ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. xc.

An Act for the more effectual Drainage of certain Lands called *Billinghay Fen*, *Billinghay Dales*, and *Walcot Fen*, *Walcot Dales*, and *North Kyme East Fen* and *Ings*, in the Parishes or Places of *Billinghay*, *Walcot*, *Dogdike*, *Hart's Grounds*, *Coningsby*, *Swineshead*, *North Kyme*, and *South Kyme*, in the County of *Lincoln*.

[19th *June* 1840.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for dividing and inclosing the Open* 17 G. 3. c.70 *Common Fields, Meadows, Dales, and Common Fen within the Parish of* Billinghay *in the County of* Lincoln; *and for draining and preserving the said Dales and Common Fen, and also certain inclosed Low Lands thereto adjoining in the said Parish:* And whereas under the Authority of the said Act certain Lands called *Billinghay Fen*, *Billinghay Dales*, and *Walcot Fen*, in the Parishes, Townships, Hamlets, or Places of *Billinghay*, *Dogdike*, *Hart's Grounds*, *Coningsby*, and *Swineshead*, or some or one of them, in the said County of *Lincoln*, were divided and inclosed, and certain Works were executed for the Drainage of the same, and on the Com-

pletion of the said Works by the Commissioners acting under the said Act, and on their making their Award pursuant thereto, the Care, Maintenance, and Support of such Works were confided to Trustees chosen by the Proprietors of Lands in *Billinghay Fen*, *Billinghay Dales*, and *Walcot Fen*, under the Authority of the Provisions in the said Act contained: And whereas an Act was passed in the Thirty-seventh Year of the Reign of His said late
37 G. 3. c. 67. Majesty King *George* the Third, intituled *An Act to embank and drain the open and unembanked Lands and Grounds lying between the* Dale's Head Dyke *and the River* Witham, *in the several Townships or Hamlets and Parishes of* Walcot, Timberland Thorpe, Timberland Martin, Linwood, *and* Blankney, *all in the County of* Lincoln: And whereas under the Authority of the said secondly-recited Act certain other Lands called the Dales, in *Walcot*, *Timberland Thorpe*, *Timberland Martin*, *Linwood*, and *Blankney*, were embanked, and certain Works were executed for the Drainage of the said Lands called the Dales; and on the Completion of the said Works by the Commissioner acting under the said last-mentioned Act, and on his making his Award pursuant thereto, the Care, Maintenance, and Support of such Works were confided to certain other Trustees chosen by the Proprietors of Lands in the said Dales, under the Provisions in the said last-mentioned Act contained: And whereas an Act was passed in the Twenty-eighth Year of His said late Majesty
28 G. 3. c. 14. King *George* the Third, intituled *An Act for more effectually draining and preserving certain Fen Lands and Low Grounds in the Manor or Township of* North Kyme *in the County of* Lincoln: And whereas another Act was passed in the Forty-first Year of the Reign
41 G. 3. c. 35. of His said late Majesty King *George* the Third, intituled *An Act to alter, amend, and render more effectual an Act passed in the Twenty-eighth Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for more effectually draining* '*and preserving certain Fen Lands and Low Grounds in the Manor* '*or Township of* North Kyme *in the County of* Lincoln:' And whereas, under the Authority of the said Acts of the Twenty-eighth and Forty-first Years of King *George* the Third, certain Works were executed for the Drainage of the said Fen Lands and Low Grounds in the Manor or Township of *North Kyme*, now commonly known or distinguished as *North Kyme East Fen* and the *Ings*, the Care, Management, and Support of which last-mentioned Works were confided to certain other Trustees chosen by the Proprietors of the said Fen Lands and Low Grounds in *North Kyme*, under the Provisions in the said Act of the Twenty-eighth Year of the Reign of King *George* the Third, contained: And whereas it would be beneficial to the Owners of the Lands lying and being in *Billinghay Fen*, *Billinghay Dales*, and *Walcot Fen*, *Walcot Dales*, and the Manor or Township of *North Kyme*, within the said Parishes, Hamlets, Townships, Manors, or Places of *Billinghay*, *Walcot*, *Dogdike*, *Hart's Grounds*, *Coningsby*, *Swineshead*, *North Kyme*, and *South Kyme*, or some of them, in the said County of *Lincoln*, if such Lands heretofore forming Three distinct Districts or Drainage Trusts were formed into Two Districts, to be respectively called the North District and the South District of the *Billinghay*, *Walcot*, and *North Kyme* Drainage; that is to say, the North District to comprise all

the said Lands and Grounds in *Billinghay Fen*, *Walcot Fen*, and *Walcot Dales*, lying on the North Side of a certain Cut or navigable Drain called *Billinghay Skirth*, including the North Bank of the said Cut or Drain; and the South District to comprise all the said Lands and Grounds in *Billinghay Dales* and *North Kyme*, lying on the South Side of the said Cut or Drain called *Billinghay Skirth*, including the South Bank of the said Cut or Drain; and if the Care, Management, and Support of the Works of Drainage in the said North District were vested in one Body of Trustees, and the Care, Management, and Support of the Works of Drainage in the said South District were vested in another Body of Trustees; and if the said respective Trustees were invested with more extensive Powers than are contained in the several herein-before mentioned Acts; but 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, That immediately on the Appointment of Trustees under the Powers for that Purpose in this Act contained, but not until such Appointment shall have taken place, the said recited Acts respectively passed in the Seventeenth, Twenty-eighth, and Forty-first Years of the Reign of His late Majesty King *George* the Third, shall be and the same are wholly repealed; and at the same Time the said recited Act passed in the Thirty-seventh Year of the Reign of His said late Majesty so far as relates to the said Low Lands called the Dales in *Walcot* aforesaid, but no further or otherwise, shall be and is hereby also repealed.

On Appointment of Trustees under this Act, the recited Acts of 17, 28, & 41 G. 3., and the recited Act of 37 G. 3. so far as that Act relates to the Dales in Walcot, shall be repealed.

II. And be it further enacted, That wherever in this Act any Word is used or employed importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall include and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and the Words "North District" shall be understood to mean and to refer to all the Lands and Grounds in *Billinghay Fen*, *Walcot Fen*, and *Walcot Dales*, in the said County of *Lincoln*, lying on the North Side of the Cut or navigable Drain called *Billinghay Skirth*, including the North Bank of the same Cut or Drain; and the Words "South District" shall be understood to mean and to refer to all the said Lands and Grounds in *Billinghay Dales* in the same County, and all the Lands and Grounds in *North Kyme* in the same County, to which the said Act of the Twenty-eighth Year of King *George* the Third applies, lying on the South Side of the said Cut or Drain called *Billinghay Skirth*, including the South Bank of the same Cut or Drain; and the Words "Portion of a District" or "Portion of Lands" shall be understood to mean, as respects the said North District, the Lands and Grounds

Interpretation of certain Words in this Act.

Grounds in *Billinghay Fen* and *Walcot Fen*, as distinguished from the Lands and Grounds in *Walcot Dales*, and as respects the said South District, the Lands and Grounds in *Billinghay Dales* as distinguished from the said Lands and Grounds in *North Kyme* aforesaid; unless in any of the Cases aforesaid it is otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Rates, &c. made by virtue of the recited Acts to be recoverable.

III. And be it further enacted, That all Rates, Taxes, and Assessments made or directed to be assessed, collected, and levied by and under the Authority of the said recited Acts or any or either of them, and which shall be uncollected or in arrear at the Time of the passing of this Act, and all Fines and Penalties, Costs, Charges, and Expences which have been or shall be incurred under the said recited Acts or any or either of them, and which shall remain unpaid or unrecovered at the Time of the passing of this Act, shall and may be collected and recovered by the respective Trustees to be appointed under this Act for the District in which the Lands in respect of which such Rates, Taxes, or Assessments shall be payable are situate, in the same Manner and by the same Ways and Means as if such Rates, Taxes, and Assessments had been made, or had become due and payable, under the Provisions of this Act.

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

IV. And be it further enacted, That all Bonds, Conveyances, Covenants, Contracts, Leases, Mortgages, Assignments, Deeds, Instruments, and Securities made to or by or entered into by any Person to or with the Trustees for executing the said recited Acts, or any or either of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same be fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said recited Acts, or any or either of them, with or to any Person for any Purpose relating to the said Drainage, or to the Execution of such Acts, shall remain in full Force and Effect, and be observed and kept by the respective Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

Books under former Acts to be Evidence.

