ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. cliv.

An Act to consolidate into One Act, and to amend, extend, and enlarge the Powers and Provisions of the several Acts for embanking and draining certain Low Lands and Grounds in the Parishes or Townships of *Everton*, *Scaftworth*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, in the County of *Nottingham*, and to make further and better Provision for such Embankment and Drainage. [23d *July* 1860.]

WHEREAS an Act was passed in the Session of Parliament held in the Thirty-sixth Year of the Reign of King *George* the Third, intituled *An Act for the more effectually embanking,* 36 G. 3.
draining, preserving, and improving certain Low Lands and Grounds c. xcix.
lying and being in the several Parishes or Townships of Everton, Scaftworth, Gringley-on-the-Hill, Misterton, *and* Walkeringham, *in the County of* Nottingham: And whereas the Powers and Provisions of such Act were altered and amended by another Act passed in the Session of Parliament held in the Forty-first Year of the same Reign, intituled

The Everton, &c. Drainage Act, 1860.

41 G. 3. c. cxxxvi.

An Act for altering and amending an Act passed in the Thirty-sixth Year of the Reign of His Majesty King George *the Third, for the more effectually embanking, draining, preserving, and improving certain Low Lands and Grounds lying and being in the several Parishes or Townships of* Everton, Scaftworth, Gringley-on-the-Hill, Misterton, *and* Walkeringham, *in the County of* Nottingham: And whereas the Powers and Provisions of such Two Acts were enlarged and altered by a further Act passed in the Session of Parliament held in the Fifty-third Year of

53 G. 3. c. clx.

the same Reign, intituled *An Act for enlarging the Powers of Two Acts of His present Majesty, for embanking and draining certain Low Lands and Grounds in the Parishes or Townships of* Everton, Scaftworth, Gringley-on-the-Hill, Misterton, *and* Walkeringham, *in the County of* Nottingham: And whereas the Lands and Grounds the Drainage of which is provided for or intended to be provided for under the Powers and Authorities in that Behalf contained in the said recited Acts are situate in the several Parishes or Townships of *Everton, Scaftworth, Gringley-on-the-Hill, Misterton,* and *Walkeringham,* in the County of *Nottingham,* and comprise in the whole Five thousand six hundred and sixty-one Acres Three Roods and Thirty-eight Perches, or thereabouts, the whole of which Lands and Grounds was taxed or brought under Charge in the Proportions set down in the Determination of the Commissioners acting in execution of the first-recited Act, and made by them under the Authority of such Act for certain Works heretofore called "old Works," which Determination of Commissioners is by such Act declared to be the Rule and Standard whereby all Taxes, Assessments, and Rates to be assessed, charged, levied, and paid upon and in respect of the said Lands and Grounds for the Purposes of the said embanking and draining should be laid, taxed, charged, rated, and proportioned at all Times thereafter, and by the last-recited Act Portions of the Lands and Grounds above mentioned, comprising Four thousand and eighty Acres and Three Perches, or thereabouts, were taxed and brought under Charge for further Works heretofore called "new Works," benefiting such Lands and Grounds only in the Proportion set down in the Determination of the Commissioners acting in execution of the last-recited Act, and made by them under the Authority of such Act, which last-named Determination of Commissioners is by the last-mentioned Act declared to be the Rule and Standard whereby all Taxes, Assessments, and Rates to be assessed, charged, raised, levied, and paid upon and in respect of the last-mentioned Lands and Grounds under the Authority of the last-mentioned Act as to new Works should be laid, taxed, charged, rated, or proportioned at all Times thereafter: And whereas Three Commissioners were appointed under or by virtue of the said Acts or some of them, One for the Townships of *Everton* and *Scaftworth*, One for the Township of *Gringley-on-the-Hill*, and One for the Townships of *Misterton* and *Walkeringham,* with Power to the Proprietors of Lands and Grounds within such Townships to elect periodically

periodically or when necessary a new Commissioner in the Manner prescribed by the said Acts, and such Commissioners are required by themselves or their Clerk to publish Notice of their Intention to hold any Meeting for the Transaction of Business Seven Days before holding the same (Meetings by Adjournment only excepted), and cannot act unless at least Two Commissioners be present at any such Meeting (except for the Purpose of Adjournment), and the Commissioners appointed by the first-recited Act were empowered to assess, tax, and charge the Lands and Grounds, and the Owners and Proprietors thereof, to an Amount not exceeding Three Shillings *per* Acre by the Year (after the Expiration of a limited Period, during which a larger Rate or Assessment is authorized, and which limited Period has expired,) in respect of old Works, but such Assessment, Tax, or Charge has been found insufficient for the Purposes to which the Monies thereby raised are applicable, and further Taxes, Rates, or Assessments authorized at a Meeting of Proprietors in the Manner prescribed by the secondly-recited Act have from Time to Time been required and resorted to, to supply the Deficiency, and by the thirdly-recited Act the Commissioners for executing the said Acts were authorized to further assess, tax, and charge Portions of the Lands and Grounds (in the Manner before mentioned), and the Owners and Proprietors to an Amount not exceeding the Rate of Three Shillings *per* Acre by the Year (after the Expiration of a limited Period, during which a larger Tax, Rate, or Assessment is authorized, and which limited Period has also expired,) in respect of "new Works," which Tax, Rate, or Assessment has been found more than sufficient for the Purposes to which the same is applicable: And whereas by the first-recited Act, after enacting that the Commissioners thereby appointed were authorized to cut and use, for the Purposes of making any new and additional Outfalls, the Bank between the *Soss* and *Misterton* Outfall Sluice, and should for ever after maintain and support such Bank by and at the Expense of the Owners and Proprietors of the Lands and Grounds in the said Townships, as the other Works to be done under that Act were directed to be maintained and supported, it was also enacted, that in order to preserve the Water of sufficient Height at all Times for the Purpose of Navigation the Commissioners should cause to be made and erected sufficient Draw Doors or Pointing Doors to Landward, not less than Four Feet Six Inches in Height at the North-west or upper End of *Misterton Soss*, and likewise at the North-west or upper End of the additional Sluices then intended to be made near to the said *Soss*, and in pursuance of that Enactment a Sluice, called the *Triple Sluice*, has been erected, and Draw Doors placed therein; but inasmuch as by the said Act, and the said secondly and thirdly recited Acts, such Doors are not placed under the Management of any Person, Disputes have constantly arisen respecting the same, and it is expedient that the said *Triple Sluice* and Draw Doors should be placed under proper

proper Management: And whereas it is by the first-recited Act also enacted, that every Person by Law then chargeable with or towards the cleansing, repairing, or maintaining any Banks, Rivers, Drains, Sewers, Ditches, Cloughs, or other Works in the said respective Townships or Parishes, or any of them, or in any of the Lands and Grounds in or through which any of the Cuts, Drains, Cloughs, or other Works thereby directed to be made, used, enlarged, altered, diverted, or maintained, were or should be erected or made or should pass, should remain chargeable therewith respectively, and perform their respective Works in like Manner as if that Act had not been made (except the Bank between the *Soss* and *Misterton* Outfall Sluice, to be made, maintained, and supported in manner therein directed), the Observance and Execution of which Enactment causes great Trouble and Inconvenience in keeping and adjusting the Accounts of the District drained under the said Acts, while it has been found, on an Average of many Years past, that the Charge for keeping such Drains and other Works in repair, if paid out of the Rates collected under the Determination of the Commissioners under the said first-recited Act, would fall upon the Proprietors and Persons paying the same in nearly the same Proportions as such Proprietors and Persons now pay under the said Enactment, whereby the Expenses in adjusting the same would be considerably diminished, and it is expedient that Provision be made for so charging the same: And whereas other Powers and Provisions of the said recited Acts have been found in some respects defective and inconvenient, and it would be of Advantage to the Owners and Proprietors of the said Lands and Grounds if such Acts were repealed, and a new Act obtained, placing the Works necessary for the Embankment and Drainage of such Lands and Grounds under the Control of One Commissioner to be appointed by the Proprietors generally, and of Five Committee-men, One to be appointed by the Proprietors of Lands and Grounds in each of the said respective Townships of *Everton*, *Scaftworth*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, and if better Provision were made for the Collection of the Rates or Assessments before mentioned, and such further Rates or Assessments as may be requisite to pay the Expenses of maintaining the present Works and any further Works that may hereafter be found to be necessary for the Embankment and Drainage of the said Lands and Grounds: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Commencement of Act.

I. This Act shall commence and take effect upon and from the Third *Monday* next after the passing thereof.

II. In

II. In citing this Act for any Purpose it shall be sufficient to use the Short Title. Expression "The *Everton*, &c. Drainage Act, 1860."

Appointment of Commissioner and Committee-men.

