof, and of the Place or Places where such Distress may be found, or be taken, driven away to, impounded and kept; and in case the Sum or Sums of Money for which any such Distress shall have been made, and all

Power of Distress in case of Nonpayment.

all Costs, Charges, and Expences attending such Distress, shall not be paid and discharged to the Collector or Collectors, Receiver or Receivers of such Rates or Taxes, or to the Person or Persons making such Distress, within Five Days next after the making of such Distress, and Notice thereof given as aforesaid, then and in every such Case the Person or Persons so making such Distress shall and may, with the Constable of the Parish where such Distress shall have been made, (who is hereby directed upon being thereunto required to assist therein,) cause the Goods, Chattels, and Effects so distrained to be appraised by Two or more indifferent Persons to be sworn by such Constable, (who is hereby required and empowered to administer the proper and necessary Oath or Oaths,) and such Two Persons are hereby required to appraise the same according to the best of their Judgments; and after such Appraisalment it shall and may be lawful to and for such Collector or Collectors, Receiver or Receivers, or other Person or Persons making such Distress, to sell or cause to be sold the Goods, Chattels, and Effects so distrained for the best Price or Prices that can be reasonably had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be so made, and of the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of the Money arising from such Sale (if any), on Demand, to the Person or Persons entitled thereto.

Lands to remain liable if no Distress found.

XXXVI. And be it further enacted, That when and so often as it shall happen that the Lands for or in respect of which any such Rates or Taxes as aforesaid, or any Part thereof, or any Penalty or Penalties for the Nonpayment of any such Rates or Taxes, shall be due and unpaid, shall be unoccupied, or that no sufficient Distress can be found thereon for levying the same Rates or Taxes and Penalties, then and in every such Case 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 at any Time thereafter be found on such Lands shall and may be distrained, impounded, kept, appraised, and sold in manner aforesaid, until all the Rates and Taxes then due and owing for or in respect of such Lands, and all Penalties which shall have become payable by the Nonpayment thereof at the Times aforesaid, and all Costs, Charges, and Expenses incident to every such Distress and Sale, shall be fully paid, satisfied, and discharged.

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

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, whenever they shall think it expedient, to bring or cause to be brought, in the Name of their Treasurer or Clerk, or of any One or more of them the said Trustees, any Action or Actions of Debt; or any Special Action on the Case, in any of His Majesty's Courts of Record at *Westminster*, for the Recovery of all or any of the Rates or Taxes to become due and payable by virtue of this Act, and for the Recovery of which no sufficient Distress or Distresses belonging to the Person or Persons by or from whom such Rates or Taxes are or shall be due and payable, or ought to be paid, shall be found, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in such Sum of Money as the Plaintiff shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for;

or

or any Part thereof, he or they shall have full Costs, to be levied and recovered as other Monies upon Judgments are by Law levied and recovered; in which Action or Actions no Essoign, Protection, or Wager of Law, and not more than One Imparlance, shall be allowed.

XXXVIII. And be it further enacted, That all Sums of Money which at the Time of this Act coming into operation shall be due and payable, or shall have been imposed by the Trustees for Rates, Taxes, and Assessments, for the Purpose of draining the said Fens and Dales under the said recited Acts or either of them, shall be vested in the Trustees for executing this Act, who shall be and are hereby enabled to recover and enforce Payment of the same, by all or any of the Means aforesaid, in such and the same Manner in all respects as if the same Arrears, Rates, Taxes, or Assessments had become due and payable, or had been assessed, rated, taxed, and charged by the said Trustees, under or by virtue of this Act.

Arrears of Rates vested in the Trustees.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, to raise and borrow by the Ways and Means herein-after mentioned, on the Credit and by Mortgage and Assessment of the Rates and Taxes to be rated, taxed, and charged in pursuance of this Act, any Sum or Sums of Money which they shall think necessary for defraying the Expences of this Act, for the Erection and Repair of Mills or Engines, or of the Buildings connected therewith, for widening and deepening Drains, making Cuts, laying Tunnels, making Compensation to Owners of Lands, and other the Purposes of this Act, so that there be not at any One Time more than Ten thousand Pounds due on the Credit of the said Rates and Taxes, and the said Trustees are hereby empowered to raise and borrow the same upon such Mortgages and Assignments, in Sums of not less than One hundred Pounds each, as shall be judged most convenient for raising the same, on such Terms, with respect to the Repayment of the Principal Money advanced, either by Instalments or in One Payment, as shall be agreed on with the Persons advancing any such Money, but so that each Mortgage be satisfied at the latest at the End of Twenty Years from the Date thereof; and the said Trustees shall, by Writing under their Hands and Seals, mortgage and assign over all or any Part of the said Rates and Taxes so to be rated, taxed, and charged as aforesaid to the Person or Persons advancing or lending the same, or to his, her, or their Trustee or Trustees, as a Security for the Repayment of the Principal Sum and Sums of Money so to be borrowed, with lawful Interest for the same, the Costs and Charges of every such Mortgage or Assignment to be paid by the said Trustees out of the Monies to be collected by virtue of this Act; and every such Mortgage or Assignment may be in the Words or to the Effect following; (that is to say),