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

Old Officers to continue until removed.

VI. And be it further enacted, That each Clerk, Agent, Collector, and other Officer appointed under or by virtue or acting under the Authority of the said recited Acts, or any or either of them, except the Treasurer, shall hold and enjoy such his Office and Employment, together with the Salary or Emolument thereunto annexed, as if he had been appointed under the Powers of this Act, unless and until he shall resign or shall be removed therefrom, in pursuance of the Powers

Powers hereby granted; and each such Clerk, Agent, Collector, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Trustees to use Surveys already made.

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

Appointment of Trustees.

VIII. And in order that the several Banks, Drains, Engines, and other Works necessary for draining and preserving the said North District and South District may be maintained, supported, and kept in repair, be it further enacted, That as respects the Trustees to be first appointed for putting this Act in execution, it shall be lawful for any Two or more of the Trustees under the said recited Acts or any of them, and they are hereby required, within Three Weeks next after the passing of this Act, and as respects any future or subsequent Appointment of Trustees for the Execution of this Act, it shall be lawful for the respective Lords of the Manors of *Billinghay*, *Walcot*, and *North Kyme*, in the said County of *Lincoln*, or the Vicar for the Time being of the Parish Church of *Billinghay* in the same County, or any Proprietor or Proprietors of Lands in the said Districts respectively, or either of them, at any Time after the End of every Three succeeding Years, from the Time of every Election of Trustees as herein-after mentioned, to cause public Notice to be affixed on the principal outer Door of the Parish Church of *Billinghay* aforesaid before Divine Service, that the Proprietors or Owners of the said Lands and Grounds comprised in the said respective Districts, or their Deputies, to be appointed by Writing under the respective Hands of such Proprietors, do meet at some convenient Place in the said Parish of *Billinghay* or Township of *North Kyme* on *Thursday* Three Weeks next after the Day on which such Notice shall be given, between the Hours of Ten of the Clock in the Forenoon and Twelve of the Clock at Noon, then and there to make choice of Three proper Persons to be Trustees for the Execution of this Act as regards the said North District, and of Three proper Persons to be Trustees for the Execution of this Act as regards the said South District; and it shall be lawful for every Proprietor or Owner of Fifty Acres or more of Land or Ground within each of the said Districts, or his Deputy appointed as aforesaid present at such Meeting, to vote for every Trustee; and every such Proprietor or Owner of more than Fifty Acres of such Lands shall have One Vote in respect of each and every Fifty Acres of the said Lands, but no Proprietor shall have more than Six Votes in the whole; and if at such Meeting any Number of Proprietors or Owners of Lands within the said Districts respectively, amounting in the whole to Fifty Acres at least of such Lands, or their Deputies appointed as aforesaid, shall, by Writing under their Hands, nominate

any Person to vote for them at such Election, such Person so nominated shall be and is hereby authorized and empowered to give One Vote on behalf of such Proprietors or Owners in the Choice of every Trustee so to be elected, and such Trustees as shall be from Time to Time so chosen by a Majority of such Votes as aforesaid (the same being certified by Writing under the Hands of the Persons so choosing them in the respective Minute Books herein-after mentioned) shall be and they are hereby appointed Trustees respectively for the Execution of this Act; and the said respective Trustees shall continue to act in the Execution of this Act until the Election of others in their Stead as herein mentioned, and no longer; and when and so often as any of such respective Trustees shall die, or shall refuse or become incapable to act, or shall resign their respective Trusts (which such Trustees respectively are hereby empowered to do by Writing under their respective Hands), it shall be lawful for the Two remaining Trustees of the same Trust, if that Number shall continue, by Writing under their respective Hands, but if there shall be only One remaining Trustee of such Trust, or if Two, and such Two Trustees shall not agree in the Nomination of a Trustee, then for the said Lords, Vicar, Proprietors, or Owners as aforesaid, in such Manner as is herein-before provided with respect to the periodical Appointment of Three Trustees, upon such Notice being given as aforesaid (and which Notice such remaining Trustees and Trustee are and is hereby required to cause to be given), to appoint or elect, as the Case may be, a Trustee or Trustees in the Place and Stead of the Trustee or Trustees so dying, refusing, or becoming incapable to act, or resigning the Trust; and an Entry of every such Nomination, Appointment, or Election of new Trustees shall be made in such Book as aforesaid; and the new Trustees shall have and be invested with all the Powers and Authorities of the Trustees in whose Place they shall be appointed or chosen: Provided always, that no Person shall be entitled to vote in the Election of a Trustee who shall not have paid his Proportion of any Rate that shall have been made by the respective Trustees for the Time being acting under the Authority of this Act, the same having become due, and the Payment thereof having been demanded by the Collector, Receiver, or other Person appointed by the said Trustees to receive the same: Provided also, that no Person shall be eligible or shall continue to act as a Trustee under this Act during such Time as he shall hold any Place of Profit, or be concerned directly or indirectly in any Contract entered into with the Trustees under this Act: Provided also, that if, from the Refusal, Neglect, or Inability of Trustees to cause Notices to be given for any of the Purposes aforesaid, or from any other Cause whatsoever, such Notices shall not be given at the Time at which the same are hereby required to be given, it shall be lawful for the Lords of the respective Manors of *Billinghay*, *Walcot*, and *North Kyme*, or the Vicar for the Time being of the Parish Church of *Billinghay*, or any or either of them, to cause such Notices to be given, and the same, and all Acts done in pursuance thereof, shall be as valid and effectual as if such Notices had been given by the Trustees who by this Act are required to give the same: Provided also, that nothing herein contained shall prevent the same Persons, or any of them, from being Trustees for both the said Districts.

Disqualification of Trustees.

Remedy in case of Failure of Notices for any of the Purposes of Appointment.

IX. And

Meetings of Trustees.

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

Acts of Two Trustees valid.

Proceedings to be entered in Books.

X. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be fairly entered in Books to be provided for that Purpose, and the Book to be provided for the North District shall be called "The *Billinghay* North District Drainage Minute Book," and the Book to be provided for the South District shall be called "The *Billinghay* South District Drainage Minute Book;" and the said Books shall be signed by One at least of the Trustees of each respective District, and all such Entries shall be read and received in Evidence in all Courts whatsoever; and the said Books shall be kept by the respective Trustees or their respective Clerk for the Time being, and all Persons interested in the said Lands and Grounds shall have Access thereto at all seasonable Times, and shall be at liberty to take any Extracts from the same.

Power to appoint Officers.

XI. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts from Time to Time to appoint such Treasurers, Clerks, Receivers, Dike-reeves, Collectors, Surveyors, and other Officers as to them the said respective Trustees shall appear necessary and proper to assist them in the Execution of this Act, and to allow such Officers and every of them reasonable Salaries or other Compensation for their Trouble, and, from Time to Time as they shall see Occasion, to remove any such Treasurer, Clerk, Receiver, Dike-reeve, Collector, Surveyor, or other Officer, and to appoint another in his Place, and to require and take from every or any such Treasurer, Clerk, Receiver, Dike-reeve, Collector, Surveyor, or other Officer, before he shall act in the Execution of his Office, such Security for the due Execution of the same as the said Trustees respectively shall think proper; and an Entry in the Minute Book ot the said respective Trustees of every such Appointment and Removal

Removal as aforesaid, and signed by Two at least of such Trustees, shall be Evidence of such Appointment and Removal.

Clerk and Treasurer not to be the same Person.

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

Trustees may sue and be sued in the Name of any Trustee, or of their Clerk.

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

Officers to account.

XIV. And be it further enacted, That every Officer and Person who shall be employed by virtue of this Act shall from Time to Time, when thereunto required by the Trustees acting for their respective Districts, by Writing under their Hands, make out and deliver to the said Trustees respectively, or to such Person as they shall for

that

that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and how, and to whom, and for what Purpose the same and every Part thereof have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to such Person as the said Trustees respectively shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or neglect to deliver up to the said respective Trustees or to such Person as they shall appoint, within Four Days after being thereunto required by the said respective Trustees, or by such other Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said respective Trustees, or by their Clerk or any Person on their Behalf, to any Justice of the Peace for the Division or Place wherein the said Officer or Person shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said respective Trustees might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person and unpaid, such Justice may and he is hereby empowered, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the reasonable Charges of such Distress and Sale; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies and Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized, by Warrant under his Hand and Seal, to commit such Officer or Person to any Common Prison for such Division or Place, there to remain, without Bail or Mainprize, until he shall have delivered up the Vouchers and Receipts relating thereto in his Possession or Power, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said respective Trustees (and which Composition the said respective Trustees are hereby empowered to make) for such Money

and Charges (in case the said respective Trustees shall think proper to enter into any Composition), and paid the Composition Money to the said respective Trustees, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said respective Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Accounts to be kept.

