ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. lviii.

An Act for amending an Act of His present Majesty, intituled *An Act for enclosing Lands in the Townships of* Crowle, Eastoft, *and* Ealand, *in the Parish of* Crowle, *in the County of* Lincoln, *and extending into the West Riding of the County of* York; and for draining or warping the said Lands, and Lands in the Parishes of *Luddington*, *Belton*, and *Adlingfleet*, and for making Drains in the Parish of *Althorpe*; all in the said Counties of *Lincoln* and *York*.

[20th *June* 1816.]

WHEREAS an Act was passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act for enclosing Lands in the Townships of* Crowle, Eastoft, *and* Ealand, *in the Parish of* Crowle, *in the County of* Lincoln, *and extending into the West Riding of the County of* York: And whereas the Lands included in the said Act, and other Lands, as well open as inclosed, in the said Parish of *Crowle*, and in the Parish of *Luddington*, in the County of *Lincoln*; and also certain Lands in the Township of *Belton*, in the Parish of *Belton*, called *Pilfrey*, lying on the North Side of the *Stainforth* and *Keadby* Canal, and certain Lands in the Parish of *Adlingfleet*, in the County of *York*, called *Rainsbutt* and *Eastoft*, belonging to *Charles Constable* Clerk, and lying on the South Side of *Green Bank* there, are frequently over-

flowed with Water, and upwards of Two thouſand Acres of the ſaid Lands are in their preſent State totally unfit for Tillage; but that the ſaid laſt-mentioned Lands might be rendered highly productive, and all the ſaid Lands be greatly improved, if properly drained, embanked, and warped: And whereas it may be neceſſary for the Purpoſes of ſuch Drainage, Embankment, Warping, and Improvement, that a new Sea Sluice ſhould be built or made in the Bank of the River *Trent*, at or near a Place called *North Sewer Sluice*, in the Townſhip of *Amcotts*, in the Pariſh of *Althorpe*, in the County of *Lincoln*; and that a new Cut or Drain ſhould be made to communicate with the ſaid River *Trent* at the Place where the ſaid Sea Sluice ſhall be erected, and to be continued from thence through Lands and Grounds in the ſaid Townſhip of *Amcotts*, acroſs *Eaſtoft Moors* into the ſaid Pariſh of *Crowle*; and that divers other Cuts, Drains, Dams, Banks, Aqueducts, Culverts, Tunnels, Outlets, Sluices, Bridges, and other Works neceſſary for the Purpoſes of ſuch Drainage, Embankment, Warping, and Improvement, ſhould be made in the ſaid Pariſh of *Crowle*, and on the other Lands included in the ſaid Act, and in the ſaid Pariſhes of *Luddington*, *Belton*, *Althorpe*, and *Adlingfleet*; and alſo that a new Sea Sluice ſhould be built or made in the Bank of the ſaid River *Trent*, at or near the North End of the Town of *Keadby*, in the ſaid Pariſh of *Althorpe*; and that a new Cut or Drain ſhould be made to communicate with the ſaid River *Trent*, through the ſaid Sea Sluice, and to be continued from thence through Lands and Grounds in the ſaid Townſhip of *Keadby*, to and into the Pariſh of *Crowle*: And whereas it is requiſite that ſome of the Proviſions of the ſaid Act ſhould be amended, and that the Powers of the Commiſſioners appointed by virtue of the ſaid Act ſhould be enlarged: 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 *Joſeph Thackray* of *Gainſborough* in the ſaid County of *Lincoln*, Gentleman, ſhall be and he is hereby appointed Commiſſioner for executing the neceſſary Works for effecting the Drainage and Warping of the ſaid Lands, and for otherwiſe carrying into Execution the ſeveral Powers of this Act relating thereto.

Commiſſioner.

Appointment of new Commiſſioner by a Majority of Proprietors.

II. And be it further enacted, That if the ſaid *Joſeph Thackray*, or any other Commiſſioner to be appointed in his room by virtue of this Act, ſhall, before the Execution of all the Powers and Authorities hereby veſted in the ſaid Commiſſioner, die, refuſe, or neglect for the Space of Three Calendar Months, or become diſabled to act, then and in every ſuch Caſe it ſhall and may be lawful for the major Part in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſment) of the Proprietors or Perſons intereſted in the Lands by this Act directed to be drained, embanked, and warped, who ſhall attend by themſelves or their Agents or Attornies, at a Meeting to be called by any Two Perſons intereſted in ſuch Lands, at ſome convenient Place in *Crowle* aforeſaid, in purſuance of public Notice to be given in Manner herein-after mentioned, as ſoon as conveniently may be after ſuch Commiſſioner ſhall happen to die, neglect, or refuſe to act, or become incapable of acting as aforeſaid, by any Inſtrument in Writing under their Hands, or the Hands of their Agents or Attornies, to elect and appoint from Time to Time ſome other fit and proper

proper Perſon (not intereſted in the ſaid Lands) to be a Commiſſioner in the Place of the ſaid *Joſeph Thackray*; which ſaid Commiſſioner, when elected in Manner aforeſaid, ſhall, after taking the Oath herein-after mentioned, have the ſame Powers and Authorities in all Reſpects for executing this Act as if he had been originally named and appointed a Commiſſioner in and by this Act; and every Writing or Inſtrument of the Appointment of a new Commiſſioner ſhall be annexed to and depoſited with the Award of the ſaid Commiſſioner.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as ſuch Commiſſioner until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, execute the Powers and Authorities repoſed in me as a Commiſſioner by virtue of an Act paſſed in the Fifty-ſixth Year of the Reign of His Majeſty King *George* the Third, intituled [*here inſert the Title of this Act,*] without Favour or Affection, Prejudice or Malice to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath it ſhall be lawful for any Juſtice of the Peace acting in and for the ſaid County of *Lincoln* to adminiſter, and he is hereby authorized and required to adminiſter the ſame; and ſuch Oath ſo to be taken and ſubſcribed ſhall be annexed to and be enrolled and depoſited with the Award to be made by the ſaid Commiſſioner.

Appointment of Clerk.

IV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby empowered to appoint a Clerk for the Purpoſes of this Act; and in caſe of the Death, Incapacity, Neglect, or Refuſal to act of ſuch Clerk, from Time to Time to appoint any other Perſon or Perſons he may think proper to be Clerk as aforeſaid; and proper Books ſhall be provided and kept by ſuch Clerk, and proper Entries ſhall be made therein of all Meetings and Proceedings to be had in the Execution of this Act; and all ſuch Books ſhall be admitted in Evidence in all Courts of Law and Equity, and by all Judges, Juſtices, and others.

Meetings.

V. And be it further enacted, That the ſaid Commiſſioner ſhall and may attend at ſuch Time and Place within the ſaid Pariſh of *Crowle* as he ſhall think proper, to carry this Act into Execution, and ſhall give Notice in Manner herein-after mentioned of all Meetings to be held by him in the Execution of this Act, Ten Days previous to ſuch Meetings, Meetings by Adjournment excepted.

Notices how to be given.

VI. And be it further enacted, That all Notices requiſite or neceſſary to be given for the Purpoſes of this Act ſhall be given by Advertiſement in the Newſpaper called *The Doncaſter, Nottingham, and Lincoln Gazette, or Yorkſhire, Nottinghamſhire, and Lincolnſhire Advertiſer*, or in ſome Newſpaper uſually circulated in the Counties of *Lincoln* and *York*; and alſo by Writing affixed on the principal Outer Doors of the Pariſh Churches of *Crowle, Luddington, Belton, Adlingfleet*, and *Althorpe* aforeſaid, or of ſuch of the ſaid Pariſhes as ſuch Notice ſhall concern, upon ſome *Sunday* immediately before Divine Service.

VII. And

To build a Sluice for Drainage.