Power for Trustees to borrow Money, not exceeding in the whole the Sum of 10,000*l*.

BY virtue of an Act passed in the Second Year of the Reign of King William the Fourth, intituled [*insert the Title of this Act*], We, the Trustees for executing the said Act, in consideration of the Sum of now advanced and paid by *A. B.* to the Treasurer appointed by virtue of the said Act, do hereby assign unto the said *A. B.* [*or to his Trustee or Trustees, as the Case may be,*] his Executors, Administrators, and Assigns, the Rates and Assessments to be made

Form of Mortgage.

[*Local.*]

24 O

and

‘ and collected by virtue of the said Act, with all Powers and Authorities
 ‘ for collecting and raising the same Rates and Assessments under the
 ‘ said Act; to have, hold, receive, and take the same to and for his and
 ‘ their own Use and Benefit from the Day of
 ‘ until the said Sum of with Interest at the Rate of
 ‘ *per Centum per Annum* for the same, shall be repaid.
 ‘ In witness whereof we the said Trustees have hereunto set our Hands
 ‘ and Seals, the Day of in the Year .’

And all Persons to whom any such Mortgage or Assignment of the said Rates shall be made shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the said Rates equally one with another, and shall have no Preference in respect to the Priority of advancing such Money; and the said Trustees shall appropriate a Part of the annual Taxes to be raised under this Act, either to the gradual Extinction of the Mortgage Debt for the Time being, or to the Formation of a Fund to be accumulated for the Discharge of such Debt, or to both those Purposes; and it shall be lawful for the said Trustees to invest the Fund to be accumulated as aforesaid, in their Names, in the Public Stocks or Funds, or in Government or Real Securities, and from Time to Time to vary the same.

Mortgagees
 may assign
 their Securities.

XL. And be it further enacted, That it shall be lawful for all and every Persons and Person to whom any Mortgage or Assignment shall be made by virtue of this Act, or who shall be entitled to the Money thereby secured, at any Time or Times, by Writing under their, his, or her Hands and Seals or Hand and Seal, to assign or transfer their, his, or her Securities or Security, and Right to the Principal Money and Interest thereby secured, unto any other Person or Persons; and every such Assignee may in like Manner transfer again, and so *toties quoties*; and every such Assignment or Transfer may be in the Words or to the Effect following; (that is to say,)

Form of
 Transfer.

‘ To all to whom these Presents shall come, I of
 ‘ in the County of send Greeting.
 ‘ WHEREAS by a certain Mortgage, bearing Date the Day of
 ‘ under the Hands and Seals of the Trustees acting in
 ‘ the Execution of an Act passed in the Second Year of the Reign of
 ‘ King *William* the Fourth, intituled [*here set forth the Title of this Act*],
 ‘ all and every the Rates, Taxes, and Assessments granted or payable by
 ‘ the said Act were assigned to me in manner therein mentioned, for
 ‘ securing the Sum of by me advanced and paid, with
 ‘ Interest thereon: Now I do, in consideration of the Sum of
 ‘ to me paid by of in the
 ‘ of transfer unto the said the said
 ‘ Mortgage, with all my Right and Title to the Principal and Interest
 ‘ thereby secured, and now due unto me or to grow due thereon.
 ‘ Witness my Hand and Seal, this Day of .’

Copies of Securities and
 Transfers to
 be entered in
 a Book.

XLI. And be it further enacted, That Copies of all Mortgages and Assignments to be made in pursuance of this Act shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and every Transfer of any such Mortgage shall be notified within Three Calendar Months next after the Date thereof to the Clerk

to the said Trustees, who shall enter a Copy or Memorial thereof, containing the Date of such Transfer, the Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be transferred in the said Book or Books to be kept by him or them for entering the original Mortgages, for which he or they shall be paid, by the Person or Persons to whom such Assignment or Transfer shall be made, the Sum of Five Shillings and no more; and after such Copy or Memorial shall be so entered (and not before) every such Transfer shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the original Mortgage so transferred to him, her, or them, and to the Payment of the Monies due and to grow due thereon.

