



ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xcvi.

An Act for repealing Parts of and amending and enlarging the Powers of other Parts of an Act for embanking and draining certain Fens and Low Lands in the Parishes of *Nocton* and *Potterhanworth* in the County of *Lincoln*, and in the Parish of *Branston* in the County of the City of *Lincoln*.
[23d June 1832.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of King *George* the Third, intituled *An Act for embanking and draining certain Fens and Low Lands in the Parishes of Nocton and Potterhanworth in the County of Lincoln, and in the Parish of Branston in the County of the City of Lincoln*: And whereas by the said Act (after reciting that there are within the several Parishes of *Nocton* and *Potterhanworth* in the County of *Lincoln*, and in the Parish of *Branston* in the County of the City of *Lincoln*, certain inclosed Fens and Low Lands, containing together Five thousand eight hundred and sixty Acres, or thereabouts, which are bounded by the River *Witham* on the North-east and North, by the Lordships of *Washingborough* and *Heighington* on the North-west, by the upper Bank of an ancient Drain called *Carr Dike* on the South-west, and by the Lordship of *Dunston* on the South-east; and that certain Persons (therein named) were Proprietors of and otherwise interested in the said Fens and Low Lands; and that His Majesty is Patron of the Rectory of the Parish and Parish Church of *Potterhanworth*;

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[Local.]

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and

and that the said Fens and Low Lands were frequently overflowed and annoyed with Water, but if embanked and drained the same would be considerably improved, to the great Advantage of all Parties interested, and the Benefit of the Public,) Commissioners were appointed for embanking and draining the said Fens and Low Lands, and for putting the Act into execution, and Trustees were authorized to be appointed, after the Completion of the Works, for supporting, maintaining, and preserving the same: And whereas during several Years last past the Works of Embankment and Drainage made by or under the Authority of the said Commissioners have gone greatly to Decay, and the Powers and Provisions of the said Act are insufficient for enabling the Trustees appointed in pursuance of the said Act to support, maintain, and preserve such Works, and it is expedient that some of the Powers and Provisions of the said Act should be repealed, and that further Powers and Provisions should be granted and made in lieu thereof, and that others of such Powers and Provisions should be amended and enlarged, and that further and other Powers should be granted, and that Power should be given for raising further Sums of Money for supporting, maintaining, and preserving the said Works, and for making and maintaining such new Works as may be necessary for effectually embanking, draining, and preserving from Injury by Floods all the Fens and Low Lands in the said Parishes of *Nocton, Potterhanworth, and Branston*: 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 so much of the said recited Act as enacts or provides that no Embankments or Banks shall be made or erected which shall come nearer to the River *Witham* than within the Distance of Two Furlongs at the least shall be and the same is hereby declared to be repealed.

Parts of the former Act repealed.

Repealing Exemptions from Rates under former Act.

II. And be it further enacted, That so much of the said recited Act as enacts or provides that the Lands and Grounds situate between the River *Witham* and the North-east Bank therein directed to be made across the Fens of *Nocton, Potterhanworth, and Branston* shall not be subject or liable to the Payment of any such Acre Rate or Tax (as therein-before mentioned), or to any other Rate, Tax, or Imposition whatsoever, to be raised under the Authority of the Act, for defraying any Part of the Costs, Charges, and Expences of embanking and draining the Lands and Grounds lying above the said Bank, or for supporting and preserving the several Works of Drainage by the Act authorized to be made and erected, and also of and from the Expence of making any Bridges of Communication between the Lands lying on each Side of the said Bank, shall be and the same is hereby declared to be repealed.

Repealing Power in former Act to erect Mills, &c.

III. And be it further enacted, That so much of the said recited Act as enacts that no Mill, Gigg, or other Engine for throwing or discharging Water from any of the Lands and Grounds to be drained by virtue of the Act shall be built, set up, or used thereon (except by the Commissioners and Trustees respectively), or any House, Barn, or other Building, or Stack or Rick of Hay, Grain, Straw, or other Thing, be built or set, or Tree or Holt be planted or growing, nearer to any Mill or Engine which shall be made, erected, or employed for the Purpose of the Act than Twenty Poles (being the

the Poles of Eighteen Feet) from such Mill or Engine, nor any Tree or Holt be planted nearer to the Bank than Twelve Feet from such Banks respectively; and that every Person offending shall forfeit One Shilling for every Tree, Five Pounds for every Holt so planted, and Twenty Pounds for every House, Barn, or other Building, Stack or Rick, so built or erected, or Mill, Gigg, or Engine so built, set up, or used; and that such Trees, Holts, and Houses, Barns, or other Buildings, Stacks, Ricks, Mills, Giggs, and Engines, shall and may be cut and taken down and carried away by any Surveyor or other Officer appointed for managing the Works of the said Drainage, or by any other Person or Persons for that Purpose authorized by the Commissioners or Trustees respectively, or any Two of the said Trustees; and that it shall be lawful for the Surveyor or Officer, or other Person or Persons so authorized, to cut down any Trees or Holts which shall be growing or standing within the said respective Distances aforesaid from any such Mill, Engine, or Bank, at the Time such Mill, Engine, or Bank shall be erected or made, shall be and the same is hereby declared to be repealed.

IV. And be it further enacted, That from and after the passing of this Act all Powers and Authorities given to or vested in the Trustees elected or appointed by virtue of the said recited Act shall cease to be executed or exercised by the Trustees appointed by virtue of the said recited Act; and thenceforth such and the same Powers and Authorities only (save and except such additional Powers and Authorities as are in this Act expressly given to the Trustees hereby appointed) as were vested in the said Trustees appointed by or in pursuance of the said recited Act, by virtue of the Provisions therein contained, and particularly relating to the making, supporting, erecting, altering, and maintaining, and causing to be made, supported, erected, altered, and maintained, any Cuts, Tunnels, and Waterways through and under any Banks whatsoever thereby authorized to be made upon or against any Lands and Grounds, and any Cuts, Drains, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and other Works in, upon, through, or over the Fens and Low Lands therein mentioned and contained, as they the said Trustees appointed under the said recited Act should think necessary for draining and preserving the same, shall from and after the passing of this Act be and become vested in the said Trustees hereby appointed, and their Successors to be elected and appointed by virtue hereof, as fully and effectually to all Intents and Purposes as the same were vested in the Trustees appointed by virtue of the said recited Act in case this Act had not been made; and the said Trustees hereby appointed, and their Successors to be appointed and elected by virtue hereof, shall be fully authorized to exercise and carry into effect the said Powers and Authorities in respect of the draining and preserving the Fens and Low Lands herein mentioned and specified, and also such additional Powers and Authorities as are in this Act expressly given to the Trustees appointed and to be appointed by virtue hereof, for the like Purposes.

Powers of the Trustees under former Act to cease when new Trustees are elected, and such Powers to be vested in the new Trustees.

V. And be it further enacted, That the Honourable and Very Reverend *Henry Lewis Hobart, William Newton* Gentleman, for the Parish of *Nocton*, the Reverend *Peregrine Curtois, Richard Mason* Esquire, for the Parish of *Potterhanworth*, and *Francis Brown* Esquire, and *John Burt* Gentleman, for the Parish of *Branston*, and their respective Successors to be nominated and

Appointing Trustees.

and elected as herein-after mentioned, shall be and they are hereby appointed Trustees for maintaining, supporting, and keeping in repair the several Banks, Drains, and other Works made or executed in pursuance of the said recited Act, and for carrying this Act and the said recited Act into execution; and such Trustees respectively, and their respective Successors to be nominated and elected as herein-after mentioned, shall be and they are hereby invested with all and every the same Powers and Authorities (subject to the Directions and Provisions of this Act) for carrying into execution the several Powers, Directions, and Provisions of the said recited Act, and for receiving, collecting, and enforcing Payment of all Arrears of Rates and Taxes, and all outstanding Debts, Charges, Penalties, and Sums of Money, and for the due Application of the same, and for enforcing the Performance of all Bonds, Contracts, Obligations, and Agreements existing or unperformed on the Day of the passing of this Act, as they would have been invested with, or could or might have done, if they had been respectively appointed, nominated, or elected Trustees under or in pursuance of the Directions and Provisions of the said recited Act.

The Office of Trustees to be permanent for Three Years.

VI. And be it further enacted, That the Trustees herein named for the Parish of *Nocton*, and the Trustees herein named for the Parish of *Potterhanworth*, and the Trustees herein named for the Parish of *Branston*, shall continue in Office for the Term of Three Years from the passing of this Act; and the Successors of the said Trustees who shall be elected at the Expiration of the said Term of Three Years, or who shall be elected at the Expiration of any other Term of Service, according to the Provisions of this Act, shall also continue in Office for the Term of Three Years, to be computed from the Day of the Election.

Power to appoint new Trustees for the Parish of Nocton.