III. *John Horncastle* of the *Yews* in the Parish of *Maltby* in the County of *York*, Gentleman, and his Successors to be from Time to Time elected in manner herein-after prescribed, shall be and he is hereby appointed sole Commissioner for putting this Act and all the Powers herein contained into execution, subject to the several Rules, Orders, Directions, and Provisions herein expressed, and the several Persons herein-after named, and their Successors, to be from Time to Time elected in manner herein-after prescribed, shall be and they are hereby appointed Committee-men for the Representation of the Proprietors of Lands and Grounds in the several Townships within the District of Drainage provided for by this Act; that is to say, *Samuel Harrison* of *Everton* aforesaid, Farmer, for the Township of *Everton*; *William Stevenson* of *Scaftworth* aforesaid, Farmer, for the Township of *Scaftworth*; *Thomas Smith* of *Gringley-on-the-Hill* aforesaid, Farmer, for the Township of *Gringley-on-the-Hill*; *John Henry Corringham* of *Misterton* aforesaid, Farmer, for the Township of *Misterton*; and *James Gamson* of *Misterton* aforesaid, Farmer, for the Township of *Walkeringham*; and such Committee-men shall exercise the Powers and perform the other Duties by this Act entrusted to them; and such Commissioner shall hold his Office, unless previously removed therefrom by Death, Incapacity, Refusal to act, or otherwise, until the First Day of *August* which shall be in the Year One thousand eight hundred and sixty-five; and such Committee-men shall hold their respective Offices, unless previously removed therefrom by Death, Resignation, or Incapacity to act, until the Eighth Day of *August* One thousand eight hundred and sixty-five; and if previous to any of the said Days the Office of the Commissioner or of any Committee-man shall become vacant from any Cause, another Commissioner or Committee-man, as the Case may be, shall be elected in his Stead, in manner herein-after mentioned, and shall hold Office for the Residue of the Term for which his Predecessor would have held Office had no such Vacancy occurred, and so *toties quoties* whenever the Case shall happen; and the Successors to such Commissioner and Committee-men, to be elected every Five Years in the Manner herein-after prescribed, shall in like Manner be entitled, upon their Election, to hold Office for Five Years, and no longer; but any Commissioner or Committee-man so periodically retiring from Office shall, if otherwise capacitated, be at all Times eligible for Re-election.

Repealing Drainage Acts.

IV. Upon the Commencement of this Act the said recited Acts passed respectively in the Thirty-sixth, Forty-first, and Fifty-third Years of the Reign of King *George* the Third shall be and the same are hereby repealed: Provided always, that, except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act

made, done, effected, or suffered, and all Mortgages and other Assurances executed under the said recited Acts or any or either of them, and existing at the Time of the Commencement of this Act, shall be as valid as if such Acts were not repealed; and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so made, done, effected, suffered, or executed, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the said recited Acts were not repealed and this Act were not passed would be incident to or consequent on any and everything so made, done, effected, suffered, or executed; and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioner hereby appointed, or his Successor for the Time being, shall to all Intents and Purposes represent the Commissioners under the said recited Acts, and shall be liable at Law and in Equity in the same Manner and to the same Extent as such Commissioners would have been liable if this Act had not passed: Provided also, that the Generality of this Section shall not be restricted by any other of the Sections of this Act.

Property and Works of Drainage vested in Commissioner.

V. Upon the Commencement of this Act all Buildings, Engines, public Drains, Banks (subject to the Right of Pasturage of such Banks by the Owners or Occupiers of the Lands and Grounds on which such Banks stand), and other Works belonging to the said Embankment and Drainage, and all Monies, Securities for Money, Deeds, Books, Writings, Maps, Plans, and Personal Estate incidental or relating to the said Embankment and Drainage, shall vest in or belong to the Commissioner for the Time being under this Act, and the Right of Management and Control thereof shall devolve upon and be exercised from Time to Time by such Commissioner or the said Committee-men, according to the Directions, Rules, and Regulations herein-after contained.

Debts of Commissioners under recited Drainage Acts to be paid.

VI. Upon and from the Commencement of this Act all Debts contracted and payable by the said Commissioners under the Powers and Provisions of the said recited Acts shall (subject to the Provisions of this Act) be paid by the Commissioner out of the Rates or Assessments hereby authorized to be levied, or out of the Monies hereby authorized to be transferred to and vested in and to be received by him, and shall be recoverable from him in like Manner as the same would have been recoverable from the Commissioners acting in execution of the said recited Acts if this Act had not been passed.

Persons who have acted under former Acts to account for Monies, and deliver up Books.

VII. All Persons who have acted under the said recited Acts who shall on the Commencement of this Act have in their Custody, Power, or Possession any Money collected by virtue of such Acts, or any Books, Deeds, Papers, Writings, or Effects relating to the said Embankment and Drainage, shall pay and deliver up the same to the Commissioner acting in execution of this Act, or to whom he shall appoint to receive

receive the same; and in case of Neglect or Refusal the Person so neglecting or refusing shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, and shall also be liable to any Action the Commissioner may commence for the Recovery of the Money, Books, Deeds, Papers, Writings, or Effects so refused or neglected to be paid or delivered up as aforesaid.

Subsisting Contracts may be enforced.

VIII. All Contracts, Bonds, Assurances, Engagements, Acts, and Proceedings entered into, made, done, or transacted by or with the Commissioners, by virtue and under the Authority of the said recited Acts, previous to the Commencement of this Act, and all Forfeitures, Penalties, and other Obligations thereby imposed or incurred in relation to the Exercise or Execution by them of the several Powers, Authorities, and Provisions of those Acts, shall upon and from the Commencement of this Act be binding on and be enforced by and against and be incumbent on the Commissioner acting in execution of this Act, and all Persons interested therein, as fully as they would have been binding or enforceable by and against and incumbent on the Commissioners under the said recited Acts or any of them, or on any other Persons, if this Act had not passed, and the several Rates or Assessments made previously to the Commencement of this Act may be levied and recoverable by the Commissioner under this Act in the same Way and with the same Powers as they might have been levied and recovered by the Commissioners under the said recited Acts in case this Act had not passed, and when received shall be by him applied to the Purposes of this Act.

Actions and Prosecutions not to abate.

IX. No Action, Suit, Prosecution, or other Proceeding whatsoever commenced under the said recited Acts shall abate, cease, or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Party or Parties affected thereby in the same Manner in all respects as the same would have continued and taken effect if this Act had not been passed, and for the Intents and Purposes of this Section the Commissioner hereby appointed, or his Successor for the Time being, shall represent the Commissioners under the said recited Acts; and all Persons who before the Commencement of this Act shall have committed any Offence or incurred any Penalty or Forfeiture under the Provisions of the said recited Acts may be sued and prosecuted for such Offences by the Party complaining, or for the Recovery of such Penalties and Forfeitures, in such and the like Manner as they might have been sued and prosecuted if this Act had not been passed.

Officers under repealed Acts to hold Situations until removed.

X. The Clerks, Receiver, Treasurer, Engineer, Surveyor, and all other Officers (except the Commissioners) and Servants appointed by virtue and in pursuance of the said recited Acts shall hold and enjoy their several and respective Offices and Employments, together with their several and respective

respective Salaries, Gratuities, and Allowances for the same, until they respectively shall be removed therefrom by and at the Discretion of the Commissioner (Authority being hereby given to him for that Purpose); and such Clerks, Receiver, Treasurer, Engineer, Surveyor, and other Officer and Servant respectively shall, while he shall continue in Office, have the same Powers, and be subject to the like Liabilities, Pains, and Penalties, and Power of Removal, and to the like Rules and Regulations, as if he had been appointed by virtue of this Act.

Old Books, &c. to be Evidence.

XI. All Determinations and Orders made by the Commissioners under the said recited Acts, and all Registers and Books of Proceedings of the Commissioners under the said recited Acts, kept according to the Directions of such Acts, and made Evidence thereby, or which might have been received as Evidence at the Time of the Commencement of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Commissioner and Committee-men to make a Declaration.

XII. No Person shall be capable of acting as a Commissioner, Committee-man, or Surveyor (as the Case may be) under this Act, except in administering the Declaration herein-after mentioned, until he shall have made and signed (if a Commissioner before One of the Committee-men, and if a Committee-man or Surveyor before the Commissioner or a Committee-man,) a Declaration to the Effect following:

'I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as (a Commissioner, or Committee-man or Surveyor, as the Case may be,) by virtue of "The Everton, &c. Drainage Act, 1860."'

What shall be deemed a Refusal to act.

XIII. The Commissioner who shall not on the Day of this Act coming into operation, or within Fourteen Days thereafter, and any Commissioner hereafter appointed or elected who, for the Space of One Month after his Appointment or Election, shall neglect to make and subscribe the Declaration herein-before required, or who, having made the said Declaration, shall not appoint a Time and Place, and attend, in the Months of *April* and *August* in every Year, or shall not appoint and attend a Meeting at the Request of a Majority of the Committee-men, as herein-after provided, unless prevented by Illness, in any of the said Cases shall be deemed to have refused to act, and shall cease to be a Commissioner under this Act.

Commissioner not to be concerned in Contracts.

XIV. If the Person appointed the Commissioner for executing this Act, or any Person to be elected in the Place or Stead of any Commissioner dying, resigning, refusing, or becoming incapable to act, or being removed, shall be concerned or participate in any Manner in any Contract or in the Profit thereof, or of any Work to be done under the

the Authority of this Act, such Person shall thenceforth cease to be a Commissioner, and his Office shall thereupon become vacant.

Committee-men may act as Justices.

XV. A Person shall not be incapable of acting as a Justice of the Peace in the Execution of this Act with reference to the levying of any Sum or Sums of Money thereunder by reason of his being a Committee-man.