XLII. And be it further enacted, That the Rates and Taxes to be assessed, rated, taxed, and charged by virtue of this Act shall be and are hereby charged and chargeable with and for the Payment of all and every Sums and Sum of Money so to be borrowed by virtue of this Act, and the Interest thereof, and shall vest in the respective Creditors, upon Default of Payment of such Principal Monies and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors, and their respective Executors, Administrators, and Assigns, shall have the same Powers, Rights, and Privileges of raising, recovering, and enforcing Payment of the said Rates and Taxes, for the satisfying and discharging to them respectively such Principal Monies and Interest, (if Default shall be made in Payment thereof as the same shall become due,) as the said Trustees, or their Collector or Collectors, Receiver or Receivers, have or would have had by virtue of this Act in case the said Principal Monies and Interest had been regularly paid and satisfied.

Taxes vested
in Creditors.

XLIII. And be it further enacted, That no Trees or Holts shall be planted, nor any Building placed or erected, unless by the Order or Permission of the said Trustees, within the Distance of One hundred Yards from any Mill or Engine used by the said Trustees for the Purposes of the said Drainage, and no Ditch or Drain shall be made or cut within the Distance of Forty Feet from the Base or Seat of any of the Banks, and no Tunnel shall be laid through any of the Banks for the Admission of Water without the Permission of the said Trustees; and if any Person or Persons shall at any Time or Times plant any such Trees or Holts, or place or erect any such Building, or make or cut any such Ditch or Drain, or lay any such Tunnel as aforesaid, contrary to the Directions herein-before contained, and shall not well and sufficiently remove, fill up, or stop up the same within Thirty Days next after Notice in Writing from the said Trustees or their Clerk, to be given to such Person or Persons, or left at his, her, or their usual Place or Places of Abode for that Purpose, it shall be lawful for the said Trustees to cause such Trees, Holts, or Buildings to be taken up or pulled down and carried away, and such Ditches or Drains to be filled up, and such Tunnels to be stopped up, at the Charge and Expence of such Person or Persons, and by Warrant or Precept under the Hands of the said Trustees (and which Warrant or Precept the said Trustees are hereby authorized and empowered from Time to Time to sign and give, whether assembled at a Meeting or not,) to cause such Charges and Expences to be levied upon such Person

Trees, Buildings, or
Ditches not
to be within
certain Dis-
tances.

or

or Persons by Distress and Sale of his, her, or their Goods, Chattels, or Effects, rendering the Overplus of the Monies which shall be thereby levied, if any there shall be, unto such Person or Persons.

Herbage of
Banks may
be let.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to let, for the Purpose of being depastured with Sheep only, the Herbage of the North, South, and East Banks in *Blankney*, *Linwood*, and *Martin* high Fens, for the best Rents that can be reasonably had or gotten for the same Herbage, and to apply all such Rents to the Discharge of any Monies which at the Period at which this Act shall come into operation shall be due from the Trustees under the said-first recited Act for Work done in *Blankney*, *Linwood*, and *Martin* high Fens, or which shall have been borrowed by such Trustees and appropriated to the Drainage of the said high Fens, and the Interest of such Monies; and after full Payment and Satisfaction of all such Monies and Interest the said Trustees shall apply all such Rents as aforesaid in aid of the annual Rates and Taxes charged on the Owners and Proprietors of Lands in the high Fens of *Blankney*, *Linwood*, and *Martin* aforesaid.

Reserving
Rights of
Bank
Owners.

XLV. And be it further enacted, That nothing in this Act contained shall affect the Rights of any Persons to the Ownership and Herbage of any of the Banks which have been made, and to which they would have been entitled if this Act had not been passed, except so far as it may be necessary to alter, repair, enlarge, and strengthen such Banks or any of them for the Purposes of this Act, in which Cases Compensation shall be made to the Owners of such Banks for the Loss of Herbage, and any other Injury sustained or occasioned thereby, in the same Manner as is herein-before provided with respect to Damages done by the Trustees in the Execution of this Act.

For provid-
ing Bridges
where neces-
sary.