VII. And be it further enacted, That it shall be lawful for the Lord of the Manor of *Nocton* for the Time being, or the Vicar of the Parish and Parish Church of *Nocton*, or any of the Proprietors or Owners of Lands to the Amount of Fifty Acres and upwards in any of the Fens and Low Lands within the said Parish of *Nocton*, at any Time within Forty Days before the Expiration of the said Term of Three Years from the passing of this Act, or at any Time afterwards in case no Election of Trustees shall then take place, and also from Time to Time within Forty Days before the Expiration of any succeeding triennial Term of Service, or at any Time after the Expiration of any such succeeding triennial Term of Service in case no Election of Trustees shall then take place, to cause public Notice to be affixed on the principal Door of the Parish Church of *Nocton* on some *Sunday* immediately before Divine Service, that the Proprietors of Fens and Low Lands in the said Parish of *Nocton*, or their Deputies or Agents to be appointed by Writing under their Hands, (or, in case of a Corporation, under their Common Seal,) do meet at the *Rein Deer Inn* in the City of *Lincoln*, or at some Inn or public Place in the said Parish of *Nocton*, on the *Friday* Three Weeks next after such Publication of such Notice, between the Hours of Ten and Eleven of the Clock in the Forenoon, then and there to make Choice of Two proper Persons to be Two of the Six Trustees for putting this Act and the said recited Act into execution for and during the Term of Three Years then next ensuing; and the Proprietors or Owners of Fens and Low Lands in the said Parish of *Nocton*, present at any such Meeting, shall or may then and there proceed to nominate, elect, and appoint Two proper Persons to be Trustees

Trustees for the said Parish of *Nocton*, for carrying this Act and the said recited Act into execution; and it shall and may be lawful for every Proprietor or Owner of Fifty Acres or more of Fens or Low Lands within the said Parish of *Nocton*, or his or her or their Deputy or Agent (appointed as aforesaid), present at any such Meeting, to vote for each Trustee; and if at any such Meeting any Number of Proprietors or Owners of Fens and Low Lands within the said Parish of *Nocton*, amounting in the whole to Fifty Acres at least of such Fens and Low Lands, or their Deputies or Agents (appointed as aforesaid), shall by Writing under their Hands nominate any Person to vote for them at such Election of Trustees, such Person so nominated shall be and is hereby authorized and empowered to give One Vote in the Choice of each Trustee so to be elected; and in case such Nomination, Election, and Appointment shall take place, then such Two Trustees so from Time to Time to be elected shall be Trustees for maintaining, supporting, and keeping in repair the several Banks, Drains, and other Works made or executed in pursuance of the said recited Act, and for carrying this Act and the said recited Act into execution, in the Place and Stead of the Trustees for the Parish of *Nocton* then going out of Office, pursuant to the Provisions of this Act, but any Person then serving the Office of such Trustee may, nevertheless, be re-elected to such Office; and it shall also be lawful for the Lord of the Manor of *Potterhanworth* for the Time being, or the Rector of the Parish and Parish Church of *Potterhanworth*, or any of the Proprietors or Owners to the Amount of Fifty Acres or upwards in any of the Fens and Low Lands within the said Parish of *Potterhanworth*, at any Time within Forty Days before the Expiration of the said Term of Three Years from the passing of this Act, or at any Time afterwards in case no Election of Trustees shall then take place, and also from Time to Time within Forty Days before the Expiration of any succeeding triennial Term of Service, or at any Time after the Expiration of any such succeeding triennial Term of Service in case no Election of Trustees shall then take place, to cause public Notice to be affixed on the principal Door of the Parish Church of *Potterhanworth* on some *Sunday* immediately before Divine Service, that the Proprietors of Fens and Low Lands in the said Parish of *Potterhanworth*, or their Deputies or Agents to be appointed by Writing under their Hands (or, in case of a Corporation, under their Common Seal), do meet at the *Rein Deer* Inn in the City of *Lincoln*, or at some Inn or public Place in the said Parish of *Potterhanworth*, on the *Friday* Three Weeks next after such Publication of such Notice, between the Hours of Ten and Eleven of the Clock in the Forenoon, then and there to make Choice of Two proper Persons to be Two of the Six Trustees for putting this Act and the said recited Act into execution for and during the Term of Three Years then next ensuing, and the Proprietors or Owners of Fens and Low Lands in the said Parish of *Potterhanworth* present at any such Meeting shall then and there proceed to nominate, elect, and appoint Two proper Persons to be Trustees for the said Parish of *Potterhanworth*, for carrying this Act and the said recited Act into execution; and it shall and may be lawful for every Proprietor or Owner of Fifty Acres or more of Fens or Low Lands within the said Parish of *Potterhanworth*, or his or her or their Deputy or Agent (appointed as aforesaid), present at any such Meeting, to vote for each Trustee; and if at any such Meeting any Number of Proprietors or Owners of Fens and Low Lands within the said Parish of *Potterhanworth*, amounting in the whole to Fifty

Power to
appoint new
Trustees for
the Parish
of Potter-
hanworth.

Power to
appoint new
Trustees for
the Parish of
Branston.

Acres at least of such Fens and Low Lands, or their Deputies or Agents (appointed as aforesaid), shall by Writing under their Hands nominate any Person to vote for them at such Election of Trustees, such Person so nominated shall be and is hereby authorized and empowered to give One Vote in the Choice of each Trustee so to be elected; and in case such Nomination, Election, and Appointment shall take place, then such Two Trustees so from Time to Time to be elected shall be Trustees for maintaining, supporting, and keeping in repair the several Banks, Drains, and other Works made or executed in pursuance of the said recited Act, and for carrying this Act and the said recited Act into execution, in the Place and Stead of the Trustees for the Parish of *Potterhanworth* then going out of Office, pursuant to the Provisions of this Act, but any Person then serving the Office of such Trustee may nevertheless be re-elected to such Office; and it shall also be lawful for the Lord of the Manor of *Branston* for the Time being, or the Rector of the Parish and Parish Church of *Branston*, or any of the Proprietors or Owners to the Amount of Fifty Acres or upwards in any of the Fens and Low Lands within the said Parish of *Branston*, at any Time within Forty Days before the Expiration of the said Term of Three Years from the passing of this Act, or at any Time afterwards in case no Election of Trustees shall then take place, and also from Time to Time within Forty Days before the Expiration of any succeeding triennial Term of Service, or at any Time after the Expiration of any such succeeding triennial Term of Service in case no Election of Trustees shall then take place, to cause public Notice to be affixed on the principal Door of the Parish Church of *Branston* on some *Sunday* immediately before Divine Service, that the Proprietors of Fens and Low Lands in the said Parish of *Branston*, or their Deputies or Agents, to be appointed by Writing under their Hands (or in case of a Corporation under their Common Seal), do meet at the *Rein Deer* Inn in the City of *Lincoln*, or at some Inn or public Place in the said Parish of *Branston*, on the *Friday* Three Weeks next after such Publication of such Notice, between the Hours of Ten and Eleven of the Clock in the Forenoon, then and there to make Choice of Two proper Persons to be Two of the Six Trustees for putting this Act and the said recited Act into execution, for and during the Term of Three Years then next ensuing; and the Proprietors or Owners of Fens and Low Lands in the said Parish of *Branston* present at any such Meeting shall then and there proceed to nominate, elect, and appoint Two proper Persons to be Trustees for the said Parish of *Branston*, for carrying this Act and the said recited Act into execution; and it shall and may be lawful for every Proprietor or Owner of Fifty Acres or more of Fens or Low Lands within the said Parish of *Branston*, or his or her or their Deputy or Agent (appointed as aforesaid), present at any such Meeting, to vote for each Trustee; and if at any such Meeting any Number of Proprietors or Owners of Fens and Low Lands within the said Parish of *Branston*, amounting in the whole to Fifty Acres at least of such Fens and Low Lands, or their Deputies or Agents (appointed as aforesaid), shall by Writing under their Hands nominate any Person to vote for them at such Election of Trustees, such Person so nominated shall be and is hereby authorized and empowered to give One Vote in the Choice of each Trustee so to be elected; and in case such Nomination, Election, and Appointment shall take place, then such Two Trustees so from Time to Time to be elected shall be Trustees for maintaining, supporting, and keeping in repair the several Banks, Drains,
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and other Works made or executed in pursuance of the said recited Act, and for carrying this Act and the said recited Act into execution, in the Place and Stead of the Trustees for the Parish of *Branston* then going out of Office pursuant to the Provisions of this Act, but any Person then serving the Office of such Trustee may nevertheless be re-elected to such Office: Provided always, that if at any Time or Times no such Meeting as aforesaid shall be called and held in manner aforesaid, or no such Election shall take place for the said Parishes, or any or either of them, then and in every such Case the Trustees for such Parishes or Parish, as the Case may be, shall continue in Office until other Persons shall be elected Trustees in their Place or Stead in pursuance of this Act.

VIII. And be it further enacted, That in case of the Death, or Refusal or Incapacity to act of any Trustee appointed or elected by or in pursuance of this Act, it shall and may be lawful for the Proprietors or Owners of Fens and Low Lands (to the Amount of Number of Acres as aforesaid) in the Parish for which the Trustee who shall so die, or refuse or become incapacitated, shall have been appointed or elected, to nominate and elect (at a Meeting to be called and held in manner aforesaid) some other proper Person to be a Trustee in the Place or Stead of the Trustee so dying, or refusing or becoming incapacitated as aforesaid, and such Trustee so nominated and elected shall have and be invested with the same Powers as the Trustee in the Place or Stead of whom he shall be so chosen would have had if such Death, Refusal, or Incapacity had not happened; and no such Vacancy shall impede, annul, or vitiate any of the Proceedings under this Act, but the Powers and Authorities of the Trustees shall or may be executed and carried on by the remaining Trustees in like Manner and as effectually to all Intents and Purposes as they might have been in case the Number of Six Trustees had been complete.

For supply-
ing Vacan-
cies in case
of Death,
&c.

IX. And be it further enacted, That all Appointments of new Trustees in pursuance of this Act shall be in Writing, and certified under the Hands of the Proprietors or Persons voting for their Election, or choosing them as aforesaid, in a Book to be kept for that Purpose by the Clerk to the said Trustees.

Appoint-
ment of new
Trustees to
be in
Writing.