Appointment of Successor to Commissioner.

XVI. Upon a Day between the First and Eighth Days of *August* One thousand eight hundred and sixty-five, and upon a Day between the First and Eighth Days of *August* which shall happen after the Lapse of Five Years from the last general Appointment of Commissioner, and upon a Day within Twenty-one Days after the Day on which any Commissioner shall die, resign, or refuse to act or become incapable of acting, or be removed from his Office, a Meeting in each Case shall be held, and it shall be incumbent on the Clerk or Clerks to such Commissioner (or if there be no Clerk or Clerks, then for any One of the Committee-men,) to appoint such Meeting, to take place at *Gringley-on-the-Hill* aforesaid, of the Proprietors of the Lands and Grounds within the several Parishes or Townships of *Everton*, *Scaftworth*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, embanked and drained, or intended to be embanked and drained, by virtue of this Act, of which Meeting Seven Days previous Notice at least shall be given by Advertisement, setting forth the Purpose of such Meeting, and the Time and Place at which such Meeting will be held; and at such Meeting it shall be lawful for the Proprietors present or represented at such Meeting to appoint a Chairman, and by the Majority in Value of such Proprietors, according to the Determination to be made as herein-after mentioned, to elect a Commissioner in the Place or Stead of the Commissioner so retiring, dying, resigning, refusing or becoming incapable to act, or being removed, such Commissioner so retiring being eligible for Re-election as aforesaid; and in case at any such Meeting for the Election of a Commissioner no Election shall be made by such Proprietors, it shall be lawful for any Three or more of the Committee-men for the Time being acting in the Execution of this Act, as soon after such Meeting as may be, and they are hereby required, to elect some Person to be the Commissioner in the Place or Stead of the Commissioner so retiring, dying, resigning, or becoming incapable to act, or being removed; and any Person elected the Commissioner in manner aforesaid by such Proprietors, or in case of their failing so to elect then any Person elected the Commissioner as aforesaid by the Committee-men, shall have the same Power and Authority for executing this Act as if he had been hereby appointed.

Commissioner may be removed.

XVII. It shall and may be lawful for the Justices of the Peace assembled at any Quarter Sessions for the said County of *Nottingham*, upon the

by Justices in Quarter Sessions.

the Complaint of a Majority of the said Committee-men, to remove and displace any Commissioner under this Act, sufficient and just Cause or Reason for such Removal and Displacement having been, in the Judgment of such Justices, shown to them; and thereupon a new Commissioner shall be elected, as is herein provided for the Election of a Commissioner on a Vacancy: Provided that the Justices shall not proceed to hear or decide any Complaint against a Commissioner as aforesaid unless it be proved to them that Ten Days Notice of the Intention to make such Complaint, and stating the Grounds thereof, had been previously given to the Commissioner complained of.

Appointment of Successors to Committee-men.

XVIII. Upon a Day between the Eighth and Sixteenth Days of *August* One thousand eight hundred and sixty-five, and upon a Day between the Eighth and Sixteenth Days of *August* which shall happen after the Lapse of Five Years from the last general Appointment of Committee-men, and upon a Day within Twenty-one Days after the Day on which any Committee-man shall die, or resign, or refuse to act or become incapable of acting as a Committee-man, a Meeting in each Case shall be held, and it shall be incumbent on the Clerk to the Commissioner to appoint such Meeting of the Proprietors of the Lands and Grounds within the Parish or Township represented by the Committee-man so retiring, dying, resigning, refusing or becoming incapable to act, to be held in such Parish or Township, of which Meeting Seven Days previous Notice at least shall be given by Advertisement, setting forth the Purpose of such Meeting, and the Time and Place at which such Meeting will be held; and at such Meeting it shall be lawful for the Proprietors of Lands and Grounds embanked and drained, or intended to be embanked and drained, under this Act, within such Parish or Township, present or represented at such Meeting, or the major Part of them in Value, according to the Determination to be made as herein-after mentioned, to elect a Committee-man in the Place or Stead of the Committee-man so retiring, dying, resigning, or becoming incapable to act as aforesaid, the retiring Committee-man being eligible for Re-election as aforesaid; and in case at any such Meeting for the Election of a Committee-man no Election shall be made by such Proprietors, it shall be lawful for the Commissioner, at any Time after such Meeting, to appoint some Person to be a Committee-man in the Place or Stead of the Committee-man so retiring, dying, resigning, or becoming incapable to act as aforesaid; and any Person elected a Committee-man in manner aforesaid by such Proprietors, or in case of their failing so to elect then any Person appointed a Committee-man as aforesaid by the Commissioner, shall have the same Power and Authority for executing this Act as if he had been hereby appointed.

Proprietors may vote by Proxy, and

XIX. Any Proprietor entitled to vote for any Purpose under this Act may and he is hereby authorized and empowered to vote by Proxy in Writing

Writing under his Hand, and the Receiver of Rents of the Lands embanked and drained belonging to the Dean and Chapter of *York* may and he is hereby authorized and empowered to vote for any Purpose under this Act for and on behalf of the said Dean and Chapter. the Dean and Chapter of York by their Receiver.

XX. Any Person chargeable with any Rate or Assessment by virtue of this Act shall be capable of voting, either personally or by Proxy, in the Appointment of himself as a Committee-man under this Act. Proprietor may vote in his own Election.

XXI. Out of the Rates or Assessments under this Act there shall be paid to the Commissioner for the Time being, in satisfaction of the Expense and Trouble which he shall incur in execution of the Powers hereby given him, the Sum of Three Guineas for each Day he shall travel or be engaged in any Business relating to the Execution of this Act, also to the Auditor to be appointed from Time to Time in the Manner herein-after prescribed, for his Trouble, the Sum of Two Guineas annually, and also to each of the Committee-men for the Time being all reasonable Expenses he shall pay in the Execution of his Duties under this Act. Commissioner's and Auditor's Allowance, and Expenses of Committee-men.

XXII. The Commissioner shall not be required to occupy more than Eight Hours from the Twenty-fifth Day of *March* to the Twenty-ninth Day of *September* inclusive, and Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, in any One Day, in travelling or attending to the Business of the said Embankment and Drainage; and if such Commissioner shall be engaged for a longer Period than the Hours above specified in any One Day, he shall be paid and allowed a further Sum proportionate to such extra Attendance. Length of Day for estimating Allowance to Commissioner.

XXIII. The Commissioner and Committee-men, or a Majority of the latter, shall hold their First Meeting at the *Crown* Inn in *Bawtry* in the County of *York*, or some other convenient Place, on the said Third *Monday* next after the passing of this Act, or on some other Day within Fourteen Days thereof, at Eleven o'Clock in the Forenoon. First Meeting of Commissioner and Committee-men.

XXIV. The Commissioner shall attend at such Places as he shall think proper and appoint, on a Day in the Month of *April* and on a Day in the Month of *August* in each Year, Notice of such Attendance being given by Advertisement Seven Days at least before such Attendances respectively, and continue such Attendance from Day to Day as long as he shall think necessary, and on the said Attendance in the Month of *April* in each Year shall audit and settle the Receiver's or Treasurer's Account, draw out a true Statement in Writing containing an Account of all Sums by him received and expended or due to him under this Act for the preceding Year, up to and including the Time of such Attendance, and make a Rate or Assessment for the ensuing Year, and shall on the said Commissioner's Attendance.

said Attendance in the Month of *August* in each Year produce the said Account, with the Vouchers for the same, which shall be audited by some Person to be appointed Auditor by the Committee-men or a Majority of them, present at a Meeting to be called for the Purpose in the Manner herein-after prescribed for calling and holding Meetings of Committee-men; and such Committee-men, or a Majority of them, shall have Power and are hereby authorized and required at any Meeting so to be called to appoint an Auditor, and from Time to Time to remove any Auditor so appointed, and to appoint another Auditor in his Stead, such Account to be audited in the Presence of the Proprietors (if any) present, and shall also on the said Attendances in the Months of *April* and *August* in each Year respectively hear and determine Complaints, receive Claims for and settle Questions of Compensation, and make Orders for the Management of Works of Embankment and Drainage, and shall also attend on such other Day or Days in each Year as he shall think necessary to view the Works of Embankment and Drainage, and make Orders for the Management thereof, and for any other Purpose relative to the said Embankment and Drainage, and after the said Account shall be allowed by the Auditor the same shall be binding on all Parties.

Notices, how to be given.

XXV. All Notices by this Act directed to be given by Advertisement shall be given by or in the Name or Names of the Clerk or Clerks or other Person authorized to give the same, by Advertisement to be inserted in some Newspaper usually circulated in the said County of *Nottingham;* and all other Notices by this Act directed to be given shall be by Writing under the Hand or Hands of the Person or Persons authorized to give the same, and be delivered personally or sent through the Post to the Address of the Person for whom the same is intended.

Proceedings to be entered in a Book.

XXVI. All the Orders, Proceedings, and Determinations of the Commissioner or Committee-men at any Meeting or Attendance to be held in pursuance of this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by the Commissioner or a Majority of the Committee-men, and being so signed shall be deemed to be Originals; and all such Books shall be deposited with and kept by the Clerk or Clerks to the Commissioner, and may be read as Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings touching anything done in relation to this Act.

Powers of Commissioner.