XLVI. And be it further enacted, That the said Trustees shall and they are hereby authorized and directed to construct and make Bridges in all Places where all or any of the Drains already cut and thrown out, or to be cut and thrown out, under and by virtue of this Act, shall cross any Road or public Highway, and the said Bridges to support and keep as public Bridges, for the Passage of Horses, Beasts, Cattle, and Carriages of all Sorts.

Trustees to
cause the
public Drains
to be roded.

XLVII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause the several public Drains already made and used, and to be made and used, for the draining of the said Lands and Grounds or any of them, to be well and sufficiently roded, scoured, and cleansed from Weeds and other Rubbish and Obstructions Twice at least in each and every Year.

Dikes to be
kept open.

XLVIII. And be it further enacted, That the several Owners and Occupiers of the said Lands and Grounds shall at all Times well and sufficiently rode, cleanse, deepen, widen, and repair the several Drove-way Dikes, Out-ring or Partition Dikes, Division Dikes, and Tunnels in or adjoining and belonging to their said respective Lands and Grounds, and shall at all Times keep and maintain the said Dikes and Tunnels, and every of them, of such sufficient Width as the said Trustees shall at any of their Meetings

Meetings direct or appoint, not exceeding Nine Feet wide at the Top and Four Feet wide at the Bottom, and of a sufficient Depth from the level Soil; and in case any such Owner or Owners, Occupier or Occupiers, shall at any Time refuse or neglect so to rode, cleanse, deepen, widen, or repair any of the said Dikes adjoining or belonging to his, her, or their said Lands and Grounds, or to keep and maintain the same of such Width and Depth as aforesaid, for the Space of Twenty-one Days next after Notice in Writing under the Hands of the said Trustees, or of their Clerk or Clerks, Collector, or other Officer, given to such Owner or Owners, Occupier or Occupiers, or delivered to some Inmate at his, her, or their usual Place or Places of Abode for that Purpose, every such Owner or Occupier shall for every such Neglect forfeit and pay the Sum of One Shilling for every Rod of the Dike or Dikes so neglected to be roded, cleansed, deepened, widened, or repaired as aforesaid; and it shall be lawful for the said Trustees, or their Collector or other Officer, from Time to Time after such Neglect as aforesaid, to cause such Dikes to be well and sufficiently roded, cleansed, deepened, widened, and repaired, at the Charge and Expence of such respective Owners or Occupiers, and by Warrant or Precept under the Hands of the said Trustees, and which Warrant or Precept the said Trustees are hereby authorized and empowered from Time to Time to sign and give, to levy such Forfeitures, Charges, and Expences upon such respective Owners or Occupiers by Distress and Sale of their respective Goods, Chattels, or Effects, rendering the Overplus of the Monies which shall be thereby levied (if any there shall be) to such Owners or Occupiers respectively.

XLIX. And be it further enacted, That the said Trustees, at their said General Meeting in every Year, or any Adjournment thereof, shall and may and they are hereby authorized and required to appoint One or more Officer or Officers for the Purpose of opening or shutting down all the Tunnels and Sluices next the Rivers or Outfalls already set down, or to be set down and made use of in the Execution of this Act; and no such Tunnel or Tunnels, Sluice or Sluices, shall at any Time or Times be opened or shut down but by the said Officer or Officers, or by his or their Direction; and it shall and may be lawful to and for the said Trustees, at their said General Meetings or any Adjournment thereof, to make such Order or Orders touching the opening or shutting down of the said Tunnels and Sluices as they shall think proper; and the said Officer or Officers, and all and every other Persons and Person, who shall open or shut down the said Tunnels and Sluices, or any of them, contrary to such Order or Orders of the said Trustees, being thereof convicted before any Two or more Justices of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, (who are hereby authorized and required to hear and determine the same on the Oath of One or more Witness or Witnesses, or on the Confession of the Party or Parties so offending,) shall for every such Offence forfeit and pay a Sum of Money not exceeding the Sum of Twenty Pounds nor less than Forty Shillings, as the said Justices shall order and direct, to the said Trustees, which shall be applied for the same Purposes for which the Rates, Taxes, and Assessments are hereby directed to be applied.

Trustees to make Orders for opening and shutting down Tunnels and Sluices, and to appoint Officers for that Purpose.

Penalty on opening or shutting down Tunnels or Sluices contrary to Orders.

L. And be it further enacted, That if any Person or Persons shall at any Time or Times permit or suffer his or their Hogs or Swine to stray upon

Penalty on Persons permitting Swine

[Local.]