X. And be it further enacted, That the said Trustees or any Three or more of them shall or may hold their First Meeting for putting this Act into execution at the *Rein Deer* Inn in the City of *Lincoln*, or at any other Place in the said City, or in either of the Parishes of *Nocton*, *Potterhanworth*, or *Branston*, on the Second *Friday* after the passing of this Act, or as soon after as conveniently may be, and shall or may adjourn such First Meeting, and any subsequent Meeting, to be held at the same Place, or at any other Place in the said City, or in either of the said Parishes of *Nocton*, *Potterhanworth*, and *Branston*, and at such Time or Times as they shall think proper; and in case Three Trustees shall not assemble before the Hour of Twelve of the Clock on the Day appointed for any Meeting under this Act, then it shall be lawful for the Trustees or Trustee present (or in case no Trustee shall attend before the Hour aforesaid, then for the Clerk,) to adjourn the same, to be held at the same Place on that Day Fortnight; and in case of any Omission or Neglect to adjourn any Meeting as aforesaid, then any Two Trustees, or the Clerk by the Direction of any Two Trustees, may call a Meeting, by Notice as herein-after mentioned, to be

Meetings
and Pro-
ceedings of
Trustees.

be held within the said City, or within One of the said Parishes, at such Time and Place as they shall think proper; and any Two of such Trustees, or the Clerk by their Direction, may also at any Time, in like Manner, call any Special Meeting of the said Trustees, provided the Notice for every such Special Meeting do specify the Object or several Objects of such Special Meeting; and at all their several Meetings the said Trustees shall be allowed no more than Ten Shillings for the Use of the Room at each Meeting; and all Orders and Determinations of the Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance thereof, and not otherwise; and no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities vested in them generally, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Three (except in such Cases where any other Number is by this Act named); and all Acts, Orders, or Proceedings had, made, or done by or before such Three Trustees shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Trustees; and a Chairman shall and may in the first place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who in case of an equal Number of Votes (including the Chairman's Vote) shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Trustees made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given by Three or more Trustees, by Writing under their Hands, to the Clerk to the said Trustees, at a previous Meeting, and entered in the Book of Proceedings of such Meeting, and unless Notice signed by any Two or more Trustees shall have been affixed on the principal Doors of the Parish Churches of *Nocton*, *Potterhanworth*, and *Branston*, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by a greater Number of Trustees than concurred in the making of any such Order or Determination.

Notice of Meetings.

XI. And be it further enacted, That of all Meetings to be held by the Trustees in pursuance of this Act (except where it shall be herein otherwise directed) Notice shall be inserted in the *Lincoln*, *Rutland*, and *Stamford Mercury*, or in some other Newspaper usually circulated in the said County of *Lincoln*, at least Ten Days before the Day appointed for any Meeting, or such other Notice thereof shall be given and published in such Manner as the said Trustees at their said First Meeting, or at any Special Meeting to be held by virtue of this Act, shall order and direct.

Orders to be entered in a Book and signed by the Chairman;

XII. And be it further enacted, That all Orders, Resolutions, and Proceedings of the said Trustees shall from Time to Time be fairly written and entered by the Clerk for the Time being of the said Trustees in a proper Book or Books to be kept for those Purposes, with the Names of the Trustees who shall be present at the respective Meetings, and in

case of Division upon any Question stating the Number constituting the Majority, and be signed by the Chairman of such Meeting; and all such Entries therein, being so signed and subscribed, shall be deemed and taken to be Originals, and the same, or true Copies thereof, shall be admitted to be read in Evidence in all Courts whatsoever, in all Causes, Suits, and Actions touching any thing to be done in pursuance of and under the Authority of this Act; and the said Book or Books shall be open to the Inspection of the said Trustees or any of them, at all seasonable Times, without Fee or Reward.

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or Copies
thereof, ad-
mitted as
Evidence.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to appoint One or more proper Person or Persons to be Collector or Collectors, Receiver or Receivers of the respective Taxes and Rates to be assessed and levied by virtue of this Act, also a Clerk or Clerks, and a Surveyor and Superintendent, and such other Officers, Assistants, and Servants, for the Management and keeping in repair the Works to be made or improved by virtue of this Act, as they shall think proper, and to allow and pay them such Salaries or Allowances for their respective Services as they shall think proper, out of the Rates or Taxes to be received in pursuance of this Act, and also to appoint a Banker or Treasurer for the Purposes of this Act, taking sufficient Security from any such Treasurer for the faithful Execution of his Office, and also taking such sufficient Security from such Receivers and Collectors, before entering upon their respective Offices, as they the said Trustees shall think proper, and from Time to Time to remove any such Receivers, Collectors, Clerks, Surveyor, Superintendent, Officers, Assistants, Servants, Banker or Treasurer, and to appoint others in their Places respectively; and all such Collectors, Receivers, Clerks, Bankers, Treasurers, and other Officers, when thereunto required by the said Trustees, shall give in to such Trustees a true, exact, and perfect Account in Writing under their respective Hands, with proper Vouchers, for all Monies which shall have been received and paid by them respectively by virtue of their said Offices, to the Time of giving in such Account, and shall pay to the said Trustees, or such Person or Persons as they shall by Writing under their Hands authorize to receive the same, all such Money as shall upon balancing the said Account be adjudged by the said Trustees to be due from such Officers, and deliver up the said Vouchers, and all Books and Writings relating to the said Offices, to the said Trustees; and in case any such Collector, Receiver, Clerk, Banker, Treasurer, or other Officer shall not give in and make such Account and Payment as aforesaid, or shall refuse or neglect to deliver up all such Books and Writings to the said Trustees, or to such other Person or Persons as they shall order and direct to receive the same, then and in either of the said Cases it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, to commence or cause to be commenced in any of His Majesty's Courts of Record at *Westminster* an Action or Actions against the Officer or Person making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Person so refusing or making Default as aforesaid, and to recover the same, with full Costs of Suit; or it shall and may be lawful for the said Trustees, or any Person or Persons whom they shall appoint for that Purpose, to make Complaint to any Two Justices of the Peace; and such Justices may and they are hereby authorized and empowered, by a Warrant under their

Appoint-
ment of
Officers.

[Local.]

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Hands

Hands and Seals, to summon the Officer or Person so refusing or making Default as aforesaid to appear before them, and upon his Appearance, or having been summoned and not appearing (except on some reasonable Cause for Delay, to be allowed by such Justices), to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness, upon Oath or Affirmation, it shall appear to such Justices that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, or shall be unaccounted for by him, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the Costs and Charges of making such Complaint, and of making such Distress and Sale; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear, and be proved to the said Justices, after such Summons as aforesaid, that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce and deliver the Vouchers relating thereto, or that any Books, Papers, Writings, or Effects belonging to the said Trustees shall be retained in the Custody or Power of such Officer or Person, and that he hath refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in either or any of the said Cases such Justices shall commit such Offender to any Common Gaol or House of Correction in or for the County, Town, or Place where such Offender shall be or reside, there to remain until he shall have made a perfect Account and Payment as aforesaid, and delivered up all such Books and Writings in his Custody, or shall have compounded and agreed with the said Trustees, which Composition and Agreement the said Trustees are hereby empowered to make; but no such Offender shall be kept or detained in Prison by virtue of this Act for Want only of sufficient Distress for any longer Term than Six Calendar Months.

Same Person
not to be
Clerk and
Treasurer.

XIV. 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 to act as their Clerk in the Execution of this Act and the said recited Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act and the said recited Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act or the said recited Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the

the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act or the said recited Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, in the Execution of this Act or the said recited Act, or if any such Treasurer shall hold any Place or Office 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 or Persons 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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XV. And be it further enacted, That the said Trustees shall and they are hereby required 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, laid out, and expended for the Purposes of this Act and the said recited Act, and of the several Articles, Matters, and Things for which any Sum of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any other Person or Persons whose Lands shall be embanked and drained by virtue of this Act or the said recited Act, without Fee or Reward; and the said Trustees and Person or Persons shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees, or such Person or Persons, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, every such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements.

XVI. And be it further enacted, That the said Trustees shall or may sue and be sued in any Action or Actions, Suit or Suits to be commenced or prosecuted in respect of any Matter or Thing arising out of this Act, in the Name of their Clerk or of any One of the Trustees; and no such Action or Suit shall abate or be discontinued by reason of the total or partial Change of the said Trustees, or by reason of Death or Removal of their Clerk, or by Act of such Clerk without the Consent of the said Trustees, but the Proceedings in any such Action or Suit shall nevertheless be carried on to Execution, if necessary, in the Name of the Clerk or Trustee by or against whom such Action or Suit shall have been commenced.

Trustees to sue and be sued in the Name of their Clerk or of One of themselves.

XVII. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees, then and in every such Case the said Trustees shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bonâ fide* out of Pocket for or by reason of such Action or Prosecution, or any Judgment or Determination therein; and likewise

Trustees may pay the Expences of Prosecution.

likewise indemnify all such Persons as shall be prosecuted or have any Action or Actions brought against them for or by reason of any thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees.