XV. And be it further enacted, That the said respective Trustees shall and they are hereby required from Time to Time to order and direct a Book to be provided and kept by their Clerk for the Time being, in which Book such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act; and such Book shall at all seasonable Times be open to the Inspection of the said respective Trustees, and every Creditor on the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized to be made, or otherwise affected thereby, without Fee or Reward; and the said respective Trustees, Creditors, and other Persons aforesaid, or any of them, shall and may take Copies of or Extracts from the said Book, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said respective Trustees, Creditors, or Persons aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, (such Trustees, Creditors, or other Persons desiring to inspect the said Book, or to take Copies thereof or Extracts therefrom, giving to the said Clerk Seven Days previous Notice in Writing of such their Desire or Intention,) such Clerks shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

Accounts to be audited, and a Statement of the Receipts and Expenditure made up.

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

or

or incurred under or by virtue of this Act, which Statement shall be submitted to the said respective Trustees, and when approved by the Majority of them shall be signed by them.

Power to make and maintain Works of Drainage.

XVII. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts, and they are hereby fully authorized and empowered, to make, erect, construct, and build One or more substantial Mill or Mills, Engine or Engines, with all proper Machinery, Houses, Erections, and other Works, and also to deepen, widen, and otherwise improve the present Drains within the said Districts respectively; and also to support, maintain, amend, repair, and enlarge the present Sluices, Bridges, Tunnels, Culverts, Cuts, Sewers, Drains, and Watercourses in, upon, and through the Lands within the said Districts respectively; and also to make all such new Sluices, Bridges, Tunnels, Culverts, Cuts, Sewers, Drains, Watercourses, and other Works within the said Districts respectively, as the said respective Trustees shall from Time to Time think necessary for effectually draining and preserving the Lands within the same Districts respectively; and all such Engines, Sluices, Tunnels, Cuts, Sewers, Drains, and Watercourses, and other Works of Drainage within the said Districts respectively, shall from Time to Time and at all Times be supported, maintained, and repaired, as Occasion may require, and be renewed by the said respective Trustees, out of the Funds and Monies to be from Time to Time raised by virtue of this Act, within and upon the said Districts respectively, in such Manner as the Trustees acting within and for the said Districts respectively shall think proper.

Power of Trustees over Works.

XVIII. And be it further enacted, That the said respective Trustees shall have full Power and Authority over all the said Works made and to be made within their respective Districts, and also over the Mills or Engines already set up for the draining of the said Lands, and over the Mills or Engines which shall be set up for that Purpose under the Authority of this Act, and to remove any such Mills or Engines, and dispose of the same, or the Materials thereof, and substitute other Mills or Engines of a different or more modern or improved Construction, and shall also have full Power over the Banks and the Forelands and Sides thereof, and over all the public Drains, Sluices, Tunnels, and other Works thereto belonging, or now used or to be used for the draining of the said respective Lands or any of them, and to alter, repair, take down, rebuild, strengthen, enlarge, widen, or deepen the same, and also to take down, fell, and remove all such Trees, Woods, and Bushes standing on the said Lands within the Distance of Two hundred Yards as shall at any Time be an Obstruction or Impediment to the working of the said Mills or Engines, already erected, or to be erected under the Authority of the said recited Acts or of this Act or any of them, or to the Drainage of the said Lands, and shall also have full Power and Authority to divide off or cut away, take, and use all such Lands and Hereditaments in such Districts respectively as they the said respective Trustees shall judge necessary to be cut, taken, or used for erecting or building any Mill or Engine, or for making, enlarging, widening, or deepening any of the said Banks, Cuts, Drains, Watercourses,

Dams,

Dams, Headings, or other Works under this Act, and particularly to cut through such of the Banks in the said Districts respectiveyl as may be found necessary to be cut in forming the said Districts for the Purposes of this Act, and from Time to Time to take Earth, Flag, or other Soil from the said Lands for making, supporting, or repairing the Banks or Works aforesaid, so that as little Damage as may be shall be thereby done, and such Satisfaction as is herein-after mentioned shall be made for the same.

No Houses, &c. to be taken without Consent.

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

Application of Monies to arise from the Sale of the present Mills or Engines.

XX. And be it further enacted, That the Monies which shall arise from the Sale of the respective Mills and Engines which at the Time of the passing of this Act shall be on any of the Lands and Grounds intended to be affected by this Act shall (after deducting the Expences of the Sale) be applied in aid of the Rates and Taxes chargeable under this Act on the Proprietors of the particular Portions of the respective Districts for the draining of which such Mills or Engines respectively shall have been used or erected.

Works to be vested in the Trustees.

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

XXII. And

For providing Bridges where necessary.

XXII. And be it further enacted, That the said respective Trustees shall and they are hereby authorized and directed to construct and erect Bridges in all Places where the same shall be necessary, within their respective Districts, where all or any of the Drains to be cut and thrown out under and by virtue of this Act shall cross any Road or public Highway, and the said Bridges to support and keep, as public Bridges, for the Passage of Horses, Beasts, Cattle, and Carriages of all Sorts; and where any Bridge shall be erected for carrying any Turnpike Road over any such Cut, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Twenty-five Feet; and where any public Carriage Road, not being a Turnpike Road, shall be carried over any such Cut, such Space shall not be less than Fifteen Feet; and the Ascent of every such Bridge for the Purpose of such Turnpike Road shall not be more than One Foot in Thirty Feet, and with respect to any public Carriage Road, not being a Turnpike Road, not more than One Foot in Twenty Feet, and with respect to any Occupation Road or private Carriage Road, not more than One Foot in Fifteen Feet; and a good and sufficient Fence shall be made, and at all Times thereafter continued and repaired, by and at the Expence of the said Trustees, on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of the Road over such Bridge: Provided nevertheless, that the Regulations hereinbefore contained respecting the Ascent or Descent of Roads over any such Cuts shall not apply where the Level of such Roads shall not be altered by the making of such Cut.

Trustees to cause the public Drains to be roded.

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

Dikes to be kept open.

XXIV. And be it further enacted, That the several Owners and Occupiers of the said Lands and Grounds shall at all Times well and sufficiently rode, cleanse, deepen, widen, and repair the several Droveway Dikes, Out-ring or Partition Dikes, Division Dikes, and Tunnels in or adjoining and belonging to their said respective Lands and Grounds, and put down such new Tunnels under the Gateways leading to their respective Lands and Grounds, and elsewhere, as shall appear to the said respective Trustees to be necessary for the Purposes of the said Drainage, and shall at all Times keep and maintain the said Dikes and Tunnels, and every of them, of such sufficient Width and Dimensions as the said respective Trustees shall at any of their Meetings direct or appoint, such Drains not exceeding Ten Feet wide at the Top and Four Feet wide at the Bottom, and of a sufficient Depth from the level Soil; and in case any such Owner or Occupier shall at any Time refuse or neglect so to rode, cleanse, deepen, widen, or repair any of the said Dikes adjoining or belonging to his said Lands and Grounds, or to keep and maintain the same of such Width and

Depth as aforesaid; or to put down and maintain and keep in repair such Tunnels as aforesaid, for the Space of Twenty-one Days next after Notice in Writing under the Hands of the Trustees for the District in which such Lands and Grounds shall be situate, or of their Clerk, Collector, or other Officer, given to such Owner or Occupier, or delivered to some Inmate at his usual Place of Abode, for that Purpose, every such Owner or Occupier shall for every such Neglect forfeit and pay the Sum of One Shilling for every Rod of the Dike so neglected to be roded, cleansed, deepened, widened, or repaired as aforesaid, and any Sum not exceeding Ten Pounds for every Tunnel neglected to be put down or kept in repair as aforesaid; and it shall be lawful for the said respective Trustees, or their Collector or other Officer, from Time to Time, after such Neglect as aforesaid, to cause such Dikes to be well and sufficiently roded, cleansed, deepened, widened, and repaired, and such Tunnels to be made or repaired, as the Case may be, at the Charge and Expence of such respective Owners or Occupiers, and by Warrant or Precept under the Hands of the said respective Trustees, and which Warrant or Precept the said respective Trustees are hereby authorized and empowered from Time to Time to sign and give, to levy such Forfeitures, Charges, and Expences upon such respective Owners or Occupiers, by Distress and Sale of their respective Goods, Chattels, or Effects, rendering the Overplus of the Monies which shall be thereby levied (if any there shall be) to such Owners or Occupiers respectively.

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

XXV. And be it further enacted, That the said Trustees within their respective Districts, at their said General Meeting in every Year, or any Adjournment thereof, shall and may and they are hereby authorized and required to appoint One or more Officer or Officers for the Purpose of opening or shutting down all the Tunnels and Sluices next the Rivers or Outfalls already set down or to be set down and made use of in the Execution of this Act; and no such Tunnels or Sluices shall at any Time be opened or shut down but by the said Officer or Officers, or by his or their Direction; and it shall be lawful for the said respective Trustees at their said General Meetings, or any Adjournment thereof, to make such Orders touching the opening or shutting down of the said Tunnels and Sluices as they shall think proper; and the said Officers and all other Persons who shall open or shut down the said Tunnels and Sluices, or any of them, contrary to such Orders of the said respective Trustees, being thereof convicted before any Two or more Justices of the Peace for the Parts of *Kesteven* in the said County of *Lincoln* (who are hereby authorized and required to hear and determine the same on the Oath of One or more Witness or Witnesses, or on the Confession of the Party so offending), shall for every such Offence forfeit and pay such a Sum of Money not exceeding the Sum of Twenty Pounds, as the said Justices shall order and direct, to the said respective Trustees, which shall be applied for the same Purposes for which the Rates, Taxes, and Assessments are hereby directed to be applied.

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

top-doors.

XXVI. And be it further enacted, That it shall be lawful for the Majority of the Proprietors of Lands within the said Districts respectively qualified to vote in the Appointment of new Trustees, and who

by themselves or their Deputies shall be present at any Meeting which shall be summoned by the Trustees of the said Districts respectively, and of which at least Twenty-one Days previous Notice shall have been inserted in some Newspaper published in the said County of *Lincoln*, and shall have been affixed to the said principal outer Door of the Parish Church of *Billinghay* aforesaid, to cause Stop-doors to be put down in any of the Main or Outfall or other Drains or Ditches within such Districts respectively, for the Purpose of affording a Supply of Water for Cattle in a dry Season.

Penalty on Persons permitting Swine to stray, or depasturing Cattle on the Banks, or making any Watering Place in the public Drains.

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

Penalty on Persons wilfully or maliciously destroying Works.

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

guilty of Felony, and shall be punished as the Law directs in Cases of Simple Larceny.

Penalty on Persons wilfully destroying Works.

XXIX. And be it further enacted, That if any Person shall at any Time hereafter wilfully destroy, stop, dam up, spoil, damage, or injure any Drain, Watercourse, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work made or to be made or set up and used for the Purposes of this Act, every such Person so offending and being thereof convicted before Two or more of Her Majesty's Justices of the Peace for the said Parts of *Kesteven*, who are hereby authorized and required to hear and determine the same on the Oath of One or more competent Witness or Witnesses, or on the Confession of the Party so offending, shall for every such Offence forfeit and pay such Sum of Money, not exceeding Ten Pounds, as the said Justices shall respectively order and adjudge.

Tunnels not to be laid downthrough Banks without the Consent of Trustees.

XXX. And be it further enacted, That from and after the passing of this Act no Person or Persons shall lay down Tunnels through any of the Banks within the said respective Districts without the Consent in Writing of the respective Trustees thereof, or of Two of such Trustees; and that it shall be lawful for the said respective Trustees to cause to be removed any Tunnels now existing, and which shall at any Time or Times hereafter be made in any Banks within their respective Districts.

Trees, Buildings, or Ditches not to be within certain Distances.

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

XXXII. And

Herbage of Banks may be let.

XXXII. And be it further enacted, That it shall be lawful for the said respective Trustees, and they are hereby authorized and empowered, to let the Herbage of the Banks within their respective Districts for the best Rents that can be reasonably had or gotten for the same, and to apply all such Rents as shall arise from the Banks in each distinct Portion or Part of the said respective Districts in aid of the annual Rates and Taxes to be charged on the Owners and Proprietors of such Portion or Part.

Reserving Rights of Bank Owners.

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

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

XXXIV. And be it further enacted, That the Trustees acting within and for their respective Districts under the Authority of this Act shall have full Power and Authority to enter into or upon any Parts of the said Lands within such Districts respectively, and to take and dig Earth or Soil therefrom, and to take the same for the Site of any Mill or Engine and Dwelling House required for the Purposes of this Act, and to take and cut through any Part or Parts of the same Lands, for the Purpose of widening and enlarging the present Drains, and of making new Drains, and to do such other Acts as may be necessary to carry into effect the Purposes of this Act, making satisfaction to the Parties injured thereby; and for that Purpose the said respective Trustees are hereby empowered to agree with the Proprietors of and Persons interested in any Lands which they the said respective Trustees shall judge necessary to be dug, cut, taken, used, or entered upon for any of the Purposes of this Act, for the Purchase of such Lands, or for the Recompence to be made to such Proprietors and Persons interested for the Damages they may sustain thereby, and also to settle and ascertain in what Proportion the Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Corporations, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons who are or shall be seised or interested in their own Rights, and for all other Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands, to contract for, sell, and convey unto the said respective Trustees, or to such Persons as they shall appoint, any Lands for the Purposes aforesaid, or to agree with the said respective Trustees for any Recompence or Compensation to be made for the Damages which may be done to any such Lands by the

Means aforesaid; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Corporations and all Persons whosoever are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act.

Lands bought of any Corporation or Person under Disability to be first valued by Two Surveyors or their Umpire.

XXXV. Provided always, and be it further enacted, That the Consideration Money agreed to be paid for any Lands to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity as aforesaid, or not having Power to sell except under the Provisions herein-before contained, shall in no Case be less than such Sum as the same shall be valued at by any Two able practical Surveyors, One of whom shall be nominated by the said Trustees, and the other by the Person or Corporation contracting or agreeing to sell the same; and if such Two Surveyors shall not agree in the Valuation thereof, or if such Person or Corporation shall be absent from the United Kingdom, or cannot be found, then by such Surveyor as any Two Justices for the Parts of *Kesteven* and *Holland* shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not the Surveyor so to be nominated by the Justices as aforesaid, shall annex to his or their Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof, in the Form prescribed by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affirmations;' and to make other Provisions for the Abolition of unnecessary Oaths.*

5 & 6 W. 4. c. 62.

Damages how to be settled and provided for.

XXXVI. And be it further enacted, That if any Person shall sustain any Damage in his Lands, or the Banks, Dams, Sluices, or other Works, which have been or may be erected for the Protection and Drainage of the said Lands and Grounds within the respective Districts aforesaid, shall sustain Injury by reason of the Execution of any of the Powers by this Act given, and the said Trustees within their respective Districts shall not agree with the Party concerned about the same, and the Compensation, Recompence, and Satisfaction to be made and paid in respect thereof, or for the absolute Purchase of any Lands, then and in any of such Cases the said respective Trustees shall and they are hereby empowered and required to sign a Requisition or Warrant in Writing, under their Hands, to the High Sheriff of the said County of *Lincoln*, or in case the said Sheriff or his Deputy shall be interested in the Matter, then to One of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person living in the said County who shall have filled the Office of Sheriff or Coroner in the said County, and be free from such personal Disability, and not interested as aforesaid (a Person having more recently served either Office being always preferred), commanding such Sheriff, Coroner, or other Person to impannel, summon, and return, and he is hereby required

required to impannel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, at some General or Quarter Sessions of the Peace to be holden for the said Parts, or some Adjournment thereof, as in such Requisition or Warrant shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Coroner, or other Person is hereby empowered and required, on the Request of either Party, to summon and call before the said Justices all Persons who may be thought necessary to be examined as Witnesses touching the Matter in question, and may order and authorize the said Jury, or any Six or more of them, to view the Places or Matters in controversy; and such Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid by way of Recompence either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damage which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, repaired, or remedied by the said respective Trustees, and which cannot or will not be further obviated, repaired, or remedied by them; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall, as to the Amount of the Purchase Money, and as to the Compensation for any such Damage, be binding and conclusive against all Corporations and Persons whomsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the respective Trustees to the principal Officers of any such Corporation, or to any such Person respectively, or left at the last or usual Place or Places of his or their Abode: Provided also, that in all such Cases the Party claiming such Satisfaction or Compensation shall be the Plaintiff, and shall be entitled to all such Advantages and Privileges as Plaintiffs are in Actions tried in any of Her Majesty's Courts of Record at *Westminster* by Law entitled.

Verdicts to be recorded by the Clerk of the Peace.

XXXVII. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the Parts of *Kesteven* in the County of *Lincoln* amongst the Records of the Quarter Sessions for the said Parts, and shall be deemed Records, to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts

Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying to such Clerk of the Peace for such Inspection the Sum of One Shilling, and shall be entitled to be furnished with Copies thereof, paying to the said Clerk of the Peace for every such Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriff or his Substitute, or Jurors or Witnesses, making default.

XXXVIII. And be it further enacted, That if any such Sheriff or his Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, (such Excuse to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Ten Pounds; all which Penalties and Forfeitures shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County or Place in which the said Lands shall be situate, or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty and the Charges and Expences of such Distress shall have been deducted.

Jurors to be under the same Regulations as those of the Superior Courts.

XXXIX. And be it further enacted, That every such Jury and Juryman as aforesaid shall, in addition to the Penalties hereby inflicted, also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oaths, or being Quakers upon their solemn Affirmations, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the Pains and Penalties to which Persons guilty of wilful Perjury shall or may by Law be subject or liable.

Expences of Jury and Witnesses how to be paid.

XL. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said respective Trustees, for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any

Damage or Loss which may happen or arise in or be occasioned by the Execution of any of the Powers of this Act, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, and of the Employment of Counsel, and of taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, shall be borne by the said respective Trustees; and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said respective Trustees (unless the Treasurer of the said respective Trustees shall pay such Costs, Charges, and Expences out of any Monies received by him by virtue of the said recited Acts or of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by or on the Behalf of the said respective Trustees, One Moiety of the said Costs, Charges, and Expences, to be settled and determined as aforesaid, shall be defrayed by the Party with whom the said respective Trustees shall have such Controversy or Dispute, and the remaining Moiety shall be defrayed by the said respective Trustees, and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such Party as aforesaid, as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a good Payment or Tender and Satisfaction of the whole thereof.

Demand of Compensation for Loss or Injury to be made before any Proceedings taken.

XLI. And be it further enacted, That the said respective Trustees shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, without the Consent of the said respective Trustees, to receive or take notice of any Complaint to be made by any Party for any Loss, Injury, or Damage by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless (after Application by the respective Trustees setting forth this Provision), Notice in Writing by the Clerk or Treasurer or other proper Officer of the Corporation, or by the Person making such Complaint, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Corporation or Person to the said respective Trustees within Two Calendar Months next after such Application from the said Trustees shall have been made.

Damages under 20*l.* may be settled by Justices.

XLII. And be it further enacted, That in case any Difference shall arise between the said respective Trustees and any of the Owners or Occupiers of the Lands to be taken or used for the Purposes of this Act as to the Amount or Value of the Damages done by the said respective Trustees, their Deputies, Engineers, Contractors, Servants, Agents, or Workmen, to such Lands, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some One or more Justice or Justices of the Peace for the County, Parts, Division, Liberty, or Place in which such Lands shall lie, who, upon Application made to him or them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said respective Trustees.

Payment of Compensation to Mortgagees.

XLIII. And be it further enacted, That in case any Lands which shall be purchased, taken, used, or damaged by the said respective Trustees under the Authority of this Act shall happen to be in Mortgage to any Person, it shall be lawful for the said respective Trustees and they are hereby required, upon Application in Writing being made to them by the Mortgagee thereof, or his Executors, Administrators, or Assigns, for that Purpose, to pay to him or them, to the Extent of the Money due on such Mortgage, such Sum of Money as shall have been agreed or awarded to be paid by the said respective Trustees for or in respect of such Lands as aforesaid, in full or in part, as the Case may be, of the Principal Money that shall be then due upon the Mortgage thereof; and upon Payment of such Sum of Money to such Mortgagee, or his Executors, Administrators, or Assigns, he or they shall acknowledge the Receipt thereof in satisfaction of the Whole or Part, as the Case may be, of the Principal Money due upon such Mortgage, by an Endorsement to that Effect to be made on such Mortgage, to be signed by him or them in the Presence of One or more credible Witness or Witnesses.

Application of Compensation Money when amounting to or exceeding 200*l.*

XLIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for the North or South District, as the Case may be, for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court,*

1 G. 4. c. 35.

Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax charged upon, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, or any other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or applied, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, in a summary Way, by Order of the said Court, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or in Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased, conveyed, and settled.

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

XLV. And be it further enacted, That if any Money so agreed or awarded to be paid, as last herein-before is mentioned, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands in respect whereof such Money shall be so awarded or agreed to be paid, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may require), be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two or more Trustees, to be nominated by the Persons who for the Time being would be entitled to the Rents and Profits of the Lands so to be purchased and settled, such Nomination to be approved of by the said respective Trustees, and such Nomination and Approbation to be signified in Writing

Writing under the Hands or Common Seal of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, without being required to obtain any Order of the Court of Exchequer touching the Application thereof.

When less than 20*l.*

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

In case of not making out Titles, or Persons entitled not being found.

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

In case of questionable Title of Persons in Possession.

XLVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands to be purchased in

pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities, the Person who shall have been in Possession of such Lands at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Lands, or to some Estate or Interest therein.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by the Trustees.

XLIX. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, or from any other Cause, except the wilful Refusal of such Person or Corporation to convey the said Lands and Hereditaments, or to accept the Purchase or Compensation Money herein-after mentioned, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid to be paid by the said respective Trustees; and the said respective Trustees shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Expences of Titles to be paid by the Trustees.

L. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said respective Trustees for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said respective Trustees may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said respective Trustees may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such

Title, shall be exclusively borne and paid by the said respective Trustees; and the said respective Trustees, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or, in case there shall be any Dispute about the same, shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said respective Trustees shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said respective Trustees, deliver a Bill of their said Costs, Charges, and Expences to the said Trustees respectively: Provided also, that in case the said respective Trustees shall not require the making out or furnishing such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Lands purchased or taken, such Seller shall be bound, at the Expence of the said respective Trustees, to produce or cause the Production of the Title Deeds relating to the said Lands, when required by the said respective Trustees so to do, without furnishing any Abstract of his Title.

How such Expences are to be ascertained.

LI. And be it further enacted, That if the said respective Trustees and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer, and it shall be lawful for the said Court, on Petition to be presented by the said respective Trustees, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner, and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same, and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said respective Trustees to the Party from whom such Lands shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said respective Trustees shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and such Trustees shall have deposited the Sums claimed in respect of the same in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The Trustees of the *Billinghay* North District Drainage," or "The Trustees of the *Billinghay* South District Drainage," as the Case may be, pursuant to the Method prescribed by the herein-before-mentioned Act, passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sum shall be applied, under the Order of the said Court, in

Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said respective Trustees, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said respective Trustees out of the said Sum so deposited by them as aforesaid.

Power to enter Lands on Payment or Tender of Purchase Money.

LII. And be it further enacted, That upon Payment or legal Tender of such Money as shall have been agreed upon between the Parties, or awarded in manner aforesaid, for the Purchase of any Lands, or of any Estate or Interest in any Lands, to the respective Proprietors of such Lands, or other Persons entitled, according to the Provisions of this Act, to receive such Money, together with any Money which may be awarded as a Compensation for any Injury or Damage by means of Severance or otherwise to the Lands of such Person, within Three Calendar Months next after the same shall have been so agreed upon or awarded, or whenever any of the respective Cases shall happen wherein such Money is herein-before authorized or directed to be paid in the Bank of *England*, then, upon Payment into the Bank of *England*, in manner in such Case herein-before authorized or directed, it shall be lawful for the said respective Trustees immediately to enter upon such Lands, and thereupon all the Estate, Use, Trust, and Interest of all Parties therein whose Interests shall have been compensated for by such Payment shall thenceforth be vested in and become the sole Property of the said respective Trustees, to and for the Purposes of this Act, and the said respective Trustees shall not be bound to see to the Application of any such Purchase Money, Compensation, or Satisfaction; and such Payment or Tender and Conveyance, as herein-before mentioned, or such Deposit in the Bank of *England* as aforesaid, shall not only bar all Right, Title, Interest, Claim, and Demand of every such Party, but shall also bar all such Dower, and all such Estates Tail, and such other Estates, in Reversion and Remainder, and all such Rights, Title, Limitations, and Trusts whatsoever of and in the said Lands, as shall have been compensated for as herein-before is mentioned; provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid shall have been made, it shall not be lawful for the said respective Trustees, or for any Person acting under their Authority, to dig or cut into or enter upon such Lands for any of the Purposes of this Act, save for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Trustees may sell Lands not wanted for the Purposes of this Act.

LIII. And whereas by means of the Purchases which the said respective Trustees are empowered to make by virtue of this Act they may happen to be seised of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said respective Trustees, and they are hereby required, within Ten

Ten Years after the same respectively shall have been purchased, to sell any such Lands, or any Estate or Interest purchased by the said respective Trustees in such Lands, or in any Part thereof, either together or in Parcels, by public Action or private Contract, or partly by public Auction and partly by private Contract, and for such Price, as they shall deem most convenient and think fit, and by any Deed under their Hands and Seals to convey and assure the same to the Purchaser thereof, or as he may request; and all such Conveyances from the said respective Trustees shall be valid and effectual, any thing in this Act contained, or any Law, Statute, or Custom to the contrary notwithstanding: Provided always, that the said respective Trustees, before they shall dispose of any such Lands, shall first offer to sell the same to the Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, and who shall be in *England*, and conveniently to be found, and capable of entering into a Contract for the Purchase thereof, and all Persons and Corporations hereby capacitated to sell in like Manner shall be and are hereby capacitated to purchase of the said respective Trustees; and every such Person, in case he shall be desirous of purchasing the same Lands, shall signify such his Desire and Intention in that Behalf to the said respective Trustees in Writing, within Ten Days after such Offer of Sale shall have been made, by Notice in Writing, given to or left for him at his last known or usual Place of Abode, and in case such Persons shall decline or neglect to avail themselves of such Offer, or shall neglect so to signify their Desire and Intention to purchase such Lands for the Space of Ten Days after such Offer shall have been made, the Right of Pre-emption of every such Person so declining or neglecting in respect of such Lands included in such Offer shall cease, and a Declaration in the Form herein-before described, made before a Master or Master Extraordinary in the High Court of Chancery, or before a Justice of the Peace for the County, Division, or Place where such Lands may be situate, by some Person not interested in the said Lands, stating that at the Time such Lands shall have been sold the Person entitled to such Right of Pre-emption was not in *England*, or was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said respective Trustees, and was refused, or was not accepted or agreed to (as the Case may be) by the Person to whom the same was made, within the Space of Ten Days from the Time of making the same, shall, in all Courts and on all Occasions whatever, be conclusive Evidence and Proof of the Facts therein stated; and in case such Person shall be desirous of purchasing the same, and he and the said respective Trustees shall not agree with respect to the Price thereof, then the Price shall be ascertained by a Jury, in manner by this Act directed with respect to the disputed Value of Lands to be taken by the said respective Trustees, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said respective Trustees as aforesaid, *mutatis mutandis*, and the Money produced by the Sale which may be made by the said respective Trustees of any such Lands as aforesaid shall be applied to the Purposes of this Act.

LIV. And

If Land not sold within Time limited it shall revert to Owners of adjoining Lands.

LIV. And be it further enacted, That if the said respective Trustees shall not, within the Time herein-before limited, have sold such Parts of the Lands purchased by them as shall not be wanted for the Purposes of this Act, then and in such Case such last-mentioned Lands shall vest in the Owners for the Time being of the Land adjoining that which shall not have been sold, according to the Extent of their Lands respectively adjoining the same.

Taxes to be laid.

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

Taxes to be charged on the Lands from the 6th Day of April yearly.

LVI. And be it further enacted, That the respective Assessments, Rates, and Taxes by this Act authorized to be laid shall be considered as due and a Charge upon the said several Lands and Grounds respectively from the Sixth Day of *April* next preceding the Time of the laying thereof in each and every Year, and shall be payable and paid by the respective Owners or Occupiers of the said respective Lands and Grounds to the Collectors, Receivers, or other Persons, at such Times, at such Places, and in such Manner and Form, as the said respective Trustees shall, at any of their Meetings to be holden under this Act, or at any Adjournment thereof, direct or appoint; and such Assessments, Rates, and Taxes shall be raised and levied in manner directed by this Act, and the Quantities of the said several Lands and Grounds shall be ascertained and determined, and the said several Assessments, Rates, and Taxes shall at all Times be paid, collected, and received by and according to the Surveys herein-before directed to be made use of, and the Awards made in pursuance of the said recited Acts.

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

LVII. And be it further enacted, That all the Tenants and Occupiers of the said several Lands and Grounds who shall be assessed, rated, taxed, or charged by virtue of this Act, shall and they are hereby authorized and required to pay all such Rates and Taxes for the Lands and Grounds in their respective Occupations, and to deduct and retain out of their Rents all such Sums of Money as they shall so respectively pay as aforesaid; and the several and respective Landlords and Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments, upon Receipt of the Residue of their Rents; and every such Tenant or Occupier paying any such Rates or Taxes shall be acquitted and discharged of as much Money as

as such Rates or Taxes so paid by him respectively shall amount unto, as fully and effectually as if the same had been actually paid to his Landlord (except where there shall or may be any Lease or Agreement to the contrary, and except as to Taxes which may become due and payable for or in respect of any Lands that may be held under any special Agreement or beneficial Lease for a Term of Lives, or Years determinable on Lives, which Taxes shall be borne and paid by the Lessees respectively, and shall not be deducted from the reserved Rents); provided that nothing herein contained shall extend or be construed to extend to enable any Tenant or Occupier to deduct from his Rent any Penalty or Forfeiture incurred by Non-payment of the Rates and Taxes hereby imposed or authorized to be laid, and that no such Tenant or Occupier shall be chargeable for a greater Sum than the Rent actually then due from him shall amount to.

Penalty on neglecting to pay the Rates.

LVIII. And for enforcing the due and punctual Payment of the Rates and Taxes by this Act charged or authorized to be laid; be it further enacted, That if any Person subject or liable to the Payment of the said Rates or Taxes, or any Part thereof, shall omit or neglect to pay the same or any Part thereof to the Collector, Receiver, or other Person appointed by the said respective Trustees to receive and collect the same for the Space of Thirty Days next after the respective Days or Times appointed for Payment of the same by the said respective Trustees, Fourteen Days Notice in Writing of the respective Times of such Payments having been previously given by the Collector or Receiver or other Person appointed as aforesaid, to the Person liable to pay the same, by delivering such Notice to him, or leaving the same at his usual Place of Abode, then and in every such Case every Person so omitting or neglecting shall forfeit and pay to the said respective Trustees, by way of Penalty, for every such Omission, Neglect, or Nonpayment, the Sum of Two-pence for every One Shilling of the said Rates and Taxes which shall be so in arrear and unpaid, and so in proportion for any less Sum than One Shilling; and such Penalty shall be paid to the Collector or Receiver of such Rates and Taxes, or to such Person as the said respective Trustees shall appoint to receive the same, and in default of Payment thereof to such Collector or Receiver, or to such other Person as aforesaid, on Demand, every such Penalty shall and may be levied and recovered by such Ways and Means and in such and the same Manner as the Rates and Taxes hereby charged or authorized to be made or imposed, or any of them, may or can be levied or recovered; and all such Penalties, when received, shall be applied by the said respective Trustees in carrying this Act into execution.

Power of Distress in case of Non-payment.

LIX. And be it further enacted, That if any Person shall refuse or neglect to pay all or any Part of the Rates or Taxes which he is hereby made liable to pay and discharge for the Space of Two Calendar Months next after the Days or Times which shall be appointed for Payment of the same respectively, or shall refuse, omit, or neglect to pay all or any Part of the Penalty which shall become due by reason of Nonpayment thereof, then and in every such Case it shall be lawful for the Collector or Receiver of the said Rates and Taxes, or any

any other Person, by virtue of any Warrant or Precept under the Hands and Seals of the said respective Trustees (which Warrant or Precept the said respective Trustees are hereby authorized and required from Time to Time to grant and make, as Occasion shall require, whether assembled at a Meeting or not), to enter into and upon all or any Part of the Lands and Grounds hereby authorized to be taxed and charged as aforesaid, for which such Rates, Taxes, or Penalties shall be due and owing, and all Messuages and Tenements thereupon standing and thereto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and owing or payable for such Rates and Taxes, by such Person having refused, omitted, or neglected to pay the same, and also to levy the Money due and owing by such Person as last aforesaid by way of Penalty for the Nonpayment of such Rates and Taxes, or of any Part thereof, by Distress of the Goods, Chattels, and Effects which shall or may be found thereon, or of a sufficient Part thereof, and the Goods, Chattels, and Effects which shall be so distrained to impound and keep on the Premises, or to take, lead, drive, carry away, and keep for the Space of Five Days, at the Costs and Charges of the Person liable to pay the said Rates, Taxes, and Penalties, leaving at such Messuages or Tenements, Lands, Grounds, or Premises, or delivering to the Occupier or One of the Occupiers of the same, Notice in Writing of such Distress having been made, and of the Cause thereof, and of the Place where such Distress may be found or be taken, driven away to, impounded, and kept; and in case the Money for which any such Distress shall have been made, and all Costs, Charges, and Expences attending such Distress, shall not be paid and discharged to the Collector or Receiver of such Rates or Taxes, or to the Person making such Distress, within Five Days next after the making of such Distress, and Notice thereof given as aforesaid, then and in every such Case the Person so making such Distress shall and may, with the Constable of the Parish where such Distress shall have been made (who is hereby directed, upon being thereunto required, to assist therein), cause the Goods, Chattels, and Effects so distrained to be appraised by Two or more indifferent Persons, to be sworn by such Constable, (who is hereby required and empowered to administer the proper and necessary Oath or Oaths,) and such Two Persons are hereby required to appraise the same according to the best of their Judgments; and after such Appraisement it shall be lawful for such Collector or Receiver, or other Person making such Distress, to sell or cause to be sold the Goods, Chattels, and Effects so distrained for the best Price or Prices that can be reasonably had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be so made, and of the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of the Money arising from such Sale (if any), on Demand, to the Person entitled thereto.

Lands to remain liable if no Distress found.

LX. And be it further enacted, That when and so often as it shall happen that the Lands, for or in respect of which any such Rates or Taxes as aforesaid, or any Part thereof, or any Penalty for the Nonpayment of any such Rates or Taxes, shall be due and unpaid, shall be unoccupied, or that no sufficient Distress can be found thereon for levying the same Rates or Taxes and Penalties, then and in every such

such Case such Lands shall be and remain a Security for the Payment of all such Rates, Taxes, and Penalties respectively so due and unpaid, and all Goods, Chattels, and Effects which shall at any Time thereafter be found on such Lands shall and may be distrained, impounded, kept, appraised, and sold in manner aforesaid, until all the Rates and Taxes then due and owing for or in respect of such Lands, and all Penalties which shall have become payable by the Nonpayment thereof at the Times aforesaid, and all Costs, Charges, and Expences incident to every such Distress and Sale, shall be fully paid, satisfied, and discharged.

Actions may be brought for Rates in certain Cases.

LXI. And be it further enacted, That it shall be lawful for the said respective Trustees, whenever they shall think it expedient, to bring or cause to be brought, in the Name of their Treasurer or Clerk, or of any One or more of them the said respective Trustees, any Action of Debt, or any special Action on the Case, in any of Her Majesty's Courts of Record at *Westminster*, for the Recovery of all or any of the Rates or Taxes to become due and payable by virtue of this Act, and for the Recovery of which no sufficient Distress or Distresses belonging to the Person, by or from whom such Rates or Taxes are or shall be due and payable or ought to be paid shall be found.

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

LXII. And be it further enacted, That it shall be lawful for the said respective Trustees and they are hereby empowered to raise and borrow, by the Ways and Means herein-after mentioned, on the Credit and by Mortgage of the Rates and Taxes to be rated, taxed, and charged by them respectively in pursuance of this Act, any Sum or Sums of Money which they shall think necessary for defraying the Expences of this Act, for the Erection and Repair of Mills or Engines, or of the Buildings connected therewith, for widening and deepening Drains, making Cuts, laying Tunnels, making Compensation to Owners of Lands, and other the Purposes of this Act, so that there be not at any One Time more than Ten thousand Pounds due on the Credit of the said Rates and Taxes within the North District, nor more than Ten thousand Pounds due on the Credit of Rates and Taxes within the South District; and the said respective Trustees are hereby empowered to raise and borrow the same Sums respectively upon such Mortgages and Assignments, in Sums of not less than One hundred Pounds each, as shall be judged most convenient for raising the same, on such Terms with respect to the Repayment of the Principal Money advanced, either by Instalments or in One Payment, as shall be agreed on with the Persons advancing any such Money, but so that each Mortgage be satisfied at the latest at the End of Twenty Years from the Date thereof; and the said respective Trustees shall, by Writing under their Hands and Seals, mortgage and assign over all or any Part of the said Rates and Taxes so to be rated, taxed, and charged by them respectively as aforesaid, to the Persons advancing or lending the same, or to their Trustee or Trustees, as a Security for the Repayment of the Principal Sums of Money so to be borrowed, with lawful Interest for the same, the Costs and Charges of every such Mortgage or Assignment to be paid by the said respective Trustees out of the Monies to be collected by

virtue of this Act; and every such Mortgage or Assignment may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*insert the Title of this Act*], we, the Trustees for executing the said Act within the District of the said Drainage, in consideration of the Sum of Pounds, now advanced and paid by *A.B.* to the Treasurer appointed by virtue of the said Act, do hereby assign unto the said *A.B.* [*or to his Trustee, as the Case may be*], his Executors, Administrators, and Assigns, the Rates and Assessments to be made and collected by virtue of the said Act, within the said Districts, with all Powers and Authorities for collecting and raising the same Rates and Assessments under the said Act, to have, hold, receive, and take the same to and for his and their own Use and Benefit, from the Day of until the said Sum of , with Interest at the Rate of *per Centum per Annum* for the same shall be repaid. In witness whereof we the said Trustees have hereunto set our Hands and Seals the Day of in the Year of our Lord .'

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

Mortgagees may assign their Securities.

LXIII. And be it further enacted, That it shall be lawful for every Person to whom any Mortgage or Assignment shall be made by virtue of this Act, or who shall be entitled to the Money thereby secured, at any Time, by Writing under his Hand and Seal, to assign or transfer his Security and Right to the Principal Money and Interest thereby secured unto any other Person, and every such Assignee may in like Manner transfer again, and so *toties quoties*; and every such Assignment or Transfer shall be by Deed, duly stamped, in which the Consideration for the same shall be truly stated; and such Assignment or Transfer may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'To all to whom these Presents shall come I of in the County of send greeting.

'WHEREAS by a certain Mortgage, bearing Date the Day of under the Hands and Seals of certain Trustees acting in the Execution of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title*

‘ *of this Act*], all and every the Rates, Taxes, and Assessments ‘ granted or payable by the said Act within the District ‘ [*as the Case may be*] of the said Drainage, were assigned to me in ‘ manner therein mentioned for securing the Sum of ‘ Pounds by me advanced and paid, with Interest thereon: Now I ‘ do, in consideration of the Sum of Pounds to me paid ‘ by of in the of ‘ transfer unto the said the said Mortgage, ‘ with all my Right and Title to the Principal and Interest thereby ‘ secured, and now due unto me, or to grow due thereon. Witness ‘ my Hand and Seal, this Day of in ‘ the Year of our Lord .’

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

LXIV. And be it further enacted, That Copies of all Mortgages and Assignments to be made in pursuance of this Act shall be entered in a Book to be kept for that Purpose by the Clerk to the said respective Trustees; and every Transfer of any such Mortgage shall be notified within Three Calendar Months next after the Date thereof to the Clerk to the said respective Trustees, who shall enter a Copy or Memorial thereof, containing the Date of such Transfer, the Names of the Parties thereto, and the Sum of Money therein mentioned to be transferred, in the said Book to be kept by him for entering the original Mortgages, for which he shall be paid, by the Person to whom such Assignment or Transfer shall be made, the Sum of Five Shillings, and no more; and after such Copy or Memorial shall be so entered (and not before), every such Transfer shall entitle the Assignee therein named, and his Executors, Administrators or Assigns, to the Benefit of the original Mortgage so transferred to him, and to the Payment of the Monies due and to grow due thereon.

Taxes vested in Creditors.

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

Application of Monies.

LXVI. And be it further enacted, That all Monies which before this Act shall come into operation shall have been raised and collected for the Drainage of the said Lands and Grounds within the said respective

respective Districts or either of them, shall be paid to the Collector, to be appointed in pursuance of this Act, of the Rates and Taxes to be charged on such Districts; and all such Monies, and all Arrears of Rates and Taxes charged in respect of such Lands and Grounds under the said recited Acts or either of them, shall be apportioned as herein-after mentioned in respect of the several Portions of the said respective Districts from which the same shall have been derived, or in respect of which the same shall be due; and the same, and also the several Sums of Money herein-before respectively authorized to be borrowed and raised, and all the said several Rates or Taxes and Penalties respectively authorized to be charged and levied by virtue of this Act (subject nevertheless as to the said last-mentioned respective Rates or Taxes to the respective Claims of the several Creditors thereon), and all other Monies to be received, levied, or recovered by virtue of this Act, the Application whereof is not otherwise by this Act directed, shall be and the same are hereby vested in the respective Trustees to be appointed under this Act, and shall be by them respectively applied and disposed of in manner following; (that is to say,) in the first place, in paying and discharging the Costs, Charges, and Expences of obtaining this Act, and other Expences incident thereto, and all such Sums of Money as shall have been advanced by any Person for that Purpose, with lawful Interest for the same, rateably and in proportion to the Number of Acres in each of the said North and South Districts; and in the next place, the Fund which shall remain vested in the Trustees of each District shall be applied (in aid of the Rates herein-before made applicable to that Purpose) in discharge of all such Debts as shall have been contracted in respect or on account of the said respective Lands and Grounds within such District, or any of them, or any Part thereof, and the Interest of any such Debts as carry Interest; and then in paying and discharging the Interest of all such Monies as shall be borrowed and taken up at Interest on the Credit of the Rates and Taxes within such District, under or by virtue of this Act, and the Costs and Charges of borrowing and raising the said Monies, and making the Securities for the same; and in the next place, in Payment of the several Charges and Expences to be incurred in maintaining and making of the several Works of Drainage already made and by this Act authorized to be made, and which shall be done and executed within such District, and towards the Support and Maintenance of the same, and in Payment of the Purchase or Consideration Money for any Land or Hereditaments to be taken or used under the Authority of this Act within such District, and the Salaries of Officers to be appointed in respect of such District under the same; and any surplus Money or Balance of each Fund which may from Time to Time remain after the Payments aforesaid shall be applied, as the Circumstances of the Case shall require, to the Discharge of Monies borrowed and taken up at Interest under the Authority and for the Purposes of this Act, or to the Formation as herein-before is mentioned of a Fund for that Purpose: Provided always, and it is hereby declared, that if any Portion of the general Fund of each District shall be applied to the Purposes to which the Rents derived from the Herbage of Banks within such District are hereby made applicable, such Rents shall from Time to Time be applied to the Restoration to such

such general Fund of such Portion thereof as shall have been so applied: Provided also, and it is hereby declared, that in respect to Monies which before this Act shall have come into operation shall have been raised and collected, and to all Arrears of Rates and Taxes charged under the said recited Acts or any of them, in respect of the several Lands and Grounds intended to be affected by this Act, such Monies, Rates, and Taxes, after paying thereout all Charges thereon, shall be apportioned by the respective Trustees under this Act, so that the same may go and be applied in aid of the Charges under this Act, on the Owners and Proprietors of the respective Portions of the said Lands and Grounds from or in respect of which such Monies, Rates, and Taxes shall have been levied or shall be due, and the same shall be placed, after such Apportionment, to the Account of the said respective Portions of the said respective Lands and Grounds: Provided also, and it is hereby further declared, that the Costs, Charges, and Expences of and attending any Actions or Suits to be instituted by the respective Trustees under this Act, and in which such Trustees shall fail, shall, unless the Judge before or by whom any such Action or Suit shall be heard or tried shall certify that such Trustees were not justified in instituting the same, be paid out of the said general Fund.

Charge on Part of the North District for the Benefit of certain Proprietors of the South District.

LXVII. And whereas by the Separation of the Lands called *Billinghay Dales* from the Lands called *Billinghay Fen* and *Walcot Fen* (which respective Lands form Part of the Lands to which the said recited Act of the Seventeenth Year of the Reign of King *George* the Third extends), and by placing the said respective Lands in different Districts for the Purposes of this Act, the Proprietors of the said Lands in *Billinghay Dales* will lose a Proportion of the Benefit now derived from letting the Herbage of the Banks within the said respective Lands, inasmuch as the Banks in *Billinghay Dales* yield a small Income compared with the Banks in *Billinghay Fen* and *Walcot Fen*, and it is therefore just and expedient that Compensation should be made in respect of such Loss; be it therefore enacted, That from and after the passing of this Act the annual Sum of Forty Pounds of lawful Money of *Great Britain* shall be a Charge on the Proprietors of Lands within the said *Billinghay Fen* and *Walcot Fen*, who for that Purpose shall be rated and taxed by the Trustees of the said North District, and the Rates and Taxes for the same shall be levied and raised in the same Manner as is herein-before provided in respect to other Rates and Taxes within the said North District; and the said annual Sum of Forty Pounds shall be paid by the Trustees of the said North District to the Trustees of the said South District, who shall apply the same in aid of the Rates and Taxes assessed under the Authority of this Act on the Proprietors of Lands within the said *Billinghay Dales*, and which annual Sum shall become due and be payable by half-yearly Instalments, on the Tenth Day of *October* and the Sixth Day of *April* in every Year, the Payment of the First half-yearly Instalment to be made on the Tenth Day of *October* One thousand eight hundred and forty.

Declaring what shall be

LXVIII. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Party to serve any

Notice, or any Writ, or other legal Proceeding, or any Proceeding in Equity, upon the said respective Trustees, Service thereof respectively upon the Clerk of the said respective Trustees, or left at the Office of such Clerk, or with some Inmate at his last or usual Place of Abode, or at the Office of the said respective Trustees, or upon any One of the said Trustees acting under this Act, or left with some Inmate at his respective last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said respective Trustees; and in all Cases where it may be necessary or requisite for the said respective Trustees to give any Notice to any Corporation, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such last-mentioned Notice shall be in Writing, signed by any One or more of the said Trustees. good Service of Notices.

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

LXX. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace, Damages and Charges to be settled by Justices.

Peace, by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for the levying of any Penalties or Forfeitures.

Recovery and Application of Penalties.

LXXI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not otherwise herein directed,) shall, upon Proof of the Offences respectively before any Two or more Justices of the Peace for the County, Liberty, Parts, Borough, or Place where the Offence shall have been committed (as the Case may be), either by the Confession of the Party offending, or by the Oath or Affirmation of any credible Witness or Witnesses (which Oath or Affirmation such Justices are in every Case hereby fully authorized to administer), be levied, together with the Costs and Expences attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hands and Seals of such Justices (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not forthwith be paid upon Conviction, then it shall be lawful for such Justices to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender shall give sufficient Security, to the Satisfaction of such Justices, for his Appearance before such Justices on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Five Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear, to the Satisfaction of any such Justices, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for any Two or more Justices of the Peace as aforesaid, and they are hereby authorized, by Warrant or Warrants under their Hands and Seals, to cause such Offender to be committed to the Common Gaol or House of Correction of the County, Liberty, Parts, or Place where the Offender shall be or reside, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Forfeitures, Penalties, or Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer to the said respective Trustees, and applied or disposed of for the Purposes of this Act.

LXXII. And

Justices may proceed by Summons.

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

Form of Conviction.

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

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

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

Power to secure transient Offenders.

LXXIV. And be it further enacted, That it shall be lawful for the respective Collectors, Surveyors, and other Officers of the said Trustees respectively, or any other Person, to seize and detain any Person unknown to them respectively who shall be guilty of any Offence against this Act, and to convey such Person before any Justice or Justices of the Peace for the County, Division, or Place where such Offence shall have been committed, without any Order, Warrant