24 P

upon

to stray, or depasturing Cattle on the Banks, or making any watering Place in the Public Drains;

or using the said Drains for washing Sheep, &c.

upon any of the Banks within or surrounding or adjoining the said Lands and Grounds, or on any of the Forelands of the said Banks or any of them, or shall at any Time or Times stock or depasture the said Banks or any of them, or any of the Forelands thereof, with Horses or Neat Cattle, or shall at any Time make or use or cause to be made or used any watering Place or Places of Access for Cattle to drink in any of the public Drains already made and used for draining the said Lands and Grounds, or to be made and used by virtue of this Act, or shall continue to use any such Drain for a watering Place after Ten Days Notice in Writing to the contrary thereof given to him, her, or them by the Dike-reeve, Collector, or Receiver, or other Person or Persons authorized by the said Trustees, or shall use any of the said Drains for the washing of Sheep, or shall sink or deposit any Hemp or Flax in any of the said Drains, or shall dig or throw out any Pond, Pit, or watering Place in any of the said Lands and Grounds within the Distance of Forty Feet of any public Drain already made or to be made and used for the draining and improving of the said Lands and Grounds, or shall at any Time or Times dig or make any Turf Pit within Thirty Yards from the Base or Seat of any Bank within or surrounding or adjoining the said Lands and Grounds, without a special Licence and Authority in Writing under the Hands of the said Trustees to him, her, or them for that Purpose given, all and every Persons and Person so offending, being thereof convicted before Two or more of His Majesty's Justices of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, who are hereby authorized and required to hear and determine such Offences, on the Oath of One or more competent Witness or Witnesses, or on the Confession of the Party or Parties so offending, shall for every such Offence forfeit and pay such Sum of Money, not exceeding Five Pounds, as the said Justices shall respectively order and adjudge.

Penalty on Persons wilfully or maliciously destroying Works.

LI. And be it further enacted, That if any Person or Persons shall at any Time wilfully or maliciously burn, destroy, throw down, cut, or injure any Mill or Engine, Bridge, Floodgate, Tunnel, Sluice, Door, Bank, or other Work already made or erected, or which shall at any Time be making or erecting or used, by or under the Authority of the said Trustees, for the draining of the said Lands and Grounds or any of them, and shall be thereof convicted on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party or Parties so offending, at any Assizes or General or Quarter Sessions of the Peace to be holden in and for the Parts of *Kesteven* in the said County of *Lincoln*, every such Person shall be adjudged to be guilty of Felony, and shall be punished as the Law directs in Cases of Simple Larceny.

Penalty on Persons wilfully destroying Works.

LII. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully destroy, stop, dam up, spoil, damage, or injure any Drain, Watercourse, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work or Works made, or to be made or set up and used for the Purposes of this Act, all and every such Person or Persons so offending, and being thereof convicted before Two or more of His Majesty's Justices of the Peace for the said Parts of *Kesteven*, who are hereby authorized and required to hear and determine the same, on the Oath of One or more competent Witness or Witnesses, or on the Confession of the Party or Parties so offending, shall for every such Offence forfeit and

and pay any Sum of Money, not exceeding Twenty Pounds nor less than Five Pounds, as the said Justices shall respectively order and adjudge.

LIII. And be it further enacted, That it shall be lawful for the respective Collectors, Surveyors, and other Officers of the said Trustees, or any other Person, to seize and detain any Person or Persons unknown to them respectively who shall be guilty of any Offence against this Act, and to convey such Person or Persons before any Justice or Justices of the Peace for the Division or Place where such Offence shall have been committed, without any other Warrant or Authority than this Act for so doing, and such Justice or Justices of the Peace is and are hereby respectively empowered and directed to proceed immediately to the hearing of the Matter in question, and to the Conviction or Acquittal of such Person or Persons; and it shall be lawful for the said Trustees to make or allow to the Person or Persons apprehending or securing such Offender or Offenders such Compensation or Recompence for his or their Trouble therein as they the said Trustees shall think proper.

Power to secure transient Offenders.

LIV. And be it further enacted, That in all Cases wherein Cognizance is given to any Justice or Justices of the Peace by this Act it shall be lawful for such Justice or Justices to administer an Oath to any Person or Persons, for his or their more certain Information in the Matters then depending; and any Justice of the Peace within the said County may act as such in the Execution of this Act (except where personally interested), notwithstanding his being a Trustee under the Authority of this Act.