Powers for maintaining and improving Works of Drainage and making new Works.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or their Engineer, Superintendent, Officers, Assistants, and Workmen, by their Order, and they are hereby fully authorized and empowered, to strengthen and improve the present Bank along the North-west Boundary of the Parish of *Branston*, from *Carr Dyke* to and uniting it with the South Bank of the Delph or Drain on the South Side of the new Cut made by the Company of Proprietors of the *Witham* Navigation, not only by making up the present Batters or Slopes, but by increasing the Width of the Top to at least Eight Feet, first opening the same down the Centre, and causing the same to be carefully chopped and puddled; also to strengthen, improve, and complete the Bank along the South-east Boundary of the Parish of *Nocton* for about Half a Mile in Length at the End next to *Carr Dike*, and also from the Washway Bank to the Bank of the River *Witham*; also to widen the outer Delph along the Side of the Washway Bank, making the same about Twenty Feet wide in the Bottom, and on a Level throughout Six Feet below the lowest Lands in the said Fens, and disposing of the Earth arising therefrom in strengthening and improving the said Bank; also to erect Two Bridges across the whole Width of the said Delph; also to cleanse and scour out all the cross and other Drains to the full Dimensions specified in the Award made by the Commissioners for executing the said recited Act, clearing out all Dams and other Obstructions and Impediments therein, and removing or altering all or any of the Bridges over such Drains so as to allow a free and uninterrupted Passage for the Water; and, in erecting new Bridges in lieu of such as shall be removed, so to make, build, or construct the same as that the Span thereof do extend over the full Width of such Drains, without any Piles, Piers, or other Impediments to the Course of the Water within the said Drains; and also to erect and make all such other Improvements in the existing Banks and Drains, and such new Banks, Cuts, Ditches, and Drains, in any Part of the said Fens and Low Lands within the said Parishes of *Nocton*, *Potterhanworth*, and *Branston*, as shall be requisite or necessary for effectually draining such Fens and Low Lands, and from Time to Time and at all Times to support, maintain, and improve all such Works of Embankment and Drainage: Provided always, that Dams or Weirs to be made and set down in pursuance of this Act, for the Purpose of holding up Water for the Use of Cattle, and for the Purpose of Fences in dry Seasons, and for preventing the Waters from overflowing the lower Parts of the said Fens and Low Grounds in the Winter Season, and in Times of Floods, shall be put down and placed by the said Trustees in such Situations or Places as shall be considered proper or determined upon and directed by *George Leather* of *Leeds* in the County of *York*, Engineer, or in case of his Death, or Refusal or Inability to act, by such other Engineer as the said Trustees shall nominate and appoint for the Purpose.

Works to vest in Trustees.

XIX. And be it further enacted, That all the Cuts, Drains, Ditches, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and other Works already made or erected by virtue or in pursuance of the

the said recited Act, or which shall at any Time hereafter be making or erecting, or be made, erected, supported, or maintained, by virtue of this Act, for the Purpose of draining and preserving the Fens and Low Lands in the said Parishes of *Nocton*, *Potterhanworth*, and *Branston*, or in any or either of them, and the Right and Property of, to, and in the same, and the Materials of which the same shall consist, and all Materials, Matters, and Things purchased or provided by the said Trustees, or by their Order, for any of the Purposes of this Act, shall be and are hereby vested in the Trustees for executing this Act; and the said Trustees are hereby authorized and empowered to insure such Engines from Fire, and to bring or cause to be brought any Action or Actions in their own Names, or in the Name of any One of them, or to prefer or order and direct the preferring of Indictments or other Prosecutions against any Person or Persons who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure any of them, or any Part thereof, or of such Materials as aforesaid.

XX. And be it further enacted, That in all Indictments, Actions, and Proceedings whatsoever, wherein it shall be necessary to state that any Articles, Materials, or Things is or are the Property of the Trustees acting under the Authority of this Act, it shall be sufficient to state that all and every such Articles, Materials, and Things is or are the Property of "The Trustees of the *Nocton*, *Potterhanworth*, and *Branston* Drainage," without particularly stating or specifying all and every the Names and Name of the said Trustees.

Sufficient in Proceedings to state that the Property belongs to the Trustees.

XXI. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and required from Time to Time to let the Herbage and Produce of the Banks to be made or erected by virtue of this Act publicly to the best Bidder or Bidders for any Term not exceeding Three Years, subject to such Covenants and Restrictions respecting the Mode of stocking the said Banks as they the said Trustees shall think proper, provided that the Person or Persons taking the same is and are restrained from stocking the said Banks with any other Cattle than Sheep; and the Rents and Profits of such Banks shall be applied by the said Trustees to the Purposes of the said Drainage.

Trustees may let the Herbage of the Banks.

XXII. And be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of all or any of the Banks heretofore made, which are now become useless or unnecessary, to the Proprietors of the adjoining Lands, in case they shall be willing to purchase the same at such Price as the said Trustees shall consider to be the Value thereof, of which they shall give or cause to be given Notice in Writing to such Proprietors respectively; and in case such Proprietors or any of them shall refuse or neglect for the Space of One Calendar Month after the Service of such Notice to treat for or to purchase the same, then it shall be lawful for the said Trustees to sell the same Banks or any Part thereof to any other Person or Persons who shall be willing to purchase the same, provided that no such last-mentioned Sale shall be for a less Sum or Consideration Money than shall have been previously offered or tendered by or on the Part or Behalf of any Proprietor of adjoining Lands; and upon Payment of the Purchase Money the said Trustees or any Three of them shall convey such Banks, or Parts or Part thereof, in Fee Simple, by Deed under their Hands and Seals, to the Purchaser or Purchasers thereof,

Old useless Banks may be sold.

to be by them held in Fee Simple by virtue of this Act, such Purchasers respectively not being answerable or accountable for the Application of the Purchase Money; and the several Sum and Sums of Money to be received by the said Trustees by or from such Sales shall be by them applied to the Purposes of this Act.

Trustees may contract for Repair of adjoining Banks.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees to enter into any Contract or Agreement with any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, Proprietors or Proprietor of any Banks, Drains, Sluices, or other Works of Embankment or Drainage adjoining to any of the said Fens and Low Lands, for the Repair, Maintenance, or Support of any such adjoining Banks, Drains, Sluices, or Works, which in the Opinion of the said Trustees it may be essential for the Drainage and Preservation of the said Fens and Low Lands should be repaired, maintained, and supported at the Expence of the Proprietors of such Fens and Low Lands, and thereupon it shall be lawful for the said Trustees accordingly to repair, support, and maintain such adjoining Banks, Drains, Sluices, and other Works of Embankment and Drainage, and to pay all Costs, Charges, and Expences attending the making and concluding any such Contracts and Agreements, and of such Repairs, Support, and Maintenance, out of the Monies to be raised by virtue of this Act.

Contracts may be entered into.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Meeting to be held for that Purpose, whereof Fourteen Days Notice shall be given by affixing the same upon the principal Doors of the Churches of *Nocton*, *Potterhanworth*, and *Branston* aforesaid, or by Advertisement in the *Lincoln*, *Stamford*, and *Rutland* Newspaper, to receive Proposals from, and enter into, make, and execute Contracts with any Engineers or Workmen, for making or completing the Works by this Act authorized to be made or done, or any Part or Parts thereof, and for providing proper Engines, Utensils, and Materials for that Purpose, and all other Matters, Articles, and Things concerning the same; and that such Proposals shall be submitted to the Inspection and Perusal of any Proprietor or Proprietors of the said Lands and Grounds present at any such Meeting to be held for the Purpose aforesaid, or at any other Meeting of the said Trustees; and all such Contracts so to be made shall be entered in a Book to be kept for that Purpose, and signed by the said Trustees and the Parties contracting with them.

Trustees may purchase Lands and make Compensation for Damages.

XXV. And be it further enacted, That the said Trustees shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which the said Trustees shall judge necessary to be cut, digged, pulled down, or otherwise made use of for the Purposes of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damage they may sustain, 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 all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbards, Guardians, Trustees and Feoffees in Trust, Committees,

Bodies Politic, &c. may contract for

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, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the 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, or any Three or more of them, for any Recompence to be made for the Damage which may be done to any such Lands, Tenements, or Hereditaments by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in pursuance of this Act; but if it shall happen that any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Trustees, or by reason of Absence shall be prevented from treating, then and in every such Case the same shall be inquired of, ascertained, and determined by a Jury in manner directed by the said recited Act respecting disputed Value of Land or Damages.

the Sale of such Lands, &c.

Where Persons refuse or neglect to treat, &c. a Jury to settle the Amount.

XXVI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Jury, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Compensation for Damages, as herein mentioned, to the Person entitled to receive such Money, or his or her Agent or Agents, within Thirty Days after the same shall have been so agreed for, assessed, or ascertained, or on the same being deposited in the Bank of *England* in manner by this Act directed, (as the Case may be,) it shall be lawful for the said Trustees, and their Agents, Workmen, and Servants, thereupon, and not before, to enter upon and take and use such Lands, Tenements, or Hereditaments respectively; and then and thereupon the same Lands, Tenements, or Hereditaments, with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall from thenceforth be absolutely vested in the said Trustees for the Purposes of this Act, whether such Conveyance as aforesaid shall or shall not be made; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Interest, Claim, and Demand of the Person to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates, Rights, Titles, and Interests of all other Persons whomsoever therein.

On Payment of Money Property to vest in the Trustees.

XXVII. And

Application
of Money to
be paid when
amounting
to 200*l.* or
upwards.

1 G.4. c.35.

XXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of, or for Recompence for Damages done to, any Lands, Tenements, or Hereditaments, in the Execution of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life or in Tail, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act made in the First Year of the Reign of His late Majesty, 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; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, 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 and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer, 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; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When less
than 200*l.*
and amount-
ing to or ex-
ceeding 20*l.*

XXVIII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or Damages as aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to

to 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 such Lands, Tenements, or Hereditaments, or to such Recompence for Damages, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing this Act, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

XXIX. And be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or damaged, in the Execution of the Purposes of this Act, in such Manner as the Trustees for executing this Act shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When less than 20l.

XXX. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money ought to be paid 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 so awarded to 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 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, upon the Application of any Person or Persons making claim to any such Sum or Sums of Money, or to any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a

In case of not making out a good Title, &c.

[Local.]

25 L

Receipt

Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In Cases of disputed Titles the Person in Possession to be deemed lawfully entitled.

XXXI. And be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or for Recompence for any Damages as aforesaid, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase or Damage, 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 of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made 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 of Exchequer may order reasonable Expences of Purchases to be paid by Trustees.

XXXII. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any such Lands, Tenements, or Hereditaments, the Money to be paid 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 the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees for executing this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

To prevent erecting Mills and Buildings, &c. near Engines.