XXVII. The Commissioner shall at such First Meeting and at any subsequent Attendance, and he is hereby empowered, to enter into Contracts and make Orders and give Directions for the embanking, draining, and improving the said Lands and Grounds in the said several Parishes or Townships of *Everton*, *Scaftworth*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, embanked and drained, or intended to be embanked and drained, under this Act, and also to appoint such Clerk or Clerks,

Receiver,

Receiver, Treasurer, Engineer or Engineers, Surveyor or Surveyors, and such other Officer or Officers (except Auditor) and Workmen as the Commissioner shall from Time to Time think needful for the Superintendence, Management, and conducting of the Works of Embankment and Drainage, and collecting the Rates or Assessments which shall be assessed, taxed, charged, or made under this Act, and to allow such reasonable annual or other Salary or Stipend to such respective Officer or Officers and Workmen, to be paid out of the said Rates or Assessments, as he shall think proper, and from Time to Time to remove, displace, and appoint another or others in the Place or Places of such Officer or Officers as shall be removed (except Auditor), as often as he shall see Occasion.

Powers of Committee-men.

XXVIII. The Committee-men and their Successors, to be elected in manner before mentioned, or a Majority of them, shall and may, for the Purpose of appointing an Auditor for auditing the Accounts of the Commissioner, and of removing such Auditor from Time to Time, and appointing another Auditor in his Stead, (and in case of the Death, Resignation, or Removal of such Commissioner, until another Commissioner shall be appointed in his Stead, or in case of Emergency, when such Commissioner shall not be present or his immediate Attendance cannot be obtained, on Notice by a Majority of the Committee-men for that Purpose, and in the latter Case until he shall attend,) act in the Execution of this Act, and may give Directions for preserving the said Lands and Grounds, and otherwise carrying out the Provisions of this Act in the Place of such Commissioner; and all Acts so performed or directed by them or a Majority of them shall be as valid as if the same had been performed or ordered by the Commissioner; and such Committee-men shall also, if required by the Commissioner, meet him at any Time and Place that he shall appoint, on Notice to them; and it shall also be lawful for a Majority of the said Committee-men at any Time to request the Commissioner, on Notice to him, to appoint a Day and Time to meet the said Committee-men; and on receiving Notice the said Commissioner shall appoint a Meeting of himself and the said Committee-men, to be held not later than Ten Days from the Time of receiving such Notice, and shall give Notice thereof to such Committee-men, for the Purpose of conferring on any Matter connected with the said Embankment and Drainage; but in either of the Two latter Cases such Committee-men shall have no Power of making Orders for or directing the Management of the Works of Embankment and Drainage.

Commissioner and Committee-men not to be personally liable.

XXIX. Nothing in this Act or in any Deed or Contract made or to be made by or on behalf of the Commissioner or Committee-men or any of them shall extend to charge or affect the Person of any such Commissioner or Committee-men, or his or any of their Heirs, Executors, or Administrators, or his or any of their own proper Lands or Goods, with or

for the Performance of anything contained in any such Act, Deed, or Contract, or with or for any Costs, Charges, Damages, and Expenses in respect thereof.

Executions against Commissioner, &c.

XXX. Execution upon any Judgment or Decree against the Commissioner or any Committee-man, or any Clerk or Clerks, in any Action or Suit, shall be executed only against the Property belonging to such Commissioner or Committee-man, Clerk or Clerks, by virtue of his Office.

Indemnity to Commissioner, &c.

XXXI. The Commissioner, or any Committee-man or Committee-men, or the Clerk or Clerks in whose Name any legal Proceedings shall be carried on, either as Plaintiff or Defendant, on account of any Act done or omitted to be done under this Act, shall be reimbursed all Damages, Costs, and Charges to which he or they may be put, or with which he or they may become chargeable, by reason of being so made Plaintiff or Defendant, out of the Rate or Rates, Assessment or Assessments under this Act.

Security to be taken from all Officers intrusted with Money.

XXXII. Any Person, whether Receiver, Treasurer, or other Officer, intrusted under this Act with the Custody or Control of Monies by virtue of his Office, who shall not have given Security under the said recited Acts, shall, before he shall enter upon such Office, give to the Commissioner (to the Extent such Commissioner may think necessary) Security for the faithful Discharge of such Office.

Officers to account.

XXXIII. Every Receiver, Treasurer, or other Officer appointed or employed by the Commissioner by virtue of this Act shall from Time to Time, when required by the Commissioner, make out and deliver to him, or any Person appointed by him for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him by virtue of this Act, and how, to whom, and for what Purpose such Monies have been disposed of, and shall deliver up the Vouchers and Receipts for such Payments; and every such Officer shall, if required so to do, pay to the Commissioner, or to any Person appointed by him to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Account.

Accounts to be kept of Receipts and Disbursements.

XXXIV. The Commissioner shall cause Books to be provided and kept, and true and regular Entries made therein of all Sums of Money received and paid, and of the Persons from and to whom such Sums of Money, and of the several Purposes for which such Sums of Money shall have been received and paid for and on account of this Act.

Abstract of annual Account to be

XXXV. The Clerk or Clerks to the Commissioner shall, in each Year after the said Account for the preceding Year shall have been audited and

and allowed as aforesaid, cause an Abstract to be prepared thereof, showing the total Receipt and Expenditure of all Money levied by virtue of this Act, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account as so audited and certified by the Auditor thereof, and shall send a Copy of the said Abstract to the Clerk of the Peace for the said County of *Nottingham* within One Calendar Month after the said Account has been so audited, which Copy Abstract shall be open to the Inspection of the Proprietors at all reasonable Hours, on Payment of the Sum of One Shilling for every such Inspection; and if the Clerk or Clerks to the Commissioner shall omit to prepare and transmit such Copy as aforesaid he or they shall be liable for every such Omission to a Penalty of Ten Pounds.

made, and transmitted to Clerk of the Peace, and be open to Inspection.

XXXVI. The Commissioner, and in his Absence the Committee-men, under the Circumstances herein-before mentioned, or a Majority of the latter, is and are hereby authorized and empowered from Time to Time to heighten, fill up, change, remove, make, alter, divert, extend, enlarge, support, and maintain, or cause to be heightened, filled up, changed, removed, made, altered, diverted, extended, enlarged, supported, and maintained, all such present and future Banks, Cuts, Drains, Dams, Bridges, Sewers, Ditches, Tunnels, Outlets, Steam or other Engines, Sluices, Cloughs or other Works, in, through, or upon any of the Lands and Grounds within the said respective Parishes or Townships of *Everton*, *Scaftworth*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, embanked and drained or intended to be embanked and drained by virtue of this Act, and in, through, or upon any of the Lands and Grounds lying between a certain Point on which *Brownsome Sluice* heretofore stood and the River *Bycarsdike*, or between the said Point and the River *Trent* above the said River *Bycarsdike* within the Parish of *Misterton* aforesaid, as shall from Time to Time be considered or thought necessary, convenient, or proper for the more effectually embanking, draining, preserving, and improving the said Lands and Grounds embanked and drained, or intended to be embanked and drained, by virtue of this Act, so as the Main or Mother Drain shall not be changed without the Consent of the Proprietor or Proprietors of the Lands and Grounds for the Time being through which the same shall, upon such Change, be proposed to be made; and also for the Purpose of intercepting, diverting, and taking away the Water which might or otherwise would discharge itself into the Low Lands and Grounds intended to be embanked and drained by virtue of this Act from or out of or by means of the *Chesterfield* Canal Navigation, now called the *Chesterfield and Gainsborough* Canal, or any Drain, Brook, or Rivulet near thereto or communicating therewith, from the adjacent High Lands and Grounds within the said respective Parishes or Townships of *Everton*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, to make, heighten, fill up, change, renew,

Power to Commissioner, &c. to make Banks, &c.

The Main or Mother Drain not to be altered without Consent, &c.

Power to make Drains &c. to intercept the upland Water;

renew, alter, divert, support, and maintain, or cause to be made, heightened, filled up, changed, renewed, altered, diverted, supported, and maintained, all such present or future Banks, Cuts, Drains, Dams, Bridges, Sewers, Ditches, Tunnels, Outlets, Steam or other Engines, Cloughs or other Works, in, through, or upon any Lands and Grounds within the said respective Parishes or Townships of *Everton*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, between the Place called *Drakeholes* or *Drakehole* in the Parish of *Everton* and *Stockwith Bridge* in the said Parish of *Misterton*, as shall from Time to Time be necessary; and also to make such Orders and give such Directions for carrying on, effecting, and preserving the said Works or any of them as the Commissioner, or, in his Absence, the Committee-men, under the Circumstances herein-before mentioned, or a Majority of the latter, shall think proper; and for the Purpose of keeping the Barrier Bank of the said Embankment and Drainage near the Rivers *Idle* and *Bycarsdike* in Repair, the Commissioner or the Committee-men, under the Circumstances herein-before mentioned, or a Majority of the latter, is and are hereby authorized and empowered from Time to Time to take Earth and other Materials from such Place or Places within the said several Parishes or Townships as he or they shall think proper, making such reasonable Recompence and Satisfaction to every Owner and Occupier of the Lands and Grounds in, through, or upon which any such Banks, Cuts, Drains, Dams, Bridges, Sewers, Ditches, Tunnels, Outlets, Steam or other Engines, Sluices, Cloughs or other Works, shall be made, cut, or erected, or which may be prejudiced thereby, or by means or in consequence thereof, or by any Inundation occasioned thereby, or from whence any Earth or other Materials shall be got as aforesaid, for any Damage, Loss, or Injury he shall thereby sustain, as shall be agreed upon between the Commissioner and such Owner or Occupier; and if the Commissioner and such Person cannot agree concerning the Amount of such Damage, then the same shall be assessed, adjudged, and finally determined and recovered in the Manner hereby directed for the Recovery of Damages.

and to make Orders, &c. for preserving Works.