Justices may administer Oaths; and Justices, though Trustees, may act, unless personally interested.

LV. And be it further enacted, That all Monies which, before this Act shall come into operation, shall have been raised and collected for the Drainage of the said Fens and Dales or any of them shall be paid to the Collector to be appointed in pursuance of this Act; and all such Monies, and all Arrears of Rates and Taxes charged in respect of the said Fens and Dales, under the said recited Acts or either of them, and the several Sums of Money herein-before authorized to be borrowed and raised, and all the said several Rates or Taxes and Penalties authorized to be charged and levied by virtue of this Act, (subject nevertheless, as to the said last-mentioned Rates or Taxes, to the respective Claims of the several Creditors thereon,) and all other Monies to be received, levied, or recovered by virtue of this Act, the Application whereof is not otherwise by this Act directed, shall be and the same are hereby vested in the Trustees to be appointed under this Act, and shall be by them applied, and disposed of in manner following; (that is to say,) in the first place, in paying and discharging the Costs, Charges, and Expences of obtaining this Act, and other Expences incident thereto, and all such Sums of Money as shall have been advanced by any Person or Persons for that Purpose, with lawful Interest for the same, and then in aid of the Rates herein-before made applicable to that Purpose, in discharge of all such Debts as shall have been contracted in respect or on account of the said Fens and Dales, or any of them or any Part thereof, and the Interest of any such Debts as carry Interest, and then in paying and discharging the Interest of all such Monies as shall be borrowed and taken up at Interest under or by virtue of this Act, and the Costs and Charges of borrowing and raising the said Monies, and making the

Application of Monies.

Securities

Securities for the same, and the several Charges and Expences to be incurred in the maintaining and making of the several Works of Drainage already made, and by this Act authorized to be made, done, and executed, and towards the Support and Maintenance of the same, and in Payment of the Purchase or Consideration Money for any Land or Hereditaments to be taken or used under the Authority of this Act, and the Salaries of Officers to be appointed under the same; and any surplus Money or Balance which may from Time to Time remain after the Payments aforesaid shall be applied, as the Circumstances of the Case shall require, to the Discharge of Monies borrowed and taken up at Interest under the Authority and for the Purposes of this Act, or to the Formation, as herein-before is mentioned, of a Fund for that Purpose: Provided always, and it is hereby declared, that if any Portion of the general Fund shall be applied to the Purposes to which the Rents derived from the Herbage of Banks are hereby made applicable, such Rents shall from Time to Time be applied to the Restoration to the said general Fund of such Portion thereof as shall have been so applied: Provided also, and it is hereby declared, that the Costs, Charges, and Expences of and attending any Actions or Suits to be instituted by the Trustees under this Act, and in which the said Trustees shall fail, shall, unless the Judge before or by whom any such Action or Suit shall be heard or tried shall certify that the said Trustees were not justified in instituting the same, be paid out of the said general Fund.

Trustees may sue and be sued in the Name of their Clerk.

LVI. And be it further enacted, That the Trustees acting under this Act may from Time to Time sue and be sued in the Name or Names of any One of the said Trustees, or of their Clerk or Clerks for the Time being; and no Action or Suit to be brought or commenced by or against the said Trustees in the Name or Names of any One of them, or their Clerk or Clerks, shall abate or be discontinued by the Death, Removal, or Resignation of such Trustee, Clerk or Clerks, or any of them, or by the Act of such Trustee, Clerk or Clerks, or any of them, without the Consent of the said Trustees, but any of the said Trustees, or the Clerk or Clerks for the Time being to the said Trustees, shall always be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants (as the Case may be), in every such Action or Suit: Provided always, that every such Trustee, Clerk or Clerks, shall be reimbursed and paid, out of the Monies by this Act authorized to be collected, all such Costs, Charges, Damages, Demands, and Expences as he or they shall be put unto or become chargeable with or liable to by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants.

Declaring what shall be good Service of Notices.

LVII. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Persons or Party or Parties to serve any Notice or Notices, or any Writ or Writs, or other legal Proceeding, or Proceedings in Equity, upon the said Trustees, Service thereof respectively upon the Clerk of the said Trustees, or left at the Office of such Clerk, or with some Inmate at his last or usual Place of Abode, or at the Office of the said Trustees, or upon any One of the said Trustees acting under this Act, or left with some Inmate at his respective last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Trustees; and in all Cases where it may be necessary or requisite for the said Trustees to give any Notice

to any Body Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, under the Provisions or Directions contained in this Act, such last-mentioned Notice shall be in Writing, signed by any One or more of the said Trustees.