XXXIII. And be it further enacted, That from and after the passing of this Act no Mill, Gigg, or other Engine for throwing or discharging Water from any of the said Fen Lands and Low Grounds shall be built, set up, or used thereon (except by the said Trustees), or any House, Barn, or other Building, or Stack or Rick of Hay, Grain, Straw, or other Thing, shall be built or set, or Tree or Holt be planted or growing, nearer to any Mill or Engine which shall be made, erected, or employed for the Purpose of this Act, than Twenty Poles from such Mill or Engine, nor shall any Tree or Holt be planted nearer to the Bank than Twelve Feet from such Banks respectively; and if any Person or Persons (except the said Trustees or Persons acting under their Authority) shall build, set up, or use any such Mill, Gigg, or Engine, or shall plant any Tree or Holt, within the respective Distances aforesaid, or shall build or erect, or cause to be built or erected, any House, Barn, or other Building, or such Stack or Rick, within the said Distance of Twenty Poles from any such Mill

Mill or Engine, every such Person so offending shall forfeit One Shilling for every Tree, Five Pounds for every Holt so planted, and Twenty Pounds for every House, Barn, or other Building, Stack or Rick so built or erected, or Mill, Gigg, or Engine so built, set up, or used, to be paid to the Collector for the Time being of the Rates and Taxes to be raised by virtue of this Act, and to be recovered by Warrant under the Hand and Seal of any Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Person liable to pay such Forfeiture, the Overplus (if any) being returned to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and the said Forfeiture, when recovered, shall be applied for the Purposes of this Act; and such Trees, Holts, and Houses, Barns, or other Buildings, Stacks, Ricks, Mills, Giggs, and Engines, shall and may be cut and taken down and carried away by any Surveyor or other Officer appointed for managing the Works of the said Drainage, or by any other Person or Persons for that Purpose authorized by the said Trustees; and it shall be lawful for such Surveyor or Officer, or other Person or Persons so authorized, to cut down any Trees or Holts which shall be growing or standing within the said respective Distances aforesaid from any such Mill, Engine, or Bank, at the Time such Mill, Engine, or Bank shall be erected or made, making such Satisfaction to the Owners of such Trees or Holts as shall be agreed upon between the said Trustees and such Owner, or in case they cannot agree concerning the same, it shall be ascertained and finally determined by the Justices of the Peace at any General or Quarter Sessions of the Peace.

XXXIV. And be it further enacted, That all and every Person or Persons whomsoever who shall, contrary to the Powers in this Act given, at any Time or Times hereafter wilfully and maliciously cut, break down, destroy, or damage any Bank, Sluice, Drain, Tunnel, Stanch, Stopgate, Engine, Mill, Bridge, or any other of the Works which shall be erected and made for the draining and embanking the said Fens and Low Lands, or any Part thereof, or any Banks, Sluices, Drains, Tunnels, Stanches, Stopgates, Engines, Mills, Bridges, or Works repaired, maintained, or supported in pursuance of this Act, and shall thereof be lawfully convicted, shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Simple Larceny.

Persons destroying Works guilty of Felony.

XXXV. And be it further enacted, That all private Drains, Ditches, and Dikes, and all private Roads, Ways, Fences, Dams, Banks, Bridges, Gates, Stiles, and Tunnels in any of the Fens and Low Lands within the said several Parishes, shall be maintained and kept in repair by the Proprietors or Owners thereof, or by the Occupier or Occupiers thereof, in such Manner as the said Trustees shall direct, by Writing under the Hands of any Three or more of them; and if any Proprietor or Proprietors, Occupier or Occupiers of any of the said Fens and Low Lands shall refuse or neglect to cleanse and scour out and keep sufficiently wide and deep any Drain, Ditch, or Dike, or neglect to make and keep in repair any private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel, which shall be so directed to be scoured, cleansed, made, or kept in repair by him, her, or them in such Manner as shall be so directed, after Fourteen Days Notice in Writing shall have been given to him, her, or them for that Purpose, by the Officer or Officers for managing the Works of the

How Drains are to be cleansed.

the said Drainage for the Time being, it shall and may be lawful to and for such Officer or Officers, and he and they is and are hereby authorized and required, to cause such Drain, Ditch, or Dike to be cleansed and scoured, or such private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel to be made and repaired, in such Manner as shall be so directed; and the Proprietor or Proprietors, Occupier or Occupiers so refusing or neglecting as aforesaid, shall reimburse and pay unto such Officer or Officers all such Costs, Charges, and Expences as shall be incurred by the cleansing, scouring, making, and repairing any Drain, Ditch, or Dike as aforesaid, with reasonable Satisfaction unto such Officer or Officers for his or their Time and Trouble therein; and in case such Proprietor or Proprietors, Occupier or Occupiers, shall (after Demand thereof made by such Officer or Officers) refuse or neglect to reimburse and pay all such Costs, Charges, Expences, and Satisfaction as aforesaid, then the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Parties so refusing, by virtue of a Warrant or Precept under the Hands and Seals of the said Trustees or any Three or more of them.

Expences of
Improve-
ments how
to be raised.

XXXVI. And whereas the Amount of the Costs and Expences of applying for, obtaining, and passing this Act, and of making, executing, and completing the Improvements and new Works thereby authorized to be made, has been computed at the Sum of Ten thousand Pounds, or thereabouts, but a further Sum of Money may be required for defraying such Costs and Expences: And whereas such Improvements and new Works may be made and completed within the Term of Two Years from the passing of this Act, if not prevented by inevitable Accident, and it is therefore expedient that Power should be given for raising a Sum of Money not exceeding the Sum of Fourteen thousand Pounds in the whole, on the Credit of a Rate to be laid for the Purpose, and that Provision should be made for paying off the Money to be so borrowed within the Term of Twenty-one Years, in such Manner that a moderate Charge only may be annually borne by the Proprietors of the said Fens and Low Lands; be it therefore further enacted, That for the Purpose of raising Monies for paying off the Interest and Principal of such Monies as shall be borrowed in pursuance of this Act for defraying such Costs and Expences, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, by such Ways, Means, and Methods as to them shall seem expedient and proper, to inquire, ascertain, determine, and fix what in their Judgment will be the fair and proper Amount of an annual Acre Rate or Tax on all and every the Fens and Low Lands in the said several Parishes of *Nocton*, *Potterhanworth*, and *Branston*, in order to raise and pay off the whole of the Sum of Money so to be borrowed, with the Interest of the Money so to be borrowed, in the Term of Twenty-one Years from the passing of this Act; and the said Trustees in making such Inquiry and Determination shall divide the said Sum of Money so to be borrowed into Twenty-one Parts, and shall provide that no more than the Amount of One of such Twenty-one Parts shall be paid off by Means of such Rate or Tax in any One Year, and shall add to each of such Twenty-one Sums the Year's Interest of the whole Sum due or to be due from Time to Time at the Commencement of each consecutive Year; and afterwards the said Trustees shall determine and fix the Amount *per* Acre of the Tax to be charged on the said Fens and Low Lands, which ought

ought to be paid in each of such Twenty-one Years for the Purposes aforesaid; and when the said Trustees shall have ascertained, determined, and fixed the respective Amounts of the said several annual gross Sums, and of such Acre Rate or Tax for each Year as aforesaid, they shall and are hereby required to cause the Particulars thereof to be entered in a Book to be kept by their Clerk in his Office; and such Entry shall be signed by the said Trustees or any Three or more of them; which Book shall be open at all convenient Times in the Day Time for the Inspection of all Persons liable to be rated by virtue of this Act, without Fee or Reward; and shall also cause a Copy of such Entry to be published in the *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper printed or circulated in the said County of *Lincoln*, within Twenty-one Days after the same shall be so entered and signed; and such Acre Rate or Tax shall be payable and paid by the several and respective Proprietors or Owners of the several Fens and Low Lands in the said several and respective Parishes, to such Person or Persons as the said Trustees shall appoint to collect the same, and at such Time, half yearly or otherwise, as the said Trustees shall think proper and order or direct; or the same shall be payable and paid by such Proprietors and Owners to any such Person or Persons as the said Trustees shall appoint to receive the same, at any particular Place or Places in the said Parishes or either of them, or at the said City of *Lincoln*, and at such Time as the said Trustees shall appoint; and the Monies so received shall be from Time to Time applied in paying the Interest of the Sums to be so borrowed, and in paying off annually the One-and-twentieth Part of the Principal, and to no other Use or Purpose whatsoever.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the said Rates and Taxes herein-before directed or authorized to be assessed and charged on the said Fens and Low Lands, such Sum or Sums as shall be necessary for defraying such Costs and Expences, not exceeding the Sum of Fourteen thousand Pounds in the whole, and by Writing under their Hands and Seals to assign over all and every the said Rates and Taxes so herein-before directed or authorized to be assessed and charged on the said Fens and Low Lands as a Security or Securities for the Repayment of such Sum and Sums of Money so to be borrowed, with Interest, to such Person or Persons as shall advance or lend the same, upon such Covenants and Conditions, nevertheless, to be inserted in such Assignments, that the Provisions herein-before contained for paying off annually One One-and-twentieth Part of the whole of the gross Sum so to be borrowed, may from Time to Time be carried into execution; and the said Rates and Taxes so herein-before directed or authorized to be assessed and charged on the said Fens and Low Lands, for paying off the Interest and Principal of the Money to be so borrowed, shall be and the same are hereby charged with and made liable to the Repayment of the Principal Money so to be borrowed, and the Interest thereof, according to the Terms, Covenants, and Conditions contained in such Assignments respectively, both as to Priority and otherwise, and shall vest in the respective Creditors thereof upon Default in Payment of such their Principal Money and Interest, until the same shall be lawfully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall

For borrow-
ing Money
to make the
Improve-
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have

have the same Powers, Rights, and Privileges to charge, assess, and receive the said several Rates and Taxes as are herein-before given to the Trustees for putting this Act in execution; and in default of Payment of the said Rates and Taxes it shall be lawful to and for any of the said Creditors, his, her, or their Executors, Administrators, or Assigns, or any other Person by him, her, or them for that Purpose lawfully authorized, to enter into and upon the said Fens and Low Lands so to be charged or assessed, and to hold and enjoy the same until by the Rents, Issues, and Profits thereof, or otherwise, the said Principal Money and Interest, and all Costs, Charges, and Expences occasioned by Nonpayment thereof, and by recovering and obtaining Possession of the said Premises, and receiving the Rents and Profits thereof, shall be fully satisfied and paid; and it shall be lawful to or for any Proprietor or Owner of any of the said Fens and Low Lands who shall advance or lend any Sum or Sums of Money for the Purposes aforesaid to deduct and retain such Principal Money, and all Interest which shall from Time to Time be thereon due, out of and from such Sum and Sums of Money as shall be so rated, taxed, or assessed on his or her Lands and Grounds; and the said Lands and Grounds shall be discharged and acquitted of and from so much of the said Rates or Taxes as such Principal Money and Interest shall amount unto: Provided always, that no such Land or Ground so to be charged or assessed, or the Proprietors or Owners thereof, shall be charged with or liable to pay or bear any larger Share of the Charges and Expences of making and completing the said Works and Improvements, exclusive of the Costs and Charges of obtaining Possession and receiving the Rents and Profits of such Premises as aforesaid, than the Amount of the Acre Rate herein-before charged for the Purposes aforesaid upon the Lands of such Creditor up to the Time of the Discharge of his Debt and Interest, under the Powers or Provisions of this Act.

An Annual
Tax not
exceeding
One Shilling
and Six-
pence per
Annum to be
levied.

XXXVIII. And for the better and more effectual maintaining, supporting, repairing, cleansing, and using of the Engines, Drains, Dams, Banks, and other Works already made and to be made or improved by virtue of this Act, for the Purpose of draining and preserving of the said Fens and Low Lands, be it further enacted, That it shall and may be lawful to and for the said Trustees and they are hereby authorized and required to meet on the Second *Friday* in *May* in every Year at the said *Rein Deer* Inn in the City of *Lincoln*, or at some convenient House in any of the said Parishes of *Nocton*, *Potterhanworth*, and *Branston* (at which Meetings no more than Ten Shillings for the Use of the Room at each such Meeting shall be allowed them); and the said Trustees shall then and there rate, tax, and assess all and every the Owner or Owners, or Occupier and Occupiers of all and every the said Fens and Low Lands intended to be drained by virtue of this Act, by such an equal and proportionable Acre Rate or Tax, not exceeding One Shilling and Sixpence *per Acre* in any One Year, (except in the Case of a further or larger Tax being consented to, as herein mentioned,) as shall be necessary to pay and discharge the Expences of maintaining, supporting, and using the said Works for draining and preserving the said Fens and Low Lands, and the Expences of the said Trustees, (not exceeding Ten Shillings as aforesaid), at their said yearly Meetings, and the Salary or Salaries of such Officer or Officers as shall be by them appointed for collecting or receiving such Rates or Taxes, and for collecting or receiving the Rates

or Taxes for Improvements, as herein-before mentioned, and managing and taking care of the said Engines and Works, and of other Matters relating to the said Drainage, and the due Execution of the several Powers, Provisions, and Directions of this Act, (which said Rates and Taxes the said Trustees are hereby authorized and required to apply accordingly,) and to appoint under their Hands such certain Days and Places for the Payment of such Rates and Taxes half yearly to the Collectors or Receivers thereof as they the said Trustees shall think proper.

XXXIX. And be it further enacted, That if in any Year it shall appear to the said Trustees that the said Rate or Tax of One Shilling and Sixpence an Acre will not be sufficient for supporting, repairing, cleansing, and using the said Works of Drainage, it shall be lawful to and for the said Trustees to cause public Notice to be given in the said Parish Churches of *Nocton*, *Potterhanworth*, and *Branston*, some *Sunday* immediately after Divine Service, or upon the Church Doors of the said Parishes, that the Proprietors of Lands within the said several and respective Parishes, or their Deputies or Agents appointed by Writing under their Hands, do meet at the said *Rein Deer* Inn in the City of *Lincoln*, or at such other Place as aforesaid, on the *Friday* Seven-night then next after such Notice, then and there to testify their Consent or Disapprobation to the said Trustees charging and levying for the Year then next following such a further equal Acre Rate or Tax, over and above the said Rate or Tax of One Shilling and Sixpence an Acre, as shall in such Notice be expressed (not exceeding Sixpence *per* Acre in any One Year), upon the several Lands and Grounds within the said several and respective Parishes, at which said Meetings the Proprietors of such Lands shall have Votes, under the same Restrictions and Qualifications as are herein-before directed and required in the Choice of new Trustees; and if the Majority of such Votes shall be given for the charging and levying of such further Acre Rate or Tax as aforesaid, the same being certified by Writing under the respective Hands of such Proprietors, Deputies, and Agents voting for such further Tax, in a Book to be kept by the Clerk to the said Trustees for that Purpose, the said Trustees shall have and are hereby vested with the same Powers and Authorities to charge such further Rate or Tax, or such Parts or Shares thereof, as they shall think necessary, (over and above the said Rate or Tax of One Shilling and Sixpence an Acre,) for supporting, repairing, cleansing, and using the said Works of Drainage, on all the Lands and Grounds within the said several and respective Parishes; which further Rate or Tax, or Parts or Shares thereof, shall be rated, taxed, and assessed upon the same Persons as the annual Rate or Tax, not exceeding One Shilling and Sixpence *per* Acre herein-before mentioned, is authorized to be rated, taxed, or assessed, and shall be paid half yearly to the said Collectors and Receivers on such Days and at such Places as the said Trustees shall appoint as aforesaid.

A further annual Tax may be raised by Consent of Proprietors.

XL. Provided always, and be it further enacted, That if it shall appear at any Time to the said Trustees that the Rates or Taxes herein-before directed or authorized to be charged on the said Lands and Grounds will not be sufficient for maintaining, repairing, and supporting the said Works of Drainage, and for repairing any Damages done or liable to accrue by Means of any Accident or otherwise, it shall be lawful to and for the said Trustees

In case of extraordinary Damage, &c. additional Taxes may be raised by

Trustees

Consent of
Proprietors.

Trustees to cause Public Notice to be given in the said several Parish Churches of *Nocton*, *Potterhanworth*, and *Branston*, on some *Sunday* immediately after Divine Service, or otherwise, by Writing affixed upon the principal Doors of the said Churches immediately before such Divine Service shall be begun, that the Proprietors of Lands to be drained by virtue of this Act, or their Deputies or Agents appointed by Writing under their Hands, do meet at the said *Rein Deer* Inn in the City of *Lincoln*, or at such other Place as aforesaid, on the *Friday* Seven-night next after such Notice, then and there to testify their Consent or Disapprobation to the said Trustees charging and levying such further equal Acre Rate or Tax, not exceeding Five Shillings *per* Acre in any One Year, as in and by the said Notice shall be expressed, upon the several Lands and Grounds in the said several and respective Parishes; at which said Meeting the Proprietors of Lands as aforesaid shall have Votes, under the same Restrictions and Qualifications as herein-before directed and required, in the Choice of new Trustees; and if the major Part of such Votes shall be given for the charging and levying of such further Acre Rate or Tax as aforesaid, (the same being certified by Writing under the respective Hands of such Proprietors, Deputies, and Agents voting for such further Tax, in a Book to be kept by the Clerk to the said Trustees for that Purpose,) the said Trustees shall have and are hereby vested with the same Powers and Authorities to charge such further Rate or Tax, or such Part or Parts thereof as they shall think necessary for any such Purposes; which further Rate or Tax, or Parts or Shares thereof, shall be borne and paid by the several Proprietors and Owners of such Lands and Grounds in equal Proportions, and within the Time or Times respectively for that Purpose to be limited by the said Trustees, to such Person or Persons as they shall appoint to receive the same.

Trustees
may borrow
Money upon
Credit of
such addi-
tional Taxes.

XLI. And be it further enacted, That it shall be lawful to and for the said Trustees, and they are hereby authorized and empowered, from Time to Time, as often as any such further or additional Tax or Rate last mentioned, not exceeding Five Shillings *per* Acre, shall be made and consented to as aforesaid, to borrow and take up any Sum or Sums of Money, not exceeding in the whole Three-fourth Parts of the Money which shall be so charged on the said Lands and Grounds, by such further or additional Rate or Tax, and by Writing under their Hands and Seals to assign over such further or additional Rate or Tax as a Security or Securities for the Repayment of such Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons as shall advance or lend the same; and such respective last-mentioned additional Rate or Tax shall vest in the respective Creditors thereof, upon Default in Payment of such their Principal Money and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers and Authorities to recover and receive such respective further or additional Tax or Rate as are herein-before given to the Trustees for putting this Act into execution; and in default of Payment thereof it shall and may be lawful to and for any of the Creditors thereof, his, her, or their Executors, Administrators, or Assigns, or any other Person by him, her, or them for that Purpose lawfully authorized, to enter into and upon the Lands and Grounds so to be charged and assessed, and the same to hold
and

and enjoy until by the Rents and Profits thereof, or otherwise, the said Principal Money and Interest, and all Costs, Charges, and Expences occasioned by the Nonpayment thereof, and by recovering and obtaining Possession of the said Premises, and receiving the Rents and Profits thereof, shall be fully satisfied and paid; and it shall be lawful to and for any Proprietor or Owner of any of such Lands and Grounds who shall advance or lend any Sum or Sums of Money for the Purposes last aforesaid, to deduct and retain such Principal Money, and all Interest which shall be thereon due, out of and from such Sum or Sums of Money as shall be so rated, taxed, or assessed on such his, her, or their Lands and Grounds; and such Proprietor or Owner, and his, her, and their said Lands and Grounds, shall be discharged and acquitted of and from so much of the said Rate or Tax as such Principal Money and Interest shall amount unto: Provided always, that no Lands or Grounds so to be charged or assessed with or towards such further or additional Rate or Tax as aforesaid, or the Proprietors or Owners of such Lands or Grounds, shall be charged with or liable to pay or bear any larger or other Share of such respective further or additional Rate or Tax, exclusive of the Costs and Charges of obtaining Possession and receiving the Rents and Profits as aforesaid, than the Sum of Five Shillings *per* Acre in the whole for or in respect of the said Tax, not exceeding Five Shillings *per* Acre.