Power to take Earth, &c. in making Satisfaction to the Land Owners.

Power to enter Lands, to make Survey for additional Works, making Satisfaction to the Land Owners.

XXXVII. It shall be lawful for the Commissioner, and also for any Person who shall or may be employed by him for the Purpose, at all reasonable Times to enter into and upon, and to continue in or upon, to view, survey, and admeasure the Lands and Grounds in, through, or upon which any present or future Works of Embankment and Drainage shall be intended to be made, and to take such Levels as the Commissioner shall think proper, without Let, Hindrance, or Molestation from any Person whomsoever, and without being deemed a Trespasser for so doing, making always reasonable Recompence and Satisfaction to the Owners and Occupiers for any Damage, Loss, or Injury they may sustain by the entering or continuing upon such Lands and Grounds, or making such Surveys or Levels as aforesaid, such Satisfaction and Amount of Damages

to

to be ascertained, determined, and recovered in the Manner hereby directed for the Recovery of Damages.

Satisfaction for further Damages.

XXXVIII. If any Person, at any Time after the Commissioner or any Person employed or authorized by him shall have commenced the making of any new Works of Embankment and Drainage, or have completed the same, shall have sustained any Damage or Injury (for which he shall have had no Recompence or Satisfaction) in his Lands, Grounds, or Hereditaments, by any Act, Neglect, or Default of the Commissioner, or any Agent, Workman, or Servant employed by him, or by reason of any Alteration which shall be made by any of them on account of Works to be executed by virtue of this Act, then and in every such Case Satisfaction shall be made for such Damage or Injury; and if the Commissioner and the Party by whom such Damage shall have been sustained shall not agree touching such Damages, the same shall be assessed, determined, and recovered in manner hereby directed for the Recovery of Damages.

Power to take in Water in dry Seasons.

XXXIX. It shall be lawful for the Commissioner to order and appoint any Tunnels or Sluices to be laid in or through any of the outward Banks on the South Side of the Rivers *Idle* and *Bycarsdike* or either of them, or in or through any of the Cuts, Drains, Sewers, or Ditches now made or hereafter to be made by virtue of this Act in, near, or adjoining to any of the said Lands and Grounds intended to be embanked and drained as aforesaid, and to erect Staunches in the said Cuts, Drains, Sewers, or Ditches, or any of them, for the taking in and retaining of Water out of the said Rivers *Idle* and *Bycarsdike*, or either of them, and to take and convey the same into the Lands and Grounds of any of the said Proprietors, for the watering of Cattle in dry Seasons, or for other Conveniences, so that the same shall be subject to the Control or Regulations and Direction of the Commissioner, and be liable to be stopped up, removed, or taken away by him or his Order, whenever he shall deem such Tunnels or Staunches or any of them to be unnecessary, or in any way prejudicial to the general Drainage.

Not to injure the Drainage belonging to the Participants of Hatfield Chase;

XL. Nothing in this Act contained shall extend or be construed to extend, nor shall any of the Powers hereby given to the Commissioner be exercised or made use of by him so as in any respect to impede, obstruct, prejudice, injure, or damage any of the present Embankments, Drains, or Works of Drainage belonging to or made for the Use of the Participants of the Level of *Hatfield Chase* in the Counties of *York*, *Lincoln*, and *Nottingham*, on the North Side of the Rivers *Idle* and *Bycarsdike*, or any of them; and nothing in this Act contained shall extend or be construed to extend, nor shall any of the Powers hereby given to the Commissioner be exercised or made use of by him, so as in any respect to impede, obstruct, prejudice, injure, or damage the present Navigation of the

or the Navigation of the Idle and Bycarsdike.

said Rivers *Idle* and *Bycarsdike*, or either of them, nor in any respect to injure or damage the Proprietors for the Time being of the said Navigation; and in order to preserve the Water of sufficient Height at all Times hereafter for the Purposes of Navigation, the Commissioner shall maintain and support the herein-before mentioned Triple Sluice and Draw Doors or Pointing Doors to Landward to the Height of not less than Four Feet Six Inches at the North-west or upper End of *Misterton Soss*, and likewise at the North-west or upper End of all and every additional Sluices which may hereafter be made near to the said *Soss*, and shall have the Control over and Management of the same; and for that Purpose he is hereby authorized and empowered to make such Order or Orders, Regulation or Regulations, respecting the said Draw Doors, as he shall think proper, and shall cause such Order or Orders, Regulation or Regulations, to be printed on some Place or Board near to the said Triple Sluice, and within Sight from the said Draw Doors; and if any Person or Persons shall act contrary to such Order or Orders, Regulation or Regulations, or any of them, he or they shall for each Offence be liable to a Penalty of Forty Shillings.

Regulating the Height of the Bank on the South Side of the Idle and Bycarsdike.

XLI. Nothing in this Act contained shall extend or be construed to extend to authorize or empower the Commissioner, or any Person employed by him, to make or cause to be made any Bank on the South Side of the Rivers *Idle* and *Bycarsdike* at a less Distance from the present Bank erected by or belonging to the said Participants of the Level of *Hatfield Chase* on the North Side of the said Rivers than the present Barrier Bank and Main Drain of the said Embankment and Drainage under this Act, extending from *Misterton Soss* to *Scaftworth Hollings*; and the Top of every such Bank already made, or as shall at any Time hereafter be made, on the South Side of the said Rivers *Idle* and *Bycarsdike*, between the said *Soss* and a Place called *Cornley Nook*, (save and except the Bank between the said *Soss* and *Misterton* present Outfall Sluice, belonging to the said Participants,) shall be made and for ever after kept at the least Twelve Inches lower than the Top of a Coping Stone formerly at the North End of the upper Wing Wall of the East Side of the said *Soss*, the Height of such Stone to be considered the same as was entered and recorded in the Book of Records of the late Commissioners of Sewers for the said Level of *Hatfield Chase* and Parts adjacent, and now distinguished by a Mark (thus ⊖) cut in the Stone above the Centre Arch at the upper or West End of the Triple Sluice.

Not to cut any Drain through Everton Pastures, &c., except at certain

XLII. It shall not be lawful for the Commissioner, or any Person employed by him, to cut or make any Drain, Ditch, or Sewer through certain ancient Inclosures in the said Parish of *Everton* adjoining to *Scaftworth Common*, and called by the Name of *Everton Pastures*, or any Part thereof, or through any ancient Inclosures adjoining thereto, at

at a further Distance than Twenty-six Chains from the River *Idle*, between *Toft Hill* and the *Flag Close*, nor at a further Distance than Eight Chains from the said River *Idle*, between the said *Flag Close* and *Scaftworth Common*; nor shall it be lawful for the Commissioner, or any Person employed by him, to cut any Drain, Dam, Ditch, or Sewer, or make, set up, or erect any Bank, Tunnel, Engine, Clough, or other Work whatsoever in, through, or upon the said ancient Inclosures called *Everton Pastures* as aforesaid, without the previous Consent in Writing of the Majority in Value of the Proprietors thereof.

Distance from the Idle; nor without Consent of Proprietors.

XLIII. The Commissioner shall have full Power and Authority to remove or cause to be removed all Impediments, Annoyances, and Obstructions whatsoever from Time to Time in the said Cuts, Drains, and other Works within the District drained or intended to be drained under and by virtue of this Act.

Commissioner may remove Obstructions.

XLIV. The Owner or Occupier of any of the Lands and Grounds within the said Townships shall at all Times hereafter keep, maintain, and repair all the present and any future Outring and Division Drains or Ditches known as the Boundaries of and separating the Lands and Grounds of the several and respective Proprietors of Lands within the said Parishes or Townships of such Width and Depth as the Commissioner shall from Time to Time order and direct, and also from Time to Time and at all Times hereafter cause the same Ditches or Drains to be well and effectually scoured and cleansed from Weeds and other Obstructions, and also Stocks or Inlets to be placed in and through the Banks directed to be raised, when the same shall be needful, for the better issuing and conveying away the Waters therefrom; and if such Person shall refuse or neglect to make and when made to keep such Ditches or Drains of such Dimensions as shall from Time to Time be directed by the Commissioner, or to scour and cleanse the same from Weeds and other Obstructions, or to place such Stocks or Inlets as aforesaid, after Ten Days Notice in Writing under the Hand of the Commissioner to him given or left at his last or usual Place of Abode, requesting him so to make, scour, or cleanse such Ditches or Drains, then it shall and may be lawful for the Commissioner to cause the same to be done and executed, and by Warrant under his Hand and Seal to authorize and empower any Persons jointly or severally to levy the Money expended in doing and executing the same from the Owner or Occupier of the Lands and Grounds to which such Ditches, Drains, and Tunnels shall belong, over and above any other Rates or Assessments chargeable or to be charged upon the same Lands and Grounds by virtue of this Act, in the same Manner as Rates or Assessments are by this Act directed to be levied in default of Payment.