LVIII. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid, in pursuance of the Powers or Authorities in or by this Act given to such Justice or Justices, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind soever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, or under the Authority of this Act, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his or their Hand and Seal or Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, upon Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be; Provided always, that such Treasurer shall and may, by and out of any Monies which shall come into his Hands by virtue of this Act, retain to and reimburse himself all such Costs, Charges, and Expences as he may be personally put to by Distress and Sale of the Goods and Chattels of such Treasurer or otherwise, under any Warrant or Warrants to be issued by any such Justice or Justices as aforesaid.

In case of Nonpayment of Compensation for Damages done by Trustees, the same may be levied by Distress.

LIX. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for the levying of any Penalties or Forfeitures.

Damages and Charges, in case of Dispute, to be settled by Justices.

LX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof, (the Manner of levying and recovering whereof

Recovery and Application of Penalties.

[Local.]

is not herein-before particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath or Affirmation of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, (if any such there be,) shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the said Trustees, or their Treasurer or Clerk, to be applied for the Purposes of this Act as the said Trustees shall order and direct, except in Cases where the Penalty or Forfeiture shall be incurred by the said Trustees, and then the same shall be paid to the Overseers of the Poor of the Hamlets or Townships of *Martin* and *Linwood* and Parish of *Blankney*, or some or One of them, to be by them applied in or towards the Relief of the Poor within such Hamlet, Township, or Parish; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security the said Justice and Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the Parts of *Kesteven* in the said County of *Lincoln*, there to remain without Bail or Mainprize for any Time not exceeding Twelve Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases wherein the Penalty imposed by this Act shall

exceed

exceed the Sum of Five Pounds, no Proceeding shall be had and taken for the Recovery thereof before a less Number than Two Justices.

LXI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Justices may proceed by Summons.

LXII. And be it further enacted, That it shall be lawful for the Justice or Justices of the Peace before whom any Person or Persons shall be convicted, under the Authority of this Act, of any Offence against the same which is herein-before made subject to any peculiar Penalty or Forfeiture, to cause the Conviction upon such Offence to be made out in the Form or to the Effect following; and every such Conviction shall be good and effectual to all Intents and Purposes whatsoever :

Form of Conviction.

‘ to wit. } **B**E it remembered, That on this Day of
 ‘ before in the Year of our Lord is duly convicted
 ‘ of His Majesty’s Justices of the Peace for the
 ‘ Parts of *Kesteven* in the County of *Lincoln*, in pursuance of an Act passed
 ‘ in the Second Year of the Reign of King *William* the Fourth, intituled
 ‘ [*here set forth the Title of this Act*] for that the said on the
 ‘ Day of now last past did contrary to
 ‘ the Provisions of the said Act; and do declare and adjudge
 ‘ that the said hath forfeited for the said Offence the Sum of
 ‘ to be levied and applied in the Manner directed by the said
 ‘ Act. Given under Hand and Seal, the Day and Year first above
 ‘ written.’

Which Conviction the said Justice or Justices shall cause to be written or printed on Parchment, and to be returned to the then next General Quarter Sessions of the Peace to be holden in and for the said Parts of *Kesteven*, to be filed by the Clerk of the Peace for the said Parts or his Deputy, and there to remain and be kept among the Records of the said Sessions.

LXIII. And be it further enacted, That any Person or Persons who may think himself, herself, or themselves aggrieved by any Act of the said Trustees, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing done or omitted to be done in the Execution of this Act, may, within Four Calendar Months next after such Act shall have been done, or such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the Division or Place where the Cause of Appeal shall happen to arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Matter thereof

Appeal to Quarter Sessions.

thereof, to the Person or Persons against whom such Complaint is intended to be made, or to the Clerk of the said Trustees (as the Case may be), and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way hear and determine the said Complaint, either at such General or Quarter Sessions, or, if they shall think proper, may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such Division or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Order, or Determination, and also may order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment shall think fit and reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding: Provided always, that in case there shall not be Time to give such Notice, and to enter into such Recognizance as aforesaid, before the next Sessions to be holden after the Conviction of the Appellant, then and in every such Case such Appeal may be made to the next following Sessions, and shall be then heard and determined.

Proceedings not to be quashed for Want of Form.

Plaintiff not to recover without Notice, or after Tender of Amends.