XLII. And be it further enacted, That every Mortgage or Assignment to be made in pursuance of this Act may be in the Words or to the Effect following; that is to say,

‘ BY virtue 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*], We, Form of
 ‘ the undersigned, being Mortgage.
 ‘ of the said Act, in consideration of the Sum of Pounds
 ‘ advanced and lent by of to the said
 ‘ Trustees upon the Credit of the Rates and Taxes authorized by the said
 ‘ Act to be assessed and charged on the Fens and Low Lands in the
 ‘ Parishes of *Nocton, Potterhanworth, and Branston*, for [*here set forth the*
 ‘ *Purpose of the Rate or Tax, as the Case may be,*] do hereby grant and
 ‘ assign unto the said , his Executors, Adminis-
 ‘ trators, and Assigns, such Proportion of the said Rates and Taxes as the
 ‘ said Sum of Pounds doth or shall bear to the whole Sum
 ‘ borrowed or charged, or to be borrowed or charged upon the Credit of
 ‘ the same Rates and Taxes, to be had and holden from the Day of the
 ‘ Date of these Presents until the said Sum of Pounds,
 ‘ with Interest for the same after the Rate of Pounds
 ‘ *per Centum per Annum*, shall be fully repaid and satisfied. In witness
 ‘ whereof we have hereunto set our Hands and Seals, the
 ‘ Day of in the Year of our Lord One thousand eight
 ‘ hundred and .

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law; and every Person to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the same Rates and Taxes equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments.

[*Local.*]

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XLIII. And

Mortgages
may be
transferred.

XLIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed on the Credit of this Act, and their respective Executors, Administrators, and Assigns, (as the Case may be,) at any Time, by Writing under their respective Hands and Seals, to assign and transfer such Securities to any Person whomsoever, 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.

' I being entitled to the Sum of
' secured to Executors, Administrators, and
' Assigns, by virtue of a Mortgage or Assignment bearing Date the
' Day of under the Hands and Seals of 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*], upon the Credit of the Rates and Taxes authorized
' to be made, raised, and collected by the said Act, do hereby transfer all
' my Right and Interest in and to the same, and all Interest and other
' Money now due and owing thereupon, unto of
' his Executors, Administrators, and Assigns. Given under my Hand
' and Seal, this Day of One thousand eight
' hundred .

Mortgages
may be as-
signed.

XLIV. And be it further enacted, that all and every Person or Persons to whom any Mortgage or Assignment shall be made by virtue of this Act, as a Security for any Sum or Sums of Money by him, her, or them lent or advanced on the Credit and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest in and to the same, unto any other Person or Persons whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Assignee or Assignees, his, her, or their Executors and Administrators, and all Persons claiming under them or any of them, shall be and are hereby invested with all and every the same Powers, Authorities, and Privileges as the original Mortgagee or Mortgagees is or are invested with by virtue of this Act, or shall and may use, take, and pursue all such Methods, Courses, and Expedients in Law or Equity, for recovering and obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued in all Cases of the like Nature.

Proprietors
may pay
their Shares
of the first
and last men-
tioned Rates
by a Sum in
gross in lieu

XLV. And whereas the Owners or Proprietors, or some of them, of the said Fens and Low Lands, liable to be rated by virtue of this Act for paying off the Money to be borrowed as aforesaid, with Interest, for defraying the Expences of the Works and Improvements by this Act directed or authorized to be made, or for paying the Expences of any Repairs necessary in consequence of any sudden Damage or Accident, may be desirous of redeeming such Rates or Taxes, in respect of such his, her,

or their Fens or Low Lands, by the Payment of a Sum in gross in lieu of such annual Rates or Taxes; be it therefore further enacted, That in case any such Proprietor or Owner shall give Notice in Writing to the said Trustees or to their Clerk, at any Time within Two Calendar Months after the passing of this Act, with respect to the said first-mentioned Rate or Tax, or (in respect of any such last-mentioned Rate or Tax) at any Time before the same shall become due and payable, of such, his, her, or their Desire, then and in all such Cases respectively it shall be lawful for the said Trustees to ascertain and determiné what Sum or Sums of Money in gross ought to be paid by such Proprietors or Owners respectively in Redemption of his, her, or their Proportion of such Rates and Taxes chargeable for or in respect of such Expences respectively, and such Sum or Sums shall be accordingly paid to the said Trustees by such Proprietors or Owners within such Time or Times as shall be directed or ordered by the said Trustees; and thereupon it shall not be lawful for the said Trustees to assess the Fens or Low Lands of such Proprietors or Owners to the Rate or Tax therein so intended to be redeemed; and the said Trustees shall give a Receipt or Receipts in Writing under their Hands, or the Hands of any Three or more of them, to the Proprietors or Owners paying such Sum or Sums of Money, for the Money so paid, and shall apply such Money towards defraying such Expences accordingly; and the Proprietors or Owners so paying such Money, or his, her, or their Heirs, Executors, or Administrators, shall not be answerable or accountable for the Nonapplication or Misapplication of any such Money by the said Trustees, but such Proprietors or Owners, his, her, or their Heirs, Executors, and Administrators, and the Fens and Low Lands in respect of the Redemption of the Rates whereon such Money shall be paid, shall be and is and are hereby discharged from all Liability to the Rate or Tax the Proportion whereof shall be so redeemed: Provided always, that in case of the Nonpayment of any Part of such Sum or Sums of Money within the Time or Times directed or ordered by the said Trustees, the same shall and may be recovered and levied by the said Trustees by the same Ways, Means, and Remedies as are by this Act provided in Cases of the Nonpayment of any Rate or Tax by this Act imposed, or any Arrears thereof.

XLVI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any partial or qualified Estate or Interest, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable or other Purposes, Heirs, Executors, Administrators, Successors, Committees for Lunatics and Idiots, and all other Trustees whomsoever, and for all Persons seised, possessed of, or interested in Right of others, being Persons labouring under any Disability or Incapacity, and all other Persons whomsoever, not only for and on behalf of themselves and their own respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their several and respective Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and for all Femes Covert who are or shall be seised, possessed of, or interested in the same, and for all and every other Persons and Person whomsoever who are, is, or shall be seised, possessed of, or interested in the said Fens and Low Lands to be rated or taxed by virtue of this Act, for paying off the Money to be borrowed as aforesaid,

Proprietors under Disability enabled to borrow Money.

with

with Interest, for defraying the Expences of the Works and Improvements by this Act directed or authorized to be made, or for paying the Expences of any Repairs necessary in consequence of any sudden Damage or Accident, being desirous of redeeming such Rates or Taxes in respect of such his, her, or their Fens or Low Lands by the Payment of a Sum in gross, in lieu of such annual Rates or Taxes, to charge such Fens and Low Lands, or any Part or Parts thereof respectively, with any such Sum or Sums of Money which shall have been so ascertained and determined by the said Trustees to be payable by such Parties or Persons, in order to be applied for such Purposes respectively, and for securing the Repayment of such Sums, with Interest, to grant, mortgage, surrender, lease, or demise such Lands to such Person or Persons as shall respectively advance and lend such Sum and Sums of Money, and to his, her, or their respective Heirs, Executors, Administrators, or Assigns, in Fee or for any Term or Number of Years, so as every such Grant, Mortgage, Surrender, Lease, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be re-conveyed or surrendered, when such Sum or Sums of Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sum or Sums of Money, with Interest for the same respectively, shall be paid and satisfied; and any Mortgagee or Mortgagees advancing or lending Money under the present Power shall not be obliged to see to the Application thereof, nor be in anywise accountable for any Misapplication or Nonapplication thereof, or of any Part thereof; and so as in every such Grant, Mortgage, Surrender, Lease, or Demise which shall by virtue of this Act be made by any Tenant in Tail or for Life or Lives, or Years determinable on a Life or Lives, or upon any other Contingency, there be contained a Proviso or Condition that no Person who shall afterwards become entitled in Remainder or Reversion to the Lands or Tenements therein comprised shall be liable to pay any further or larger Arrear of Interest in respect of the Money so to be charged as aforesaid than for One Year preceding the Time that the Title to such Possession shall have commenced.

Power to
distrain for
Taxes.