Drains to be kept as Commissioner shall direct.

XLV. In

Penalty on Persons refusing or neglecting to remove Obstructions.

XLV. In case any Person shall cause any Impediment, Annoyance, or Obstruction in any Cut, Drain, or other Work of Drainage, and shall for the Space of Ten Days refuse or neglect to remove the same in such Manner as the Commissioner shall direct, after being required so to do by Notice in Writing signed by the Commissioner given to him, every such Person so neglecting or refusing shall for every such Offence, in addition to the Cost of removing any such Impediment, Annoyance, or Obstruction, forfeit and pay any Sum not exceeding Five Pounds.

Costs of Repairs of internal Drains, &c.

XLVI. From and after the Commencement of this Act the Commissioner shall cleanse, repair, and maintain all internal Drains, Sewers, and Ditches of or belonging to the Lands and Grounds embanked and drained or intended to be embanked and drained under this Act, (except the Outring or Division Drains herein-before mentioned, and any private Drains, Sewers, and Ditches of the said Lands and Grounds,) the Expense of cleansing, repairing, and maintaining which internal Drains, Sewers, and Ditches was before the passing of this Act paid by the Persons by Law chargeable therewith respectively, and the Costs of so cleansing, repairing, and maintaining the said internal Drains, Sewers, and Ditches shall be paid by the Commissioner out of the Rates or Assessments under this Act.

Commissioner and other Persons to pass along the Lands adjoining the Works.

XLVII. The Commissioner and Committee-men, Engineer or Engineers, and Surveyor or Surveyors, and other Officers and Workmen acting or employed under or by virtue of this Act, shall have Licence and Liberty from Time to Time, at all reasonable Times, either on Horseback or on Foot, to go or travel, pass and repass, along the Lands adjoining or near to the Drains, Cuts, and other Works already made or to be made and maintained by virtue of this Act, when and so far as Occasion shall require for the due and proper Execution of their said respective Offices, and of the Trusts and Duties to be by them performed and discharged by virtue of this Act, doing as little Damage as may be, and making Compensation for any Damage that may arise.

Penalty on Persons damaging or destroying the Works.

XLVIII. Every Person who shall at any Time cut, throw down, burn, or otherwise damage or destroy any Bank, Drain, Dam, Steam or other Engine, Building, Floodgate, Clough, or other Work erected or made, or to be erected or made, or which shall at any Time hereafter be erecting or making for the embanking, draining, preserving, or improving the said Lands and Grounds or any Part thereof, shall be liable to a Penalty not exceeding Ten Pounds.

If Ditches filled up, Fences to be made.

XLIX. When and so often as it shall be found necessary for carrying this Act into execution to fill up any Ditch which now is used as a Fence, the Commissioner shall and he is hereby required to order and direct

direct Posts and Rails, or other sufficient Fences, to be made in the Room of such Ditch so filled up, in such Manner as that the Owners or Occupiers of the adjacent Grounds may not suffer any Damage by filling up such Ditch.

Bridges to be made over Drains where Passage to Land is obstructed.

L. If by the making of any Drain, Ditch, or other Work, by virtue and in pursuance of this Act, the Passage of any Person to or from his Lands and Grounds with Cattle or Carriages will be obstructed or interrupted, the Commissioner shall and he is hereby required, before or immediately after such Work shall be completed, to cause all necessary Bridges to be properly built for the convenient Passage of the Occupiers of such Lands and Grounds respectively to and from the same with their Cattle and Carriages, and to defray the Expense of erecting and making such Bridges out of the Rates or Assessments under this Act; and any Bridge so to be made shall have the Span of the Arch at least as wide as the Bottom of each respective Drain over which such Bridge shall be erected.

Tunnel at Toft Hill not to be removed.

LI. Nothing in this Act contained shall extend or be construed to extend to empower the Commissioner or the Committee-men, or any of them, to remove, take away, or stop up the Tunnel already made at or near a Place called *Toft Hill* in the said Parish of *Everton*, but the same Tunnel shall there remain and continue, and be from Time to Time kept in a proper State, and used at all reasonable Times, to answer all the Purposes of a Tunnel for taking in of Water out of the said River *Idle*, and conveying the same into the Lands and Grounds of the said Proprietors; and Staunches shall be erected and maintained in the said Cuts, Drains, Sewers, or Ditches, or in such of them as may be necessary, for the Purpose of retaining the said Water for the watering of Cattle in dry Seasons, or for other Conveniences, subject to the Control, Regulations, and Directions of the Commissioner, or in his Absence of the Committee-men, or a Majority of such Committee-men.

Staunches for storing Water to be made.

Indemnity to Proprietors of Lands for Injury by Breach in the Banks, or from Inundation.

LII. If at any Time any Breach by Inundation or otherwise shall happen in any Bank already made, or in any Bank which may hereafter be made, under the Powers of this Act, for preserving the said Lands and Grounds from Inundation, and the Commissioner or Committee-men shall not immediately cause the same to be repaired, then and in every such Case it shall be lawful for any Proprietor of Land thereto adjoining, or liable to be damaged thereby, forthwith to stop and repair the same; and the Charges and Expenses which shall attend such Stoppage and Repairs shall be paid and defrayed out of the Rates or Assessments under this Act, and in case the same shall not be paid, on Demand, such Charges and Expenses may be recovered as Damages.

Right of Road from Haxey Gate and Soss.

LIII. The Owners of Lands and Grounds lying between *Haxey Gate* and *Misterton Soss* within the Parish of *Misterton* aforesaid, and their Tenants, Servants, and Labourers, shall and may at all Times hereafter, with the Consent of the Commissioner for the Time being, pass and repass over and upon the *Barrier Bank* between *Haxey Gate* and *Misterton Soss* aforesaid, either on Foot, or with Horses, Beasts, Carts, and Carriages, to and from their said Lands and Grounds, at their Will and Pleasure.

Commissioner to make fresh Determinations.

LIV. The Commissioners shall at the First Meeting to be held after the passing of this Act, or as soon after as conveniently may be, examine and take into consideration the said Determinations made under the Provisions of the said first and thirdly recited Acts, and any Change of Ownership or Subdivision of any Lands and Grounds thereby assessed, taxed, or charged, and shall make a fresh Determination in Writing, containing the Names of the present Owners or Proprietors of all Lands and Grounds assessed, taxed, or charged under the said First Determination, with the Subdivisions thereof, and such Determination shall also by Numbers refer to a Plan to be thereto annexed, and shall specify the Quantities in Acres, Roods, and Perches of the said Lands and Grounds, and the said Subdivisions, and the Amount of Annual Tax, Rate, or Assessment to which the said Lands and Grounds or Subdivisions were liable under the said First Determination at the Time of the passing of this Act, and shall add to such of the said Lands and Grounds or Subdivisions thereof assessed, taxed, or charged under the said Second Determination Three Fifths of the Amount of the Annual Tax, Rate, or Assessment contained in the said Second Determination, in respect of the Lands and Grounds, or Subdivisions thereof, assessed, taxed, or charged under the said Second Determination; and such fresh Determination shall be and become the Basis, Rule, or Standard of all Rates or Assessments to be made under the Powers of this Act, except Rates or Assessments which may hereafter become and be chargeable and charged upon the Proprietors of any Lands and Grounds in respect of new Works, or the Removal of the present Steam Engines or either of them, under the Report of an Engineer, as herein-after mentioned.

Power to appeal against Commissioner's Determination.

LV. A Copy of the Draft of the said Determination of the Commissioner, when so made, shall be deposited at the *White Hart* Inn, or in some other convenient Place in *Gringley-on-the-Hill*, and Notice thereof given by Advertisement and on the Door of the Inn or Place where deposited, that the said Draft has been so deposited for the Inspection of the Owners or Proprietors of the Lands and Grounds mentioned therein, and that the Commissioner will attend at the Place of Deposit at a Time to be named in such Notice, not less than Ten and not exceeding Twenty-

one Days from the Day of such Deposit, to hear and determine Objections (if any) thereto; and if on such Day of Appeal and hearing of such Objections there shall be any Matter requiring Alteration in the said Determination, the said Commissioner shall make such Alteration in the said Determination as may be necessary.

Commissioner's Determination, after Appeal, with Plan annexed, to be deposited, and be open to Inspection.