LXIV. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Suit to be commenced against any Person or Persons for any Irregularity, Trespass, or wrongful Proceedings, or any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or delivered to some Inmate at his, her, or their last or usual Place or Places of Abode, Ten Days before such Action or Suit shall be commenced, of such intended Action or Suit, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action or Suit, nor shall the Plaintiff or Plaintiffs recover in such Action or Suit if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action or Suit brought, nor if such Tender of Amends shall be made at any Time after the said Action or Suit brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action or Suit the Plaintiff or Plaintiffs shall be nonsuited, and shall pay Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or, in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action or Suit, by Leave of the Court where such Action or Suit shall be depending, at any Time before Issue joined to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions or Suits where the Defendant is allowed to pay Money into Court.

LXV. Pro-

LXV. Provided also, and be it further enacted, That no Action, Information, Suit, or other Proceeding shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities of, or any of the Orders made, given, or directed in, by, or under this Act, after Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then after Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid or brought and tried in the County, Division, or Place in which the Matter or Dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action, Information, Suit, or other Proceeding may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or that such Action, Information, Suit, or other Proceeding shall have been brought, commenced, or prosecuted before Ten Days Notice shall have been given, or after a sufficient Satisfaction has been made or tendered as aforesaid, or after the Time limited for bringing or prosecuting the same as aforesaid shall have expired, or shall be brought in any other County, Division, or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then the Plaintiff or Plaintiffs, Defendant or Defendants, shall recover Treble Costs, and shall have such Remedy for recovering the same as any Plaintiff or Plaintiffs, Defendant or Defendants, hath or have for his, her, or their Costs in any other Cases by Law.

Limitation
of Actions.

LXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, affect, or prejudice the said recited Acts or either of them, or any of the Provisions therein contained, except so far as the same apply to *Blankney Fen, Blankney Dales, Linwood Fen, Linwood Dales, Martin Fen, and Martin Dales*, and that the said Acts and all the Provisions therein contained (except so far as the same relate to the said Fens and Dales which are the Subject of this Act) shall be and continue in full Force as if this Act had not been passed.

This Act not
to affect the
recited Acts,
except so far
as regards
the Fens
and Dales
which are
the Subject
of this Act.

LXVII. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or empower the Trustees acting by virtue thereof, or any of the Owners or Proprietors of the Lands and Grounds hereby intended to be drained, to invalidate, lessen, alter, or take away the Power of levying Drainage Rates for the Support and Purposes of the River *Witham*, nor any other of the Rights, Powers, or Authorities now vested in all or any of the Commissioners acting under or by virtue of an Act passed in the Second Year of the Reign of His Majesty King George the Third, intituled *An Act for draining and preserving certain low Lands called the Fens, lying on both Sides of the River Witham in the County of Lincoln, and for restoring and maintaining the Navigation of the*

Reserving
Rights of
Commission-
ers of the Ri-
ver Witham.

2 G. 3. c. 32.

[Local.]

24 R

said

52G.3. c.108. *said River from the High Bridge in the City of Lincoln through the Borough of Boston to the Sea ; and under and by virtue of a certain other Act of Parliament, made and passed in the Fifty-second Year of the Reign of His said Majesty King George the Third, intituled An Act for rendering more effectual an Act of His present Majesty, for draining Lands lying on both Sides of the River Witham in the County of Lincoln, and restoring the Navigation of the said River, and for repealing another Act of His present Majesty in relation to the said Drainage and Navigation ; but that the same shall respectively be and continue in force as fully to all Intents and Purposes as if this Act had not been passed, any thing herein contained to the contrary thereof in anywise notwithstanding.*

Awards
under former
Acts not to
be affected.

LXVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect or prejudice the Awards made by the Commissioners acting under or in pursuance of the said recited Acts or either of them, but that the same Awards shall be and remain in full Force as if this Act had not been passed.

Rights of the
Lords of
Manors re-
served.

LXIX. Provided also, and be it further enacted, That all such Right or Rights as any Lord or Lords, Lady or Ladies of any Manor or Manors, Liberties, Hundred, or Half Hundred have heretofore had within his, her, or their respective Manor or Manors, Liberty, Hundred, or Half Hundred, within or without the said Lands and Grounds, and all Waifs, Estrays, Felons Goods, Privileges of Arrest, Escheats, and all Royalties not prejudicial to draining, be hereby saved to them, their Heirs, Successors, and Assigns, severally and respectively, any thing herein contained to the contrary thereof notwithstanding.

Public Act.

LXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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