VII. And be it further enacted, That for the Purpose of such Drainage and Improvement, it shall and may be lawful for the said Commissioner, and he is hereby authorized and required, to build or cause to be built in the Bank of the River *Trent*, on the Site of the *North Sewer Sluice*, belonging to Sir *William Ingilby* Baronet, in the Township of *Amcotts* in the said Parish of *Althorpe*, a new Sluice with a Carriage Bridge over it of Stone and Brick, supported by Piling or inverted Arches, or both, the Cill thereof to be Two Feet at least below the Low Water Mark of a Spring Tide in the River *Trent*, and its neat Capacity or clear Waterway to be Twelve Feet wide at least, with pointing Doors to the Seaward, and also Frames provided with Drop or Draw Doors on the Land Side, or to Landward, to shut occasionally as the said Commissioner shall direct, in order to retain Fresh Water in dry Seasons for the Use of Cattle, the Top of such Draw Doors to be gauged to such Height as to retain the Water in the Drain not higher at ordinary Seasons than Two Feet below the medium Surface of the lowest Lands that drain thereby; and the said Commissioner shall make or cause to be made a new Cut or Drain, to communicate with the said River *Trent*, at the Place where the said Sea Sluice shall be erected, and to be continued from thence, as nearly in a right Line as may be, through Lands and Grounds in the said Township of *Amcotts*, thence in a South-west Direction across and into an ancient Drain (adjoining to the Parish of *Luddington*) in the said Township of *Amcotts*, over *Eastoft Moors* into the Parish of *Crowle*, thence forward in a Westward Direction through the Commons, Waste Grounds, and old enclosed Lands within the said Parish of *Crowle*, in such Direction as the said Commissioner shall direct; such Drain in the Township of *Amcotts* to be made at least Five Feet below the Level of the Bottom of the said present old Drain there, called Sir *William Ingilby's North Sewer Drain*, and so that no Part of the West End of the said intended Drain be made or begun to be made until the said Sluice and Drain through the Township of *Amcotts* be fully completed to the Depth and in the Manner before directed; and which said intended Drain or Cut so to be made shall be at least Ten Feet wide at the Bottom, with a Batter or Slope of not less than Two Feet on each Side to every Foot in Depth, from the said River *Trent* until it enters *Luddington Pade Moor*, and from thence of such Width and Batter as the said Commissioner shall direct, not exceeding the Number of Feet in Width herein-before limited or directed for the Drain intended to be made through the Township of *Amcotts*; and the Earth or Soil arising from the said Cuts or Drains, or any other Cuts or Drains by this Act authorized to be made, scoured out, cleansed, widened, deepened, or enlarged, shall be disposed of by the said Commissioner on each Side thereof, in forming Banks or otherwise, as he shall think necessary; and it shall also be lawful for the said Commissioner, and he is hereby authorized and empowered, to make, erect, remove, alter, support, repair, maintain, or cause to be made, erected, removed, altered, supported, repaired, and maintained, all such Cuts, Drains, Dams, Banks, Aqueducts, Culverts, Outlets, Sluices, Gouts, Cloughs, Engines, Bridges, Tunnels, and other Works, as he the said Commissioner shall think necessary for the Purposes of this Act, in, upon, through, and over any of the Lands or Grounds herein-before mentioned; and for the better Protection of the Low Lands and Grounds from the High Land Waters, the said Commissioner shall and may and he is hereby authorized and empowered to embank any Part of the said Lands and Grounds,

Grounds, and alſo to cut, alter, embank, deepen, and widen the preſent Courſe or Beds of the ſeveral Streams of Water, Becks, Brooks, Drains, or Watercourſes, in, upon, or over any of the ſaid Lands and Grounds (except the *Stainforth* and *Keadby* Canal, and the Soke Dikes or Side Drains near thereto, and except the Warping Drains and Banks of the ſaid Sir *William Ingilby*, lying South of the ſaid intended Drain), and to erect ſuch ſuitable Buildings for the Habitation of any Perſon or Perſons to be appointed for ſuperintending the ſaid Works of Drainage, and for depoſiting Stores or Materials belonging thereto, as the ſaid Commiſſioner ſhall from Time to Time think neceſſary for draining and warping the ſaid Low Lands and Grounds, and alſo to make ſuch Orders and Regulations for executing the Powers and Purpoſes of this Act as he ſhall think proper; provided that the Warping Drains to be made ſhall not in any Reſpect have any Communication with the ſaid intended new Drain through the Townſhip of *Amcotts*: Provided always, that nothing in this Act contained ſhall be conſtrued to authorize or empower the ſaid Commiſſioner, or any Perſon whomſoever, to cut or dig any Lands or Grounds for the Purpoſe of making ſuch Drains or other Works as aforeſaid, until full Payment and Satisfaction be made to the Owners and Proprietors of the ſame Lands and Grounds for the Value thereof, in the Manner hereinafter mentioned.

Empowering Sir William Ingilby to make Tunnels into the new Drain.

VIII. Provided always, and be it further enacted, That it ſhall be lawful at all Times for him the ſaid Sir *William Ingilby*, his Heirs or Aſſigns, at his and their own Coſts and Charges, to make and lay ſuch Tunnels as he or they ſhall be adviſed to be proper or neceſſary, into the ſaid intended new Drain ſo to be made as aforeſaid, from any of the Lands and Grounds belonging to the ſaid Sir *William Ingilby* in *Amcotts* aforeſaid, at the Time of the paſſing of this Act, ſo as fully to drain the ſame to the Level of the bottom Surface of the ſame intended new Drain; and in caſe any Difference of Opinion between the ſaid Commiſſioner and the Perſons employed by the ſaid Sir *William Ingilby* ſhall ariſe with reſpect to the Method of laying any ſuch Tunnels as aforeſaid, then the ſame ſhall be referred to the Opinion and Determination of *Anthony Bower* of the *Cloſe of Lincoln*, Engineer; and in caſe of the Death of the ſaid *Anthony Bower*, or of his refuſing to act, then the Deciſion of ſuch Perſon as the ſaid Sir *William Ingilby*, and the Commiſſioner for the Time being appointed to execute this Act, ſhall refer the Matter in Diſpute; and the Determination of the ſaid *Anthony Bower*, or of ſuch Referee to be appointed as aforeſaid, ſhall be binding and concluſive on all Parties.

The Banks of the new Drain in Amcotts to be at leaſt One Foot above the Banks of the Weſt Part of the Drain.

IX. And be it further enacted, That for the better Security of the Lands and Grounds of the ſaid Sir *William Ingilby* in *Amcotts* aforeſaid, the Whole of the Banks of the ſaid intended Drain through the ſaid Townſhip of *Amcotts* ſhall be made, and for ever after ſupported and continued, at leaſt One Foot in Height above the Level of the Banks of the Weſt Part of the ſaid Drain; and the Whole thereof ſhall be made of ſufficient Strength to prevent any Danger from extraordinary Floods.

Commiſſioner to build a Sluice for warping;

X. And be it further enacted, That for the Purpoſe of ſuch Warping and Improvement it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required, to build or cauſe to be built in the Bank of the River *Trent*, near the North End of the Town of *Keadby*, a new Sluice

Sluice of not leſs than Twenty Feet wide, with a Carriage Bridge over it, to be made and erected of ſuch Materials, and the Cill thereof to be laid in ſuch Way as the ſaid Commiſſioner ſhall think proper; and the ſaid Commiſſioner ſhall make or cauſe to be made a new Cut or Drain, of ſuch Size and Dimenſions as the ſaid Commiſſioner ſhall think proper, to communicate with the ſaid River *Trent* through the ſaid Sluice, and to be continued from thence in a Weſtward Direction along or near to the South Side of *Keadby Sewer*, about Sixty-five Chains in Length, thence in the ſame Direction acroſs Part of the Townſhip of *Keadby*, to and into the Pariſh of *Crowle*, and from thence in ſuch Direction in or upon the ſaid Lands as the ſaid Commiſſioner ſhall think moſt convenient; and alſo all ſuch Cloughs, Locks, Culverts, Aqueducts, Drains, Sewers, Banks, and other Works in the ſaid Pariſhes, or any of them, as he ſhall think neceſſary to effectually warp all ſuch Lands and Grounds; provided that every ſuch Sluice, Cut, and Drain (made or to be made for the Purpoſe of warping) do not in any reſpect communicate with the ſaid Cut to be ſo made for the Purpoſe of general Drainage as aforeſaid, but be at all Times well and ſufficiently embanked and defended therefrom: Provided always nevertheleſs, that nothing herein contained ſhall be conſtrued to prevent a Junction of the ſaid Warping Drain with the ſaid general Drainage to be ſo made as aforeſaid, after the Warping is wholly completed, if it ſhall be found that the ſaid Warping Drain (by reaſon of ſuch Junction) will be rendered beneficial for the Purpoſe of aſſiſting the general Object of the Drainage; but in no Caſe ſhall the ſaid Drain herein propoſed to be made for the Purpoſe of Warping be uſed for that Purpoſe during ſuch Time as the Junction is permitted, but the ſame ſhall be then wholly uſed for the Purpoſe of aiding the ſaid Drainage.

And to make Bridges for convenient Occupation.

XI. And be it further enacted, That if, by the making the ſaid intended new Drains and other Works herein-before directed to be made, the Paſſage of any Perſon or Perſons, or of his or their Cattle or Carriages, to or from the Lands or Grounds of ſuch Perſon or Perſons, ſhall be interrupted or prevented, the ſaid Commiſſioner ſhall and he is hereby required, before the ſaid Drains and other Works before mentioned ſhall be complete, to cauſe ſuch Bridge and Bridges to be erected and made acroſs the ſaid Drains as ſhall be convenient for the Paſſage of the Occupier or Occupiers of ſuch Lands or Grounds reſpectively, and of his and their Cattle and Carriages to and from the ſame.

Commiſſioner to enter Lands.

XII. And be it further enacted, That the Commiſſioner ſhall, after having made ſuch Payments and Satisfaction as by this Act is directed, have full Power and Authority for himſelf, his Agents and Workmen, to enter upon any Lands in the ſaid Pariſhes, or any of them, neceſſary to be taken for the Purpoſes of this Act, or upon any Lands adjoining or near to any of the Banks, Sluices, Cuts, Drains, Dams, Tunnels, Outlets, Headings or other Works, which he the ſaid Commiſſioner is hereby authorized and directed to make or do, and to take and dig Earth therefrom, and to do ſuch other Acts as may be neceſſary to carry into Effect the Purpoſes of this Act, making alſo Satisfaction to the Tenants or Occupiers of the ſaid Lands for any Loſs or Damage which they may ſuſtain in conſequence of any Works to be carried on or executed under the Authority of this Act; and for that Purpoſe the ſaid Commiſſioner is hereby empowered to agree with the Proprietors of and Perſons intereſted in

any Lands, Tenements, or Hereditaments which he the ſaid Commiſſioner ſhall judge neceſſary to be dug, cut, taken, uſed, or entered upon for making any Banks, Sluices, Cuts, Drains, Dams, Tunnels, Outlets, Headings, or other Works hereby directed and authorized to be made or done, for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or for the Recompence to be made to ſuch Proprietors or Perſons intereſted, for the Damages they may ſuſtain thereby, and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons who are or ſhall be ſeiſed or intereſted in their own Rights, and to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands, Tenements, or Hereditaments, to contract for, ſell and convey unto the ſaid Commiſſioner, or to ſuch Perſon or Perſons as he ſhall appoint, any Lands, Tenements, or Hereditaments for the Purpoſes aforeſaid, or to agree with the ſaid Commiſſioner for any Recompence or Compenſation to be made for the Damages which may be done to any ſuch Lands, Tenements, or Hereditaments by the Means aforeſaid; and all ſuch Contracts, Sales, Conveyances, or Agreements ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, 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 Twenty-one 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 Place or reputed 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 Commiſſioner, or by reaſon of Abſence ſhall be prevented from treating, then and and in every ſuch Caſe the ſaid Commiſſioner may and he is hereby authorized and empowered, Ten Days at leaſt before any General Quarter Seſſions of the Peace to be holden for the County, Riding, or Place where ſuch Lands, Tenements, or Hereditaments ſhall have been taken or uſed, or ſuch Damage done, to give or cauſe to be given to the Party or Parties whoſe Lands, Tenements, or Hereditaments ſhall have been taken or uſed, or ſhall have ſuſtained ſuch Damage or Injury, to leave or cauſe to be left at his, her, or their laſt uſual Place or Places of Abode reſpectively, or at the Place of Abode of the Tenant or Tenants in Poſſeſſion of the Premiſes, a Notice in Writing, purporting that the Value of ſuch Lands, Tenements, or Hereditaments, and the Amount of the Injury or Damage ſuſtained, will be adjuſted and ſettled by a Jury at the ſaid Seſſions; and the Juſtices at their ſaid Seſſions, or any Adjournment thereof, ſhall charge and they are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there

Juſtices to cauſe a Jury to aſſeſs Damages.

there impannelled and returned by the Sheriff of the County where such Lands, Tenements, or Hereditaments shall be situated (as the Case may require) and to cause them to be sworn well and truly upon their Oaths, to assess the Value of such Lands, Tenements, or Hereditaments, and the Recompence to be given for the same, or for any Damage or Injury sustained as aforesaid, to the respective Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having any Interest therein, or to the Owner or Owners thereof, according to their respective Interests; to which said Jurors the said Commissioner and all Persons interested shall have their lawful Challenges when they come to be sworn; and the Clerk of the Peace for such County, Riding, or Place is hereby empowered and required, upon Application made to him by any of the Parties interested, by Subpœna or Summons under his Hand, to call before the Justices at such Sessions, or any Adjournment thereof, any Person or Persons who shall be thought proper to be examined touching or concerning the Premises; and the said Jury upon their Oaths (which Oath, and also the Oaths to be taken by the Person who shall appear or be summoned to be examined or give Evidence as aforesaid, the said Justices at their said Sessions are hereby empowered and required to administer) shall ascertain and award the Recompence to be given for such Lands, Tenements, or Hereditaments, or any Damage or Injury which shall have been done as aforesaid, to the respective Person or Persons, Body or Bodies Politic, Corporate or Collegiate, or Owner or Owners thereof; and the said Justices shall and may give Judgment according to the Verdict of the said Jury, and the Judgment thereupon declared and pronounced by the said Justices shall finally bind and shall be conclusive to the said Commissioner and all Persons and Parties interested in the said Lands, Tenements, and Hereditaments, and shall be entered and kept among the Records of the Quarter Sessions of such County, Riding, or Place; and the same, or a true Copy thereof, being signed by the Clerk of the Peace for such County, Riding, or Place, shall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Persons may have recourse thereto, or take Copies or Extracts therefrom, on paying the usual Fees paid in Cases of the like Nature.

Witnesses to be summoned.

Justices to give Judgment; the same to be final.

Expences of Jury and Witnesses by whom to be paid.

XIII. And be it further enacted, That in all Cases where any Verdict shall be given for any greater Sum or Recompence than shall have been offered by or on behalf of the said Commissioner acting in the Execution of this Act, before Notice of the intended Application to be made to the said Sessions for or in respect of any of the Matters aforesaid, that then all the Expences of such Application (including the Charges of Witnesses) shall be paid by the said Commissioner out of the Rates and Taxes to be raised by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on behalf of the said Commissioner, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, or Hereditaments upon or in respect of which such Application shall have been made; all which Expences shall be regulated, settled, and allowed by the Justices in Sessions before whom the Matter shall be heard and determined: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be paid and borne by the said Commissioner out of the Monies to be raised or received under or by virtue of this

this Act: Provided nevertheleſs, that until Payment ſhall be made of the Sum or Sums of Money ſo agreed, contracted for, awarded, or aſſeſſed as aforeſaid, to the Party or Parties reſpectively entitled thereto, as aforeſaid, or to their Agent or Agents, or until the ſame ſhall be depoſited in the Bank of *England*, (as the Caſe may be) in Manner by this Act directed, it ſhall not be lawful for the ſaid Commiſſioner, or any Perſon acting under his Authority, to dig or cut into any ſuch Lands or Grounds for the Purpoſe of making the Works of Drainage and Warping hereby authorized to be made, or any of them, without Leave of the reſpective Owners thereof (or of ſome Perſon duly authorized on their Behalf) in Writing under their reſpective Hands.

Conveyance from Lords of Manors to be ſufficient.

XIV. And be it further enacted, That in all Caſes where there ſhall be Occaſion to cut through, take or uſe Part of any Commons or Waſte Grounds for the Purpoſes of this Act, the Conveyance thereof by the Lord or Lady of the Manor wherein the ſame ſhall be ſituate, unto any Two or or more of the ſaid Proprietors in *Crowle*, or any Perſons in Truſt for all the ſaid Proprietors, ſhall be a good and ſufficient Conveyance for the Purpoſe of veſting in all the ſaid Proprietors the Fee Simple and Inheritance thereof, as fully and effectually as if every Perſon having Right of Common upon ſuch Commons or Waſte Grounds had joined in and executed ſuch Conveyance; and that the Compenſation to be paid for any Right of Common upon any ſuch Commons or Waſte Grounds as aforeſaid ſhall be paid by the ſaid Commiſſioner acting in the Execution of this Act, to the Churchwardens of the reſpective Pariſhes wherein ſuch Commons or Waſte Grounds ſhall lie, and ſhall be by ſuch Churchwardens received and applied for ſuch general or public Purpoſes within ſuch Pariſhes reſpectively, as a Veſtry of every ſuch Pariſh, to be convened by ſuch Churchwardens for that Purpoſe, ſhall direct.

Application of Compenſation amounting to Two hundred Pounds.

XV. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Intereſt, of what Nature or Kind ſoever, to be purchaſed, taken, or uſed, by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Ceſtuique Truſt, or to any Perſon or Perſons whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſons under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Commiſſioner, 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 or Redemption of the Land Tax, or in or towards the Diſcharge of any Debt or Debts, or other Incumbrances affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments

ſtanding ſettled therewith, to the ſame or the like Uſes, Truſts, Intents, or Purpoſes, as the ſaid High Court of Chancery ſhall authorize to be purchaſed or paid, or ſuch Part thereof as ſhall be neceſſary; 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, limited, and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner, as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined or capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High Court of Chancery, 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 mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or Intereſt and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities 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, or Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

If leſs than Two hundred Pounds, and exceeding Twenty Pounds.

XVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or amount 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 the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, to be ſignified in Writing under their reſpective Hands, to be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, 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 ſaid Commiſſioner, (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 and Produce ariſing thereon and therefrom may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

If leſs than Twenty Pounds.

XVII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next herein-before is 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, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioner ſhall think fit; or in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, to and for the Uſe and Benefit of ſuch Perſon or Perſons reſpectively entitled thereto.

In caſe of not making out Titles, &c.

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

Perſon in Poſſeſſion of the Lands, &c. deemed entitled.

XIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this Act for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or 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, 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

to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; 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.

Court of Chancery may order reasonable Expences of Purchases to be paid.

XX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, for the Purposes aforesaid, the Purchase-Money for the same shall be required to be paid into the High Court of Chancery, and 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 High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, to be paid by the said Commissioner out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Inclosure Commissioners empowered to determine what Lands are to be taxed, and the respective Proportions.

XXI. And be it further enacted, That it shall be lawful for the Commissioners of Inclosure appointed by or by virtue of the said recited Act, or any Two of them, and they are hereby required, within Three Calendar Months, or as soon as conveniently may be after the passing of this Act, to ascertain and determine what Part or Parts of the Lands included in the said recited Act, and of the Lands in the said Parish of *Luddington*, are capable of being drained, warped, and improved, and shall then ascertain and determine the respective Proportions of the whole general Expences of draining and warping respectively, which such several Lands and Grounds, and also the Lands and Grounds in the Parish of *Belton* herein-before particularly mentioned to be drained, warped, and improved, and also the Lands and Grounds in the Parish of *Adlingfleet* herein-before particularly mentioned to be drained and improved by virtue of this Act, or the Person or Persons who is, are, or shall be the Proprietor or Owner, or Proprietors or Owners, of such several and respective Lands and Grounds ought to be charged with or to bear, and shall declare the same at a Meeting or Meetings to be called for that Purpose, by Notice to be given in Manner directed by the said recited Act respecting the First Meeting of the Commissioners, as therein mentioned; and when the said Commissioners of Inclosure shall have ascertained and determined such several and respective Proportions, a Memorandum or Specification of the Particulars thereof shall be written or engrossed on Parchment, in Two Parts, and signed and sealed by such Commissioners of Inclosure, one Part whereof shall be enrolled and lodged with the Award of the said Commissioners of Inclosure, as mentioned in the said recited Act, and the other Part shall be by them delivered to the Commissioner for executing this Act; and the several and respective Proportions particularized in such Specification shall be at all Times observed by the said Commissioner for executing this Act, and by all and every the Surveyor or

Surveyors

Surveyors to be appointed under or by virtue of the Powers and Provisions of this Act, as the Scale or Rule of Proportion by which the Assessments to be made or laid by virtue of this Act shall be assessed, paid, and levied; and all the Costs, Charges, and Expences of obtaining and passing this Act, and attending the making and completing the said several Sluices, Drains, Cuts, and other Works, and of otherwise carrying this Act into Execution, shall be borne and paid by the Person or Persons who is, are, or shall be the Proprietor or Owner, or Owners or Proprietors of the Lands and Grounds so to be declared capable of being drained or warped and improved.

Expences of the Rectors and Vicar, with respect to draining, to be paid by Proprietors, but with respect to warping to be paid by such Rectors and Vicar.

XXII. Provided always nevertheless, and be it hereby declared and enacted, That the Owners and Proprietors of the Lands and Grounds allotted or to be allotted to the Impropriate Rectors of the Rectory of *Crowle*, and the Vicar of the Parish of *Crowle* for the Time being, shall, in respect of their said respective Allotments, be respectively exempt from all Expences of obtaining and passing this Act, and carrying the same into Execution, so far as respects the making any Roads, Sluices, Drains, Sewers, Bridges, Banks, and other Works to be made for the Purpose of draining the Lands and Grounds in the said Parish of *Crowle*, up to the Time of executing the Awards to be made by the said respective Commissioners: Provided also, and it is hereby declared, that the said Impropriators, and the said Vicar for the Time being, shall, for and in respect of their said respective Allotments respectively, contribute their respective Proportions of the Expences of carrying this Act into Execution, so far as respects the making any Sluices, Sewers, Drains, Bridges, Banks, and other Works, for the Purpose of warping the Lands and Grounds in the said Parish of *Crowle*; and that the Allotments to be made to the said Impropriators and Vicar shall be allotted in Three Places, or Three entire Pieces or Parcels, that is to say, One entire Piece or Parcel to each of them the said Impropriators and Vicar, in case they or either of them for himself shall desire the same, and give Notice thereof to the said Commissioners, at any Time before the said Allotments shall be set out.

Receiver of Rate to be appointed.

XXIII. Provided always, That the Commissioner for executing this Act shall, and he is hereby required to give Ten Days Notice of a Meeting to be held within One Calendar Month after he shall have received such Memorandum or Specification from the said Commissioners of Inclosure, at which Meeting a Receiver or Receivers, Treasurer or Treasurers shall be appointed for the Purposes of this Act, by the Majority in Value (to be ascertained as aforesaid) of the several Owners or Proprietors of the said Lands and Grounds, who shall attend such Meeting by themselves or their Attornies or Agents.

Commissioner to assess the Lands in order to raise Money for the Works of Drainage.

XXIV. And be it further enacted, That it shall be lawful for the Commissioner for executing this Act, and he is hereby authorized and empowered, from Time to Time until the said intended Works for Drainage and Warping shall be completed, to assess, tax, and charge such of the Lands in the said several Parishes as shall be so declared by the said Commissioners of Inclosure to be capable of being improved as aforesaid, or the Owners or Proprietors of such Lands, and according to the Scale or Proportion aforesaid, with such Sum and Sums of Money as he the said

Commiſſioner for executing this Act ſhall from Time to Time find neceſſary and requiſite for defraying the Coſts, Charges, and Expences of obtaining this Act, and of carrying the ſame into Execution, (not exceeding in the Firſt Year after the paſſing of this Act the Sum of Five Pounds *per* Acre, and not exceeding in the Second Year after the paſſing of this Act the Sum of Three Pounds *per* Acre, and not exceeding in the Whole the Sum of Ten Pounds *per* Acre); and all ſuch Sum and Sums of Money ſo to be charged and aſſeſſed ſhall be paid at ſuch Time and Place, and to ſuch Perſon and Perſons as ſhall be appointed Receiver or Treaſurer as aforeſaid; and all ſuch Taxes ſhall be paid at ſuch Time or Times, and at ſuch Place or Places, as the ſaid Commiſſioner ſhall appoint, after Ten Days Notice of the Time of Payment to be given in Manner herein-before mentioned, and no Money to be paid to ſuch Receiver or Banker ſhall be iſſued or paid by him or them without an Order in Writing under the Hand of the Commiſſioner for executing this Act, ſpecifying the Perſon or Perſons to whom the ſame are reſpectively payable, and the Service or Conſideration for which the ſame are due; and the Balance, if any, upon the final Settlement of Accounts ſhall be immediately repaid to the Land Owners in Proportion to the Sums reſpectively paid by them.

High Lands not to be taxed.

XXV. Provided always, and be it further enacted, That none of the Homeſteads, old incloſed and Field Lands not benefited by the Drainage, nor any of the Lands lying on the South Side of the *Stainforth* and *Keadby* Canal, nor ſhall any Lands and Grounds in the ſaid Townſhip of *Amcotts*, or the Proprietors or Proprietor thereof, be liable or ſubject to Taxation for the Expences of draining the ſaid Low Lands, under the Authority of this Act, nor for any of the Expences of obtaining and executing the ſame.

Plans, Surveys, &c. to be uſed without Reward.

XXVI. Provided always, and be it further enacted, That the Surveys and Plans made in purſuance of the ſaid recited Act, ſhall be uſed by the ſaid Commiſſioner for the Purpoſes of this Act, without Fee, Reward, or any Recompence whatſoever.

Tenants to pay the Taxes and deduct the ſame out of their Rents.

XXVII. And, to the End that the ſaid Taxes may be the more eaſily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the ſaid Lands and Grounds which ſhall be aſſeſſed, rated, taxed, or charged by virtue of this Act, ſhall pay, and they are hereby authorized and required to pay, all and every ſuch Sum and Sums of Money as ſhall be aſſeſſed, rated, taxed, or charged upon or for or in reſpect of their reſpective Lands and Grounds in their ſeveral Occupations, to the Receivers, Collectors, Treaſurers, or other Perſon or Perſons appointed by the ſaid Commiſſioner, acting in the Execution of this Act, to receive the ſame, and to deduct and retain out of his and their Rent and Rents, all ſuch Sum and Sums of Money as he, ſhe, or they ſhall ſo reſpectively pay as aforeſaid; and the ſeveral and reſpective Landlords or Owners of ſuch Lands and Grounds are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents; and every ſuch Tenant or Occupier paying ſuch Rate or Tax, ſhall be acquitted and diſcharged of ſo much Money as the ſaid Rate or Tax ſo paid by him or her ſhall amount to, as fully and effectually as if the ſame had been actually paid to his or her Landlord or Landlords.