LVI. The said Determination of the Commissioner, when made as herein-before mentioned, shall after the said Appeal Day be fairly written or engrossed on Parchment, and shall be signed and sealed by the Commissioner; and the same, with a Plan thereto annexed, which Plan shall also be signed by the said Commissioner, shall be deposited with the Clerk of the Peace for the said County of *Nottingham*, and shall be filed with the Records of the said County, and when so deposited shall be binding on all the Owners or Proprietors named therein; and all Persons shall have Liberty to inspect the same and take Copies thereof, upon paying for every Inspection the Sum of One Shilling, and for every certified Copy not exceeding Seventy-two Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Determination or a Copy thereof, or any Extract therefrom, duly certified by the Clerk of the Peace of the said County to be a true Copy, shall be admitted as Evidence in all Courts of Law whatsoever, and by all Judges, Justices, and others, and a fair Copy of the said Determination, signed by the Commissioner, with a Copy of the said Plan, also signed by the Commissioner, shall be deposited and kept by the Clerk or Clerks to the Commissioner with the Proceedings relating to the said Embankment and Drainage; and a Copy of so much of the said Determination and Plan as relates to Lands and Grounds in the Townships of *Everton* and *Scaftworth*, signed by the Commissioner, with a Print of this Act, shall be deposited in the Chest of the Parish Church of *Everton* aforesaid, and a Copy of so much of the said Determination and Plan as relates to Lands and Grounds within the respective Townships of *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham* shall be deposited, with a Print of this Act in each Case, in the Chests of the respective Parish Churches of the said several Townships.

Commissioner to make an Assessment for paying Expenses of Act.

LVII. After the Completion of the said Determination, it shall be lawful for the Commissioner and he is hereby authorized and required to ascertain the Costs, Charges, and Expenses relative or incidental to the obtaining and passing this Act, and to assess, tax, and charge upon the Owners or Proprietors of the Lands and Grounds specified in the Determination so to be made as aforesaid, according to such Determination, the Amount of such Costs, Charges, and Expenses, and to fix the Time when the Rate or Assessment for that Purpose shall be paid, and to apply the Money to be raised by such Rate or Assessment in Payment of the said Costs, Charges, and Expenses..

LVIII. For

Commissioner to make other Assessments.

LVIII. For the Purpose of carrying this Act into execution, the Commissioner may and he is hereby authorized and empowered, in the Month of *April* in every Year, to assess, tax, and charge upon the Owners or Proprietors for the Time being of the Lands and Grounds specified in the Determination so to be made as aforesaid, in the Proportions mentioned in such Determination, such Sums of Money as he shall find to be necessary, not exceeding in the whole the total Amount set forth in such Determination, and to appoint and fix the Day at which such Rates or Assessments so from Time to Time to be made shall be paid.

If Assessments insufficient, to be increased by Consent, &c.

LIX. In case the Rate or Assessment authorized by the last preceding Section shall be considered insufficient for the Purposes of this Act in any Year, the Commissioner may, with the Consent of the said Committee-men or any Three or more of them (such Consent to be specified in Writing under their Hands), in that Year further assess, tax, and charge upon the Owners or Proprietors for the Time being of the Lands and Grounds specified in the said Determination so to be made as aforesaid, in addition to the said Rate or Assessment authorized by the last preceding Section, such further Sum of Money as they shall think necessary, not exceeding One Half the entire Amount set forth in the said Determination so to be made as aforesaid, and shall fix the Day for Payment thereof; and if such Rate or Assessment, and the Addition thereof hereby authorized, shall be considered insufficient for the Purposes of this Act in any Year, a Meeting of the Proprietors of Lands and Grounds embanked and drained, or intended to be embanked and drained, under this Act, shall be called in the Manner herein directed for the calling and holding of a Meeting for the Appointment of a Successor to a Commissioner when his Office shall have become vacant; and it shall be lawful for the Proprietors present or represented at such Meeting, or the Majority in Value of such Proprietors, to appoint a Chairman, and to authorize and empower the Commissioner to raise a further or larger Sum than the said Rate or Assessment authorized by the last preceding Section, if they shall think fit so to do; and such Proprietors at such Meeting shall fix the Amount of such further or larger Sum to be raised; and upon the Authority of such Meeting, such Authority to be in Writing under the Hand of the Chairman of such Meeting, it shall be lawful for the Commissioner to assess, tax, and charge the Owners or Proprietors for the Time being of the Lands and Grounds specified in the Determination so to be made as aforesaid, to the Amount fixed at such Meeting, in the Proportion set forth in the said Determination, and to fix the Day for Payment thereof.

Application of Money.

LX. All Sums of Money to be assessed, taxed, raised, and charged in the Manner before prescribed, or which may come to the Hands of the Commissioner,

Commissioner, under the Powers of this Act, (except the Rate or Assessment herein-before authorized for paying the Expenses of obtaining and passing this Act, the Application of which is expressly provided for,) shall be from Time to Time applied for and towards the Payment of the Commissioner's Allowance, the Salaries of Officers, and other Expenses attending the executing this Act, and for carrying on and effecting the embanking and draining of the said Lands and Grounds, and maintaining the same, and the Works either already done or to be done under and by virtue of this Act, except any new Works, or the Removal of the said Steam Engines or either of them, under the said Report of an Engineer, as herein-after mentioned.

As to new Works or Removal of present Steam Engines.

LXI. In case at any Time or Times after the passing of this Act any new or additional Works of Embankment or Drainage authorized by this Act, or the Removal of the said Steam Engines or either of them, shall be thought proper or necessary by the Commissioner or by any Committee-man, or by any Three or more of the Proprietors of Lands and Grounds in any One or more of the said Parishes or Townships, embanked and drained, or intended to be embanked and drained under the Powers of this Act, for completing, improving, or preserving the Embankment and Drainage of the said Lands and Grounds within the said several Parishes or Townships or any of them, and the Commissioner, or such Proprietors or their respective Agents, or such Committee-man, shall give Notice thereof to the Clerk or Clerks to the Commissioner, specifying the particular Work proposed to be executed, a Meeting of the Proprietors of the Lands and Grounds within the several Parishes or Townships aforesaid, embanked and drained, or intended to be embanked and drained, under this Act, shall, within Ten Days of the Receipt of such Notice by the said Clerk or Clerks, be called in the Manner herein directed for the calling and holding of a Meeting for the Appointment of a Successor to a Commissioner when his Office shall have become vacant, such first-named Meeting to be held within Twenty-one Days from the Receipt of such Notice, and at such Meeting the Expediency of executing such proposed new Works, or the Removal of the said Steam Engines or either of them, shall be considered; and if the Majority in Value of the Proprietors present or represented at such Meeting shall not think fit to authorize the Commissioner, without further Inquiry, to raise a further or larger Sum than the Rate or Assessment authorized by the Fifty-eighth Section of this Act, but shall be of opinion that the proposed new Works, or the Removal of the said Steam Engines or either of them, or any other Work, is necessary or will be of Advantage to the said Lands and Grounds, then such Proprietors shall forthwith proceed by the Votes of the Majority in Value of such Proprietors present or represented at such Meeting to appoint some competent Engineer, who shall within Two Calendar Months next after such Reference make his Report to the Commissioner, whether the proposed

proposed new Works or Removal of the said Steam Engines or either of them be expedient and necessary, and proper to be carried into execution, having due Regard to the State, Situation, and Circumstances of the general Drainage, and also whether all or any and what particular Part of the said Lands and Grounds in the said several Parishes or Townships will receive Benefit or Advantage therefrom, and in what Proportion all or any and which of the said Proprietors shall and ought to contribute to the Expense thereof; and in case such Engineer as aforesaid shall report to the Commissioner that such proposed new Works or any Part thereof, or the Removal of the said Steam Engines or either of them, is necessary and proper to be carried into execution, then Notice shall be given by Advertisement as aforesaid of a Meeting of the said Proprietors to be holden for the Purpose of taking into consideration the said Report; and at such Meeting a Chairman shall be appointed; and it shall be lawful for the Majority in Value of the said Proprietors present or represented at such Meeting, who shall according to such Report be benefited by and liable to contribute to the Expense of such proposed new Works, or Removal of the said Steam Engines or either of them, to determine whether the same, wholly or in part, or with such Alteration or Alterations as may be determined at such Meeting, shall be carried into execution, and the Amount to be expended in executing the same; and in case it shall be determined to carry the same into execution, then it shall be lawful for the Commissioner and he is hereby authorized and required to execute the Work so determined on, and when so completed the same shall be and be considered a Part of the general Works under this Act; and it shall be lawful for the Commissioner to assess, tax, and charge the Owners or Proprietors of the Lands and Grounds to be benefited according to such Report with the Costs, Charges, and Expenses of such new Works, or the Removal of the said Steam Engines or either of them, and to fix the Time for the Payment of the Rate or Assessment to be made for that Purpose.

Tenants to pay Rates, and deduct same from their Rents.

LXII. The Tenant or Occupier of any Lands and Grounds embanked and drained, or intended to be embanked and drained, by virtue of this Act, is hereby authorized and required to pay such Sum and Sums of Money, not exceeding Half a Year's accruing Rent, as shall be assessed, taxed, or charged upon the Owner or Proprietor of any such Lands and Grounds in his Occupation, and to deduct the same out of his Rent then due or accruing due; and every Tenant or Occupier who shall make such Payment shall be acquitted and discharged for so much Money as the Sum he shall so pay shall amount unto, as if the same had been actually paid unto the Person to whom his Rent was due and payable.

As to Persons refusing to pay Rates.