XLVII. And be it further enacted, That if any Person or Persons, being Proprietor or Proprietors, or Owner or Owners, or Occupier or Occupiers of any of the said Fens and Low Lands rated, taxed, or assessed by virtue of any of the Powers in this Act contained, shall refuse or neglect to pay the Money so rated, taxed, or assessed on the said Fens and Low Lands within Thirty Days after the respective Times of Payment to be appointed as aforesaid, (public Notice of the said Times of Payment being affixed on the Doors of the Parish Churches of *Nocton*, *Potterhanworth*, and *Branston* aforesaid,) at such Place as shall be specified in such Notice, it shall be lawful for such Collector or Receiver, or such other Person or Persons authorized by virtue of any Warrant or Precept under the Hands and Seals of the said Trustees (which Warrant or Precept such Trustees are hereby empowered and required from Time to Time to grant as Occasion shall require), to levy such Sum or Sums of Money so taxed or assessed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale; or otherwise

wise

wise it shall and may be lawful to and for the said Trustees from Time to Time to enter upon the Lands and Grounds so to be drained respectively by means of the said Works of Drainage, belonging to or occupied by such Person or Persons so refusing or neglecting to pay as aforesaid, and the Rents and Profits thereof respectively to receive and take until thereby or otherwise such Taxes, Rates, or Assessments, and all Arrears thereof, so from Time to Time directed to be paid by such Person or Persons as aforesaid, and all Costs, Charges, and Expences occasioned by or attending such Entry and Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied; and the Tenant or Tenants of all and singular such Lands and Grounds so to be rated, taxed, or assessed is and are hereby required and authorized to pay such Sum and Sums so assessed and rated thereon as the same shall become due; and it shall be lawful for such Tenant or Tenants to reimburse him, her, or themselves such Sum and Sums of Money out of the next Rent to become due to his, her, or their Landlord or Landlords respectively, who shall allow the same to be deducted out of his, her, or their Rents accordingly: Provided always, that no such Tenant or Tenants shall be liable or compellable to pay any larger Sum towards discharging any Rate or Tax by this Act imposed upon his, her, or their Landlord or Landlords than shall be equal to the Amount of the Rent then actually due from such Tenant or Tenants to such, his, her, or their Landlord or Landlords.

XLVIII. And be it further enacted, That the said Trustees for the Time being shall and they are hereby required to keep an Account of all Monies received and disbursed in pursuance of this Act, and shall permit any of the Persons interested in the said Fens and Low Lands at any seasonable Time to inspect and copy the same; and the said Trustees shall from Time to Time, at the Election of Trustees to succeed them as aforesaid, or within Seven Days next after, deliver such Account, and make Payment of all the Money arising by virtue of this Act, and then in their Hands, to the succeeding Trustees, which Money shall be by them laid out and disposed of for the Purposes of this Act.

Requiring
the Trustees
to account.

XLIX. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and preparatory or incident thereto, shall be paid and satisfied by the said Trustees out of the first Monies which shall be received by them in pursuance of this Act; and all Persons advancing any Sum or Sums of Money for or towards paying such Expences shall be repaid the Sum or Sums of Money so advanced by the said Trustees, together with lawful Interest from the Time of advancing the same.

Expences of
Act.

L. Provided always, 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

Justices may
proceed by
Summons in
the Reco-
very of
Penalties.

[Local.]

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Summons

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.

For securing
transient
Offenders.

LI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors or other Officers respectively, and such Person or Persons as they or any of them shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, or other Officers,) who shall commit any Offence or Offences against this Act or any of the Provisions thereof, or against any Rule or Order to be made in pursuance thereof, and to take him, her, or them before any Justice or Justices of the Peace; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Fines and
Penalties,
how to be
recovered.

LII. And be it further, enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by or in pursuance of this Act (the Manner of levying and recovering whereof is not otherwise herein particularly directed) shall and may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of any One or more Justice or Justices of the Peace, on Complaint to him or them for that Purpose exhibited, and afterwards levied, as well as the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or 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 any Witness or Witnesses upon Oath, and to examine him, her, or them of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so to be levied 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, shall be returned, upon Demand, to the Owner or Owners of the Goods and Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such 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 of Distress, unless such Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant 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 or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Fines, Penalties, Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Fines, Penalties, and 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 any Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to any Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied ; and the Monies arising by such Fines, Penalties, and Forfeitures, when paid or levied, if not directed to be otherwise applied by this Act, shall be paid, one Moiety thereof to the Informer or Person suing for or recovering the same, and the other Moiety thereof to the Treasurer for the Time being acting in pursuance of this Act, to be applied and disposed of for the Purposes of this Act.

LIII. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or the Provisions thereof, shall and may cause the Conviction to be drawn up in the Form or to the Effect following ; (that is to say,)

Form of Conviction.

‘ to wit. } BE it remembered, That on the Day
 ‘ at of in the Year of our Lord
 ‘ in the said County of *A. B.* is convicted
 ‘ before me [or us] of His Majesty’s Justices of the Peace for
 ‘ the by virtue of an Act passed in the Second Year of
 ‘ the Reign of His Majesty King *William* the Fourth, intituled *An Act,*
 ‘ &c. [here insert the Title of this Act, and state the Offence, and Time
 ‘ and Place when and where the same was committed,] contrary to the said
 ‘ Act, and I [or we] the Justice [or Justices] aforesaid do adjudge and
 ‘ determine the said *A. B.* for the said Offence to forfeit and pay the Sum of
 ‘ and do order the same to be forthwith paid into my [or
 ‘ our] Hands, one Moiety thereof for the Use of the Trustees under the
 ‘ said Act, for the Purposes thereof, and the other Moiety thereof to the
 ‘ Use of *C. D.* [name the Informant] who informed me [or us] of the said
 ‘ Offence; and I [or we] do further order the said *A. B.* forthwith to pay
 ‘ to the said *C. D.* the Sum of as and for the reasonable
 ‘ Costs by him incurred in and about the said Conviction. Given under
 ‘ my Hand and Seal [or our Hands and Seals], the Day and Year first
 ‘ above written.’

LIV. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by him or them, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not to be unlawful for Want of Form.

LV. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid by the said Trustees in pursuance of the Directions of this

Damages how to be recovered of the Trustees.

this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person acting by or under their Authority or Direction, and such Sum or Sums of Money, together with the reasonable Costs and Charges of hearing and determining the same; shall not be paid by the said Trustees or their Treasurer to the Party entitled to receive the same within Five Days after Demand thereof in Writing shall have been made and delivered to the Clerk to the said Trustees, or to any One of the said Trustees for the Time being, then and in such Case the Amount of such Compensation or Satisfaction and Costs as aforesaid shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, together with the Costs of such Distress and Sale, under a Warrant to be issued for that Purpose by such Justice or Justices; which Warrant any such Justice or Justices is and are hereby authorized and required to grant, upon Application made to him or them for that Purpose by the Party entitled to receive such Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which shall come to his Hands by virtue of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Notices on
the Trustees
how to be
served.

LVI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Notice or Notices, or any Writ or Writs, or other legal Proceedings, or Proceedings in Equity, upon the Trustees for executing this Act, the Service of such Notice, Writ, or other Proceeding in Writing upon the Clerk to the said Trustees, or upon any One of the said Trustees, or delivering the same to some Inmate at the Office of the said Trustees, or at the Office or Dwelling House of the Clerk to the said Trustees, or at some Inmate at the usual Place of Abode of any One of the said Trustees, as the Case may be, shall be deemed a sufficient Service of the same respectively upon the said Trustees.

Limitation
of Actions.

LVII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of this Act, or in the Execution or supposed Execution of the Powers and Authorities herein-before given, until Ten Days Notice in Writing of such intended Action or Suit, and the Cause thereof, shall have been given to the Clerk for the Time being acting in pursuance of this Act, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, nor after the Expiration of Six Calendar Months from the Time when such Cause of Action or Suit shall have arisen, or in case of any consequential Damage upon any Cause of Action, within Six Calendar Months after such Damage shall have been discontinued or shall cease, nor after Tender of reasonable Amends shall have been made to the Party or Parties aggrieved by or on the Behalf of the Defendant or Defendants in such Action or Suit; and every such Action or Suit shall be laid, brought, and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may

may plead the general Issue, and give this Act and the special Matter in Evidence, on any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done or omitted in pursuance and by Authority of this Act; and if such Matter or Thing shall appear to have been so done or omitted, or if it shall appear that such Action or Suit was brought before the Expiration of Ten Days from the Delivery of such Notice as aforesaid, or after the Time herein-before limited for bringing the same, or Tender of reasonable Amends as aforesaid, or if such Action or Suit be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover his, her, or their Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

LVIII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rule or Order, or by any Determination or Judgment, or any other Matter or Thing to be made, given, or done by virtue or in pursuance of this Act, such Person or Persons, Body or Bodies Politic or Corporate, shall or may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the City of *Lincoln* and County of the same City, or for the Parts of *Kesteven* in the said County of *Lincoln*, as the Case may require, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants having given or caused to be given Ten Days Notice at least in Writing of his or her or their Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk for the Time being acting in pursuance of this Act, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, with Two sufficient Persons as Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General or Quarter Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, and shall or may mitigate any Fine, Penalty, or Forfeiture, and may order such Money to be returned which shall have been paid or levied in pursuance of any such Rule, Order, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their said General or Quarter Sessions shall be binding and conclusive.

Allowing an Appeal.

LIX. And be it further enacted, That in all Cases where by this Act any Justice or Justices of the Peace is or are mentioned or referred to, or is or are empowered, ordered, or directed to do, order, receive, take cognizance of, or perform any Act, Matter, or Thing, all Justices of the Peace acting for the City of *Lincoln* and County of the same City, and all Justices of the Peace acting for the Parts of *Kesteven* in the County of *Lincoln*, shall and they are hereby authorized, directed, and required, in

Justices to act in their respective Jurisdiction.

[Local.]

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their

their respective Jurisdictions, to do, order, receive, take cognizance of, and perform all Acts, Matters, and Things by this Act authorized or directed or intended to be done by any Justice or Justices of the Peace.

Certain
Lands ex-
empt from
Taxes.

LX. Provided always, and be it further enacted, That so much and such Parts of the Lands and Grounds in the said Parish of *Branston* (except any Banks heretofore made which are now become useless and unnecessary, herein-before authorized to be sold and disposed of), as lie on the North-east Side of the new Cut in the River *Witham* shall not be subjected to any of the Powers or Provisions of this Act.

Not to inter-
fere with
Witham Na-
vigation
Commis-
sioners.

LXI. Provided always, and be it further enacted, That nothing herein 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 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 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.

Public Act.

LXII. 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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