Power to distrain in case of Non-payment of Taxes.

XXVIII. And be it further enacted, That if any Person or Persons shall refuse or omit, or neglect to pay all or any Part of the Rates or Taxes to which he, she, or they are hereby made liable, for the Space of Two Calendar Months next after the Days or Times to be limited and appointed for Payment of the same respectively, then and in every such Case it shall and may be lawful for the Treasurer, Collector, or Receiver of the said Commissioner, acting in the Execution of this Act, or any other Person or Persons empowered or appointed by him, or by virtue of any Warrant or Precept under the Hand and Seal of the said Commissioner (which Warrant or Precept the said Commissioner is hereby authorized and required from Time to Time to grant and make, as Occasion shall require) to enter into and upon all or any Part of the Lands hereby directed or authorized to be taxed and charged as aforesaid, and to levy the Sum and Sums of Money due or payable for such Rates or Taxes by Distress of any Goods, Chattels, and Effects which shall or may be found thereon; and where no sufficient Distress can be found on such Lands whereon to levy the Tax or Taxes which shall be then in Arrear in respect thereof by virtue of this Act, it shall be lawful for the Treasurer, Collector, or Receiver of the said Commissioner, or any other Person or Persons authorized and empowered by him, by virtue of any Warrant or Precept under his Hand and Seal (which said Warrant or Precept such Commissioner is hereby empowered and required from Time to Time to make, as Occasion shall or may require) to levy all and every the said Tax or Taxes which shall be then in Arrear, by Distress of any Goods and Chattels of the Persons so occupying any Lands chargeable with any such Tax or Taxes, whensoever and wheresoever such Goods and Chattels shall be found; and it shall be lawful for the Person or Persons distraining any Goods, Chattels, and Effects for any such Rates and Taxes, to impound and keep the same on the Premises where such Distress shall be made, or to take, lead, drive, carry away, and impound the same elsewhere, for the Space of Five Days, including the Day on which such Goods, Chattels, and Effects shall be taken, at the proper Costs and Charges of the Person and Persons liable to pay such Rates and Taxes, delivering to the Occupier or Occupiers of the same, or leaving at his, her, or their last usual Place of Abode or Residence, Notice in Writing of such Distress being made, and of the Cause thereof, and of the Place or Places where such Distress is intended to be, or shall be led, driven, taken away, impounded, and kept; and in case the Sum or Sums of Money for which any such Distress shall be made, and all Costs, Charges, and Expences attending such Distress, shall not be paid and discharged to the Treasurer, Collector, or Receiver of the said Commissioner, or to the Person or Persons making such Distress, within the said Five Days, the Person or Persons making such Distress shall and may, with the Constable of the Parish where such Distress shall be made (which said Constable is hereby directed, upon being thereunto required, to assist therein), cause the Goods, Chattels, and Effects so distrained to be appraised by Two indifferent Persons upon Oath (which Oath the said Constable is hereby required and empowered to administer), and such Two Persons are hereby required to appraise the same according to the best of their Judgement; and after Appraisement it shall be lawful for such Person or Persons making such Distress to sell or cause to be sold such Goods, Chattels, and Effects so distrained, for the best Price that can be reasonably had or gotten for the same, for and towards Satisfaction of the Monies for which

such

such Distress and Sale shall be so made, and the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of the Monies arising from any such Sale (if any) on Demand, to the Person or Persons entitled thereto.

Tenants in Tail, &c. and others may borrow Money.

XXIX. And whereas some of the Owners and Proprietors of the Lands and Grounds to be drained, warped, and improved by virtue of this Act, may have Occasion to borrow Money to defray their respective Shares and Proportions of the Charges and Expences incident to and attending such Drainage, Warping, and Improvement, but cannot, by reason of some Settlement, Incapacity, or Impediment, make effectual Securities for Money so to be borrowed; be it therefore enacted, That it shall and may be lawful to and for all or any of the said Owners or Proprietors, being Tenants for Life or in Tail, and also to and for the Husbands, Guardians, Committees, Trustees, or Attornies of or for such of the said Owners or Proprietors (as shall be under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves), or the said Commissioner (in case the said Proprietors shall neglect or refuse), by Writing under their or his Hands and Seals, or Hand and Seal, from Time to Time to charge the Lands and Grounds so drained, warped, and improved by virtue of this Act, with such Sum or Sums of Money as will fully defray their respective Shares and Proportions of the Charges and Expences incident and attending such Drainage, Warping, and Improvement (not exceeding in the Whole the Amount herein-before limited); and for securing the Re-payment of such Sum and Sums of Money, with Interest, the Person or Persons borrowing the same respectively may by Indenture or other Deed under his, her, or their Hand and Seal, or Hands and Seals, and attested by Two or more credible Witnesses, grant, mortgage, lease, and demise such Lands or Grounds as aforesaid, for any Term or Number of Years, or otherwise, unto or in Trust for such Person or Persons as shall advance and lend such Money; so as every such Grant, Mortgage, Demise, or other Security shall be made with a Proviso or Condition to cease and be void, or with an express Trust to be assigned, surrendered, or re-conveyed, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and do also contain a Covenant to pay and keep down the Interest of the thereby secured Money during his, her, or their respective Lives; and that no Persons afterwards becoming possessed of any such Lands or Grounds, shall be liable to any further or larger Arrear of Interest than for One Year preceding the Time that the Title of such Possession shall have commenced; and that every Grant, Mortgage, Lease, or Demise so to be made, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Husbands, Guardians, Trustees, Committees, or Attornies, or in the said Tenants in Tail or for Life; any Law or Usage, Settlement, Will, Trust, Use, Remainder, or Limitation to the contrary notwithstanding: Provided always, that nothing herein contained shall extend or be construed to extend to vacate any Lease or Leases whatsoever.

Not to vacate Leases.

Vicar of Luddington may borrow Money to pay Expences.

XXX. And whereas the Reverend *Rowland Curtis*, Vicar of *Luddington* for the Time being, may have Occasion to borrow Money to defray his Share and Proportion of the Charges and Expences incident to and attending the Drainage, Warping, and Improvement to be executed by virtue of this

this Act; be it therefore enacted, That it shall and may be lawful to and for the said *Rowland Curtis* and his Successors, Vicars of *Luddington* for the Time being, (by and with the Consent of the Bishop of the Diocese) from Time to Time to charge the Lands and Grounds so drained, warped, and improved by virtue of this Act, with such Sum or Sums of Money (not exceeding Five Pounds *per* Acre) as will fully defray his Share and Proportion of the Charges and Expences incident to and attending such Drainage, Warping, and Improvement; and for securing the Repayment of such Sum and Sums of Money, with Interest for the same, the Vicar of *Luddington* for the Time being may and he is hereby authorized and empowered to grant, mortgage, lease, or demise such Lands or Grounds as aforesaid, or any Part or Parts thereof, unto such Person or Persons as shall advance and lend the same, his, her, and their Executors, Administrators, and Assigns, for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso to cease and be void, or with an express Trust or Condition to be surrendered, when the Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be respectively fully paid and satisfied; and such Mortgagee or Mortgagees advancing and lending the Money so to be borrowed shall not be obliged to see to the Application, or be anyways answerable for the Misapplication of such Monies, or any Part thereof; and the said Vicar and his Successors for the Time being shall be and is hereby required and made liable, at the End of every Year after the Commencement of the said Term of Years, to pay to the Person or Persons to whom such Grant, Mortgage, Lease, or Demise shall be made, his, her, or their Executors, Administrators, or Assigns, One Twentieth Part of the Principal Money so to be borrowed, until the whole thereof shall by such annual Payments be paid off and discharged, and also to pay and keep down the Interest of the said Monies so be borrowed, so that the future Vicars of the said Parish of *Luddington* becoming possessed of such respective Lands and Grounds shall not be subject or liable to pay any further or larger Share of such Monies than his or their Proportion thereof, according to such last-mentioned Condition, or any Interest for the same, save only for One Year from the Day of the Death, Resignation, or Cession of the Predecessor, his Executors or Administrators; and that it shall and may be lawful to and for the Person or Persons who shall advance and lend such Monies, his, her, or their Executors, Administrators, and Assigns, for the more easily recovering the said One Twentieth Part of the said Principal, and the whole of the Interest which is enacted annually to be paid, to have, use, exercise, and take such and the same Powers and Remedies, by Entry and Distress upon the Premises so to be charged, mortgaged, and demised, and Sale of such Distress, as by the Laws now in force are provided for and given to Landlords, or as they can use and take for the Recovery of Rack Rents in Arrear.

Application of Taxes.

XXXI. And be it further enacted, That the Monies arising from the Taxes to be raised by virtue of this Act shall be paid and applied by the said Commissioner in the first Place in defraying the Charges and Expences of obtaining and passing this Act, and of making the necessary Surveys, Plans, Valuations, and Reports incident or preparatory thereto, and in making, executing, and completing the several Works of Drainage by this Act directed and authorized to be made, done, and executed, and all

neceſſary Charges and Expences to be incurred in or relating to the due Execution of this Act.

Commiſſioner's Allowance.

XXXII. And be it further enacted, That the Commiſſioner for executing the Works of Drainage and Warping to be made or done by virtue of this Act ſhall be paid and allowed out of the Money to be raiſed as herein mentioned, for each Day he ſhall travel or attend for the Purpoſe of executing the Powers given by this Act, the Sum of Three Guineas, and no more, as a Recompence for his Time and Travelling and all other Expences.

Commiſſioner to lay his Accounts before Mr. Woodhouſe.

XXXIII. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (ſuch Year to be computed from the Day of paſſing this Act), the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received and expended or due in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before *Gervas Woodhouſe* of *Owſton*, in the County of *Lincoln*, Eſquire, One of His Majeſty's Juſtices of the Peace for the County of *Lincoln*; and in caſe the ſaid *Gervas Woodhouſe* ſhall die, refuſe, or be diſabled to act, then the ſame ſhall be laid before ſome one other of His Majeſty's Juſtices of the Peace acting in and for the ſaid County of *Lincoln*, to be by him or them examined and balanced; and ſuch Balance ſhall be by him or them ſtated in the Book of Accounts to be kept at the Office of the Clerk of the ſaid Commiſſioner; and no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

Award to be made.

XXXIV. And be it further enacted, That as ſoon as the ſaid Sluices and Cuts or Drains, and other Works hereinbefore authorized to be made or done, ſhall be made or executed and completed, the Commiſſioner for executing this Act ſhall and he is hereby empowered and required to form or draw up and make an Award, which ſhall be fairly written or engroſſed on Parchment, and ſigned and ſealed by the ſaid Commiſſioner, who ſhall therein ſpecify and declare, according to the Scale or Rule of Proportion hereinbefore mentioned, what Lands will be benefited by or under the Proviſions of this Act, and at whoſe Coſts and in what Proportion and in what Manner the ſeveral Works by this Act directed or authorized to be made ſhall from thenceforth be kept in Repair, and at what Time or Times and how and in what Manner the ſaid Drainage and Warping ſhall be done, together with ſuch other Regulations and Particulars as he ſhall think requiſite for carrying the Purpoſes of this Act into complete Execution; and ſhall alſo prepare and make a Map or Plan ſhewing the ſaid Lands and Grounds, and the Lines or Courſe and Situation of the ſaid ſeveral Works, or ſuch of them as he ſhall think requiſite to be therein deſcribed or delineated; and the ſaid Award ſhall, within Six Months after the Execution thereof, be enrolled and depoſited, and alſo the Plan depoſited where the Award and Plan mentioned in the ſaid recited Act are thereby directed to be enrolled and depoſited; and a certified Copy of ſuch Enrolment ſhall be admitted in Evidence in all Courts, and by all Judges, Juſtices, and others.

XXXV. And

Works of Embankment and Drainage, after Commissioners Award, to be under the Inspection of a Surveyor.

XXXV. And be it further enacted, That as soon as the said Banks, Drains, Sluices, Tunnels, and other Works hereby directed or authorized to be made, shall be made and perfected, and the said Commissioner shall have ascertained the Proportion of the Expences to be paid by each Proprietor as aforesaid, and shall have executed his Award, the said Banks and other Works, and the said Warping, shall from Time to Time be under the Care and Inspection of, and, as often as necessary, shall be repaired and amended and kept in good Repair and Condition, and the Warping carried on, by a Person to be appointed Surveyor thereof by a Majority in Value (to be ascertained by the Land Tax Assessment) of the several Proprietors for the Time being of the Lands and Grounds which shall be deemed capable of receiving Improvement by Warping as hereinbefore mentioned, or hereby directed to be embanked, drained, and warped, or their Stewards, who shall be present at a Meeting to be held in the said Parish of *Crowle* on the First *Monday* in *March* in every Year, or oftener if required, as hereinafter is mentioned; or in case there shall be an Equality in the Votes of the said Proprietors or their Stewards then present, then the Proprietor present at such Meeting, who shall be the Owner of the greater Number of Acres of the said Lands, shall have the casting Vote; and that the Surveyor so to be appointed as aforesaid shall be allowed and paid such yearly or other Salary or Wages for his Trouble as shall be thought reasonable at the Time of his Appointment to his said Office; and in case it shall happen that no new or other Surveyor shall be appointed at such annual Meeting as aforesaid, then the former Surveyor shall continue in his said Office at the same Salary and Wages for his Trouble for the succeeding Year, unless he shall be desirous of resigning such Office, and of such his Desire shall have given public Notice in the Parish Churches of *Luddington*, *Belton*, and *Crowle* aforesaid immediately after Divine Service, or by Writing to be affixed on the outer Door of the said Churches, upon some *Sunday* at least Three Weeks before the Time of holding such annual Meeting.

Surveyor to be appointed on Vacancies.

XXXVI. And be it further enacted, That if the said Surveyor so to be appointed shall happen to die before the Expiration of the Year for which he shall have been appointed, or shall become incapable of executing his said Office of Surveyor, or shall misconduct himself therein, then and in any of the said Cases it shall and may be lawful to and for any of the said Proprietors for the Time being of the said Lands, or their Stewards, to call a Meeting of the several Proprietors of the said Lands, of which Meeting public Notice shall be given in the Parish Churches of *Luddington*, *Belton*, and *Crowle* aforesaid, immediately after Divine Service, on some *Sunday* at least Twenty-one Days previous to such Meeting, in order to choose a new Surveyor for the then Residue of the Year, and until the next annual Meeting of the Proprietors of the said Lands, and to remove the old Surveyor in case of his becoming incapacitated or misconducting himself in his said Office; and the Surveyor who shall be then appointed shall be paid a Proportion of the Salary allowed to the former Surveyor, according to the Time which shall be then to come of the Year, and the Salary of the former Surveyor shall cease at the Time of his Death, or of his being removed from his Office as aforesaid.

Surveyor may levy Rates to be allowed by Proprietors.

XXXVII. And be it further enacted, That for the better enabling the said Surveyor for the Time being to raise Money for the Purpose of carrying

rying into Execution the Powers hereby repoſed in him, it ſhall and may be lawful to and for the Surveyor for the Time being, when and ſo often as Occaſion ſhall require, to make an Acre Rate or Aſſeſſment, according to the Scale or Proportion laid down in the Commiſſioner's Award, upon all and every the Proprietors of the ſaid Lands to be embanked, drained, and warped by virtue of this Act; all which Rates or Aſſeſſments, having been allowed and ſigned by a Majority in Value (to be aſcertained as aforeſaid) of the Perſons intereſted in ſuch Lands reſpectively, or their Stewards for that Purpoſe ſpecially appointed, who may be preſent at a Meeting to be called in the ſame Manner as hereinbefore is mentioned with reſpect to the Choice of a new Surveyor, for the Purpoſe of getting ſuch Rates or Aſſeſſments conſidered and allowed, ſhall be collected and received by the ſaid Surveyor for the Time being; and in caſe any of the Proprietors for the Time being ſhall refuſe or neglect to pay ſuch Rates or Aſſeſſments immediately after the ſame ſhall be ſo made, ſigned, and allowed (being firſt lawfully demanded of ſuch Proprietors reſpectively), then it ſhall and may be lawful to and for any Juſtice of the Peace acting in and for the Parts of *Lindſey* in the ſaid County of *Lincoln*, to make Inquiry of ſuch Default, by ſummoning to appear before ſuch Juſtice ſuch Proprietor of whom ſuch Rates or Aſſeſſments ſhall have been demanded (and for this Purpoſe Notice in Writing left at the uſual Reſidence of the Perſon intended to be ſummoned, or of his Leſſee or Tenant, ſhall be a good Summons); and if ſuch Defaulter thereof ſhall be convicted, either by his own Confeſſion, or upon the Oath of the Surveyor for the Time being, or any other competent and credible Witneſs (which Oath the ſaid Juſtice is hereby empowered to adminiſter), or ſhall not appear purſuant to ſuch Summons, the ſaid Juſtice ſhall and he is hereby required to levy the ſaid Rates or Aſſeſſments by Diſtreſs and Sale of the Goods and Chattels of ſuch Proprietors, whereſoever the ſame ſhall be found, together with the reaſonable Coſts and Charges attending ſuch Summons, Diſtreſs, and Sale, to be ſettled and allowed by the ſaid Juſtice, rendering the Overplus (if any) on Demand to the Owner of ſuch Goods and Chattels.

Lands untenanted to remain a Security for Taxes.

XXXVIII. Provided always, and be it further enacted, That in caſe any Part of the ſaid Lands to be embanked, drained, and warped as aforeſaid, ſhall at any Time hereafter be untenanted or unoccupied, and no ſufficient Diſtreſs can be made for levying the ſaid Rates and Taxes, then the Lands chargeable therewith ſhall always remain a Security for Payment thereof, and all Goods and Chattels which ſhall at any Time thereafter be found thereon ſhall and may be diſtrained, impounded, kept, and ſold in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes, and the Charges incident to ſuch Diſtreſs, ſhall be fully paid and ſatisfied; and in caſe any Leſſee or Leſſees, Tenant or Tenants of the ſaid Lands or any Part thereof ſhall advance and pay ſuch Rates or Aſſeſſments, it ſhall and may be lawful to and for ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, unleſs there ſhall be any Agreement to the contrary between him, her, or them, and his, her, or their Landlord or Landlords, to reimburſe him, her, or themſelves reſpectively out of his, her, or their reſpective Rent or Rents to be or become payable for the ſaid Lands in reſpect whereof ſuch Payments ſhall have been made; and that a Tender to the Proprietor or Proprietors of ſuch Lands, or to their Steward, of the Receipt or Receipts of the Surveyor appointed as aforeſaid,

aforeſaid, for ſuch Payment or Payments made by ſuch Leſſee or Leſſees, Tenant or Tenants, ſhall be conſidered, deemed, and taken in Part Payment of ſuch Rent or Rents reſpectively, or ſo much thereof for which ſuch Receipt or Receipts ſhall be ſo given.

Surveyor to account.

XXXIX. And be it further enacted, That every Surveyor ſo to be appointed as aforeſaid ſhall annually at the ſaid Meeting to be held in the ſaid Pariſh of *Crowle* aforeſaid, or oftener if required, by a Majority in Value (to be aſcertained as aforeſaid) of the ſaid Proprietors, or their Stewards, render and deliver to the Perſons aſſembled at the ſaid annual Meeting, or at ſome other Meeting to be called for the Purpoſe of examining and ſettling the Accounts of the ſaid Surveyor, a true, exact, and juſt Account in Writing under his the Surveyor's Hand, of all and every Sum or Sums of Money had and received, paid, laid out, and expended by him in the Execution of his ſaid Office, together with proper Vouchers of all Monies which ſhall have been ſo paid up to the Time of rendering ſuch Account, and ſhall pay to the ſucceeding Surveyor, or unto ſuch Perſon or Perſons as ſuch Majority in Value of the ſaid Proprietors, or their Stewards, at ſuch Meeting as aforeſaid, by Writing under their Hands, ſhall authorize to receive the ſame, all ſuch Money as ſhall upon the balancing of the ſaid Account be adjudged by them, or the major Part of them then preſent, to be due from ſuch Surveyor, and deliver up all the Books, Vouchers, and Writings reſpecting the ſaid Office to the ſaid Proprietors, or their Stewards, or to ſuch other Perſon or Perſons as ſhall be by them, or the major Part of them as aforeſaid, authorized to receive and take the ſame; and in caſe any ſuch Surveyor ſhall refuſe or wilfully neglect to render, give in, and make ſuch Account and Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver up all ſuch Books, Writings, and Vouchers as aforeſaid, or give Satisfaction reſpecting the ſame, within Twenty-one Days after being thereunto required by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Surveyor, then and in every ſuch Caſe, upon Complaint made by ſuch Proprietors or their Stewards, or by ſuch Perſon or Perſons as ſhall be by them or the major Part of them as aforeſaid authorized to receive and take the ſame, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, City, or Place wherein ſuch Surveyor ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authorized and required to iſſue a Summons or Warrant under his Hand and Seal for the Surveyor ſo refuſing or wilfully neglecting to appear before him, and upon his appearing, or having been ſummoned and not appearing, or not being to be found, 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 or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected and raiſed by virtue of this Act ſhall remain due from ſuch Surveyor, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Surveyor; and if no Goods or Chattels of ſuch Surveyor ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Surveyor ſhall have refuſed or wilfully neglected

to render and give ſuch Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act ſhall be in the Cuſtody or Power of ſuch Surveyor, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Surveyor to the Houſe of Correction for the County, Riding, City, or Place where ſuch Surveyor ſhall be or reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded for the ſame, and paid ſuch Compoſition in ſuch Manner as the ſaid Proprietors ſhall appoint; which Compoſition the Majority in Value (ſuch Value to be aſcertained as aforeſaid) of the ſaid Proprietors or their Agents preſent at any Meeting to be called for that Purpoſe, are hereby empowered to make and receive; and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Proprietors; but no ſuch Surveyor ſhall be detained or kept in ſuch Houſe of Correction by virtue of this Act for Want of ſufficient Diſtreſs for any longer Space of Time than Three Calendar Months: Provided always, that every Surveyor who ſhall be ſo appointed as aforeſaid ſhall give ſuch Security for the due Execution of his ſaid Office as the Proprietors for the Time being ſhall at the Time of ſuch Appointment think reaſonable and neceſſary.

When Lands are warped the ſame to be let and the Money applied for warping generally.

XL. And whereas it may happen that ſome Parts of the Lands to be warped under or by virtue of the Powers of this Act will in conſequence of ſuch warping be ready for Cultivation ſooner than other Parts thereof, therefore be it further enacted, That the ſaid Commiſſioners of Incloſure ſhall and they are hereby empowered, by an Award or Inſtrument in Writing, ſigned and ſealed by them, to fix an annual Value *per* Acre upon the whole of the warpable Land, before ſuch warping ſhall commence; and when and as ſoon as the firſt and every ſubſequent Plot or Piece of Land ſhall be declared by the ſaid Surveyor to be completely and properly warped, then the ſame ſhall be again valued by ſuch Surveyor, and the Difference in the Value ſhall be paid as Rent by the Proprietors thereof annually to the Surveyor for the Time being, at ſuch Time or Times as he ſhall appoint, by Notice in Writing to be given by ſuch Surveyor Ten Days at leaſt before ſuch Time or Times of Payment; and all which Sum and Sums of Money ſo by him received ſhall be applied for the general Purpoſes of warping the ſame, and other the Lands and Grounds to be warped under or by virtue of this Act, and ſhall be accounted for by him in the ſame way as other Rates and Taxes are herein directed to be accounted for: Provided always, that the ſaid Surveyor for the Time being ſhall have the like Powers and Remedies for recovering ſuch Differences in Value, as are given to him by this Act for recovering other Rates and Taxes: Provided alſo, that in caſe the Money to ariſe and be produced in Manner aforeſaid ſhall at any Time be more than ſufficient to anſwer the Purpoſes of warping, then the ſaid Surveyor ſhall and he is hereby required to diſtribute and pay the Surplus annually amongſt and unto the Proprietors of ſuch warpable Lands, in Proportion to the Sum by them reſpectively contributed.

Penalty on Perſons damaging Works.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly ſtop, dam up, or damage any Drain, Watercourſe, Dam,

Dam, Sill, or other Work or Works which ſhall at any Time hereafter be making or erecting, or made or erected, ſupported, maintained, or uſed for the Purpoſes of this Act, every Perſon ſo offending, and being thereof convicted before any One or more Juſtices of the Peace acting for the Parts of *Lindſey* in the ſaid County of *Lincoln*, on the Oath of One or more credible Witneſs or Witneſſes (which Oath the ſaid Juſtices are hereby authorized to adminiſter) ſhall forfeit and pay any Sum not exceeding the Sum of Ten Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand or Hands of ſuch Juſtice or Juſtices; and ſuch Money, when ſo levied, ſhall be paid to the ſaid Commiſſioner, or any Surveyor of Works to be appointed by this Act, and ſhall be applied towards the Diſcharge of the Expences attending the Execution of this Act; and for Want of ſufficient Diſtreſs ſuch Offender or Offenders ſhall by the ſaid Juſtices be committed to the Houſe of Correction for the Parts of *Lindſey* of the ſaid County of *Lincoln*, for any Time not exceeding Six Calendar Months, at the Diſcretion of the ſaid Juſtices.

Recovery of Penalties.

XLII. And be it further enacted, That all Penalties, Forfeitures, and Fines impoſed or authorized to be impoſed by virtue of this Act, if the Manner of levying and recovering thereof is not herein otherwiſe directed, ſhall be levied and recovered before any one of the Juſtices of the Peace for the Parts of *Lindſey*, in the ſaid County of *Lincoln*, not intereſted in the Matter in queſtion, for which Purpoſe it ſhall be lawful for any Juſtice of the Peace, upon Complaint made to him, to ſummon the Party accuſed, and the Witneſſes on both Sides, and upon the Appearance or Contempt of the Party accuſed, to examine ſuch Witneſſes, upon Oath (which Oath the ſaid Juſtice is hereby empowered to adminiſter), and upon ſuch Evidence to give Judgment accordingly, and to condemn the Party accuſed, on Proof of the Accuſation being made by One or more Witneſs or Witneſſes as aforeſaid, in ſuch Penalties, Forfeitures, or Fines by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, together with the reaſonable Coſts attending the ſame; all which Penalties, Forfeitures, and Fines, where the Application thereof is not particularly directed by this Act, ſhall, when and as ſoon as the ſame ſhall be levied, be paid and applied to and for ſuch Uſes, Intents, and Purpoſes as the ſaid Commiſſioner in and by any Writing or Writings under his Hand, or by his Award, ſhall order, direct, or appoint.

XLIII. And for the more eaſy and ſpeedy Conviction of the Offenders againſt this Act, be it further enacted, That every Juſtice of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act ſhall and may cauſe the Conviction to be drawn up according to the following Form, or in any other Form to the ſame Effect, as the Caſe ſhall happen; (that is to ſay),

Form of Conviction.

'BE it remembered, That on [*Time of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or* us, *Name and Style of convicting Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on [*Time of committing Offence*] did [*here ſtate the Offence againſt the Act, according to the Fact*] contrary to the Proviſions of an Act paſſed in the Fifty-ſixth Year of the Reign of His preſent Majeſty King *George*

'the

'the Third, intituled [*here ſet forth the Title of this Act*] and I [*or*, we] 'do declare and adjudge that the ſaid *A. B.* [*Name of Offender*] has for- 'feited for the ſaid Offence the Sum of [*Fine*] or ſhall be 'committed to [*Place of Impriſonment*] for the Space of '[*Time of Impriſonment*]. Given under my Hand and Seal, [*or* our 'Hands and Seals] the Day and Year firſt above written.'

Proceedings not to be quaſhed for want of Form, nor removed by Certiorari.

XLIV. And be it further enacted, That no Order, Determination, Judgment, Conviction, Warrant, or other Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order, Rate, or Aſſeſſment to be made, or any other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Statute, Law, or Uſage to the contrary thereof in anywiſe notwithſtanding.

Diſtreſs not unlawful for want of Form.

XLV. And be it further enacted, That where any Diſtreſs ſhall be made for any Tax, Rate, or Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be unlawful, nor the Perſon or Perſons diſtraining be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Rate or Aſſeſſment to be made, or in the Information, Summons, Conviction, Warrant, Diſtreſs, or other 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 the Party or Parties ſo diſtraining, 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.

Perſons aggrieved may appeal to the Quarter Seſſions.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done or omitted to be done in purſuance of this Act, then and in every ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Lincoln*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner or his Clerk, and to the Party or Parties concerned, Twenty-one Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices not intereſted in the Premiſes in their ſaid General Quarter Seſſions of the Peace, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and to award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the

Appellant

Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and be levied in Manner aforeſaid.

Fines not to be taken for a certain Number of Years.

XLVII. And whereas the Whole or the greateſt Part of the Lands and Grounds within the ſaid Manor of *Crowle*, intended to be warped under and by virtue of this Act, are Copyhold: And whereas the ſaid Manor is ſubject to a joint Power of Appointment in the ſaid *Charles* Earl *Manvers* and *Charles Herbert* Viſcount *Newark*; and the ſaid *Charles* Earl *Manvers* and *Charles Herbert* Viſcount *Newark* being deſirous of promoting Public Good and of encouraging the Purſuits of Agriculture, have conſented that the Lord for the Time being of the ſaid Manor ſhall during ſuch warping, and for ſuch further Term as herein-after mentioned, relinquiſh the uſual and accuſtomed Fines on Deſcent and Alienation of the ſaid Lands and Grounds, and accept in lieu thereof a Fine of One Shilling *per* Acre; therefore be it further enacted, That the ſaid Lord or Lords for the Time being of the Manor of *Crowle* ſhall not be entitled to or receive, either on Deſcent or Alienation of the ſaid Lands and Grounds to be warped within the ſaid Manor by virtue of this Act, more than One Shilling *per* Acre during the Time of warping the ſame, nor for the Term of Ten Years next after the whole of the ſaid Lands and Grounds ſhall be declared by the Surveyor of the Warping for the Time being to be completed, or to be incapable of being completed; and ſuch Surveyor ſhall and he is hereby required from Time to Time, as often as Occaſion ſhall ariſe, to write, ſign, and give, in Manner aforeſaid, a Notice declaring what Lands, if any, are incapable of being completely warped, and ſhall alſo, whenever required ſo to do by or by any Perſon on Behalf of the Lord or Lords for the Time being of the ſaid Manor, deliver to ſuch Lord or Lords or other Perſon a Declaration or Memorandum in Writing, and ſigned by him, ſtating what Lands, if any, are incapable of being completely warped; and in caſe of any Diſpute, Doubt, or Difference reſpecting ſuch Incapability, the Juſtices at any Quarter Seſſions for the ſaid County of *Lincoln* ſhall, on Application being made to them, nominate and appoint Three Surveyors or other Perſons to view the Lands, and ſettle ſuch Diſpute, Doubt, or Difference; and the Determination of ſuch Surveyors or other Perſons or any Two of them, being made in Writing and ſigned, and ſuch Writing filed with the Clerk of the Peace for the ſaid County, ſhall be final and concluſive; and the Juſtices in ſuch Seſſions ſhall and they are hereby empowered and required to award and order the Coſts to be paid by ſuch of the Parties as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale.

When Fines to be again taken.

XLVIII. Provided always, and be it further enacted, That from and after the End and Expiration of the ſaid Term of Ten Years, the ſaid Lord or Lords for the Time being of the ſaid Manor ſhall be entitled to claim and ſhall receive, both on Deſcent and Alienation, ſuch and the like Fine and Fines, to be aſſeſſed on the ſaid Lands and Grounds, as if this Act had not been paſſed, or as he or they now is or may be entitled to on other Copyhold Lands within the ſaid Manor; and all and every of

ſuch Fines ſhall be recoverable and recovered by the ſame Ways and Means as the Fines on other Copyhold Lands in the ſaid Manor are or ſhall be recoverable; any Thing herein-before contained to the contrary notwithſtanding.

Juriſdiction of the Court of Sewers not to be affected.

XLIX. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to leſſen, prejudice, alter, or affect the Juriſdiction, or any of the Rights, Privileges, Powers, or Authorities of or belonging to the Commiſſioners of Sewers for the Level of *Hatfield Chace* and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, with reſpect to ſuch of the preſent Drains, Sewers and other Works as are not intended to be altered, enlarged or otherwiſe improved by virtue of this Act; but that the ſame and every of them ſhall remain and continue in the ſaid Commiſſioners of Sewers as fully and effectually to all Intents and Purpoſes as if this Act had not been paſſed; and alſo that all the new Cuts, Drains, Sewers, Ditches, Banks, Bridges, Sluices, Cloughs, Culverts, Tunnels and other Works by this Act directed or authorized to be made, ſhall, after the ſame ſhall be made and completed, be under and ſubject to the Controul, Direction, Survey, and Order of the ſaid Commiſſioners of Sewers; any Thing herein or in any former Law or Statute to the contrary notwithſtanding.

The Works of Drainage not to injure the Participants.

L. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend, nor ſhall any of the Powers hereby given to the ſaid Commiſſioner be exerciſed or made uſe of by him ſo as in any reſpect to impede, obſtruct, prejudice, hinder, or damage any of the Banks, Drains, or Works of Drainage belonging to or hereafter to be made for the Uſe of the Participants of the Level of *Hatfield Chace*, or any of them, or to impede, obſtruct, prevent, or hinder the ſaid Participants from overflowing their Lands and Grounds, or any Part thereof, with Water, and improving the ſame with *Trent* Warp or otherwiſe as they ſhall think proper, in ſuch Manner to all Intents and Purpoſes as the ſaid Participants were by Law authorized to do immediately before the paſſing of this Act; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

The Stainforth and Keadby Canal Act and the Canal and Side Drains not to be affected or injured.

LI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice or affect, or to repeal or alter any of the Powers or Authorities given and granted to the Company of Proprietors of the *Stainforth* and *Keadby* Canal Navigation in and by an Act of Parliament paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled *An Act for making and maintaining a Navigable Canal from the River* Dunn *Navigation Cut, at or near* Stainforth *in the Weſt Riding of the County of* York, *to join and communicate with the River* Trent *at or near* Keadby *in the County of* Lincoln, or any ſubſequent Act or Acts made and paſſed relating to the ſaid Navigation, or in any reſpect to impede, obſtruct, prejudice, affect, injure, or damage the ſaid Canal, and the Soke or Side Drains thereof, or either of them: Saving always to the Proprietors or Perſons intereſted in the Lands and Grounds hereby directed to be drained or warped, all ſuch Right of Drainage into the ſaid Soke or Side Drains, or either of them, as the ſaid Proprietors or Perſons intereſted as aforeſaid are entitled to under or by virtue

virtue of the ſaid Act of the Thirty-third Year of the Reign of His preſent Majeſty.

Public Act. LII. 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, without being ſpecially pleaded.

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