LXIII. In case the Owner of any Lands and Grounds to be assessed, taxed, or charged by virtue of this Act, or his Tenant or Tenants thereof, shall refuse or neglect to pay the Rate or Assessment assessed, taxed, or charged

charged upon such Owner, within Thirty Days next after Notice by Advertisement of the respective Times of Payment so to be appointed by the Commissioner as aforesaid shall have been given, and the Day fixed for Payment shall have passed, it shall be lawful for the Receiver or any other Person or Persons, by virtue of any Warrant or Precept under the Hand and Seal of the Commissioner, (which Warrant or Precept such Commissioner is hereby empowered and required to grant and issue as Occasion shall from Time to Time require,) to levy the Sum or Sums so assessed, taxed, or charged by Distress of the Goods and Chattels of the said Owner making default as aforesaid, wherever the same shall be found, and also of any Goods and Chattels that shall be found upon the Lands and Grounds of such Owner or Proprietor so charged with any Sum or Sums of Money, not exceeding in the Case of a Tenant or Tenants Half a Year's accruing Rent as aforesaid, and to keep the Goods and Chattels so distrained for Five Days, at the Cost and Charges of the Person or Persons to whom the Goods and Chattels so distrained shall belong, leaving Notice in Writing of the Cause of such Distress at the Dwelling House of such Person or Persons, or upon some conspicuous Part of the said Lands and Grounds; and if such Person or Persons to whom such Goods and Chattels so distrained shall belong shall not pay the Amount for which such Distress shall be made, and all Costs, Charges, and Expenses attending the same, within the said Five Days, then the said Goods and Chattels so distrained shall be sold by public Auction; and the Overplus (if any there shall be) arising from such Sale, after deducting the Sum so distrained for, and the Charges of taking, keeping, and selling the said Goods and Chattels, shall be returned to the Person or Persons to whom the said Goods and Chattels so distrained belonged, on Demand.

Amount of Rates may be levied by Distress.

Persons distrained upon to pay within Five Days, or the Goods to be sold.

Overplus to be returned.

LXIV. In case any of the said Lands and Grounds so embanked and drained as aforesaid, belonging to any Owner or Proprietor, shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found whereupon to levy the said Rates or Assessments respectively, then the said Lands and Grounds shall remain a Security for Payment thereof; and all Corn, Hay, and other Goods and Chattels which shall at any Time thereafter be found thereon shall and may be distrained, kept, and sold in manner aforesaid, until all Arrears of Rates or Assessments, and the Charges of such Distress, and detaining, keeping, and selling the same, shall be fully paid and satisfied.

Recovery of Assessments on Lands untenanted.

LXV. It shall be lawful for the Trustees for the Time being of the Estates of *Thomas Magnus* deceased and of *Faith Clarkson* deceased, or either of them, and they are hereby empowered, from Time to Time to apply any Part of the Rents and Profits arising from such Estates in or towards defraying and paying the Rates or Assessments to be charged or assessed by virtue of this Act upon the said Trustees respectively.

Trustees of Estates of T. Magnus and F. Clarkson to apply their Rents towards paying the Rates.

LXVI. In

Recovery of Damages, &c.

LXVI. In all Cases where any Damages, Costs, or Expenses are by this Act directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not otherwise provided for, such Amount, in case of Dispute, shall be ascertained and determined by Two Justices of the said County of *Nottingham*, and if to be paid by the said Commissioner shall, if not previously paid, and if the same shall not exceed the Sum of Twenty Pounds, be recovered in the Manner prescribed by the next following Section, or if not previously paid, and exceeding that Sum, shall be considered a Debt due from the said Commissioner, and be recovered by Action against such Commissioner in any of Her Majesty's Courts of Law at *Westminster*, with Costs of Suit, and be levied on the Goods and Chattels belonging to such Commissioner by virtue of his Office, or be paid out of the Rates or Assessments under this Act, and if to be paid by any other Person or Persons, and shall not be paid within Seven Days after Demand, the Amount may be recovered by Distress of the Goods and Chattels of the Party liable to pay the same; and the Justices by whom the same shall have been so ascertained aud determined, or either of them, or any other Justice for the said County of *Nottingham*, on Application, shall issue their or his Warrant accordingly.

Distress against the Treasurer.

LXVII. If the Amount of such Damages, Costs, and Charges so to be paid by the Commissioner are not paid to the Party entitled thereto, the same (in case the same do not exceed the Sum of Twenty Pounds) shall be recovered by Distress of the Goods and Chattels of the Receiver or Treasurer under this Act; and the Justices aforesaid, or either of them, on Application, shall issue their or his Warrant accordingly; but no such Distress shall issue against the Goods and Chattels of such Receiver or Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Receiver or Treasurer, or left at his Residence; and if such Receiver or Treasurer shall pay any Money for such Damages, Costs, and Charges under such Distress as aforesaid, he may retain the Amount so paid by him, and all Costs and Expenses occasioned thereby, out of any Money coming into his Custody or Control under this Act.

Proceedings before Justices in Questions of Damages, &c.

LXVIII. Where in this Act any Question of Compensation for Damages, Expenses, Charges, or other Matter is referred to the Determination of any One Justice or more, it shall be lawful for any Justice of the said County of *Nottingham*, upon the Application of either Party, to summon the other Party to appear before One Justice or before Two Justices of the said County of *Nottingham*, as the Case may require, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or, in the Absence of the Person or Persons so summoned, upon Proof of due Service of the Summons upon him or them, it shall be lawful for such One Justice, or such Two Justices, as

as the Case may be, to hear and determine such Question, and for that Purpose to examine such Parties, or any of them, and their Witnesses, on Oath; and such Compensation for Damages, Expenses, or Charges, and also the Cost of every such Inquiry, shall be in the Discretion of such Justice or Justices, and he or they shall determine the Amount thereof.

Penalties to be summarily recovered before Two Justices.

LXIX. Every Penalty or Forfeiture imposed by this Act, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before Two Justices of the said County of *Nottingham*; and, on Complaint being made to any Justice of the said County, he shall issue a Summons requiring the Party complained against to appear before Two Justices of the said County, at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Party complained against, or in his Absence, after Proof of the due Service of such Summons, it shall be lawful to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before the said Justices; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

LXX. If forthwith upon any Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices or either of them shall issue their or his Warrant of Distress accordingly.

Imprisonment in default of Distress.

LXXI. It shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the said Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant

cause such Offender to be committed to Gaol, there to remain, without Bail, for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Distress how to be levied.

LXXII. Where in this Act any Sum or Sums of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum or Sums of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum or Sums of Money, and the Expenses of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

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

Application of Penalties.

LXXIV. The Justices before whom any Penalty or Forfeiture shall be imposed may, where the Application thereof is not otherwise provided for, award Part of the same, not exceeding One Half thereof, to be paid to the Informer, and shall award the Remainder to be paid to the Commissioner for the Time being under this Act, to be applied in the same Manner as the Rates or Assessments under this Act.

Penalties to be sued for within Six Months.

LXXV. No Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Damages to be made good in addition to Penalty.

LXXVI. If through any Act on account whereof any Person shall have incurred any Penalty imposed by this Act any Damage shall have been committed by such Person to the Works of Embankment or Drainage, or to any Owner or Occupier of any of the Lands and Grounds embanked and drained, or intended to be embanked and drained, under this Act, such Person shall be liable to make good such Damage, as well as to pay such Penalty; and the Amount of such Damage, and the Party to whom the same shall be paid, shall, in case of Dispute, be determined by the Justices by whom the Party incurring such Penalty shall have been convicted.

LXXVII. It

Penalty on Witnesses making default.

LXXVII. It shall be lawful for any Justice of the said County of *Nottingham* to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

LXXVIII. It shall be lawful for any Officer or Agent of the Commissioner acting in execution of this Act, and all Persons called by him to his Assistance, to seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and convey him with all convenient Despatch before some Justice of the said County of *Nottingham*, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

LXXIX. The Justices before whom any Person shall be convicted for any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule to this Act annexed, or in such other Form as they shall think proper.

Proceedings not to be quashed for want of Form, &c.

LXXX. No Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Appeal to Quarter Sessions.

LXXXI. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General Quarter Session of the Peace for the said County of *Nottingham*, but no such Appeal shall be entertained unless it be made within Two Months next after the making of such Determination or Adjudication, nor unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice of the said County, conditioned to prosecute such Appeal, and to abide the Order of the Court thereon.

Court may make such Order as

LXXXII. At the Quarter Session for which such Notice shall be given the Court shall proceed to hear and determine the Appeal, or they

they think reasonable.

they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Persons giving false Evidence guilty of Perjury.

LXXXIII. Every Person who upon any Examination upon Oath under the Provisions of this Act shall give false Evidence shall be liable to the Penalties for wilful and corrupt Perjury.

Rights of the Commissioners of Sewers not to be revived.

LXXXIV. Provided always, That nothing in this Act contained shall extend or be construed to extend to revive or restore the Jurisdictions, Powers, Rights, or Privileges of the Commissioners of Sewers, or any of them, repealed by the said recited and hereby repealed Acts, some or One of them.

SCHEDULE referred to by the foregoing Act.

County of Nottingham
(to wit).

BE it remembered, That on the Day of
in the Year of our Lord One thousand eight hundred and
A. B. is convicted before us, Two of Her Majesty's Justices of the Peace for the County of Nottingham [*here describe the Offence, and the Time when committed*] contrary to "The Everton, &c. Drainage Act, 1860," in the penal Sum of £ and in the Sum of £ for Costs.

Given under our Hands and Seals, the Day and Year above written.

C.
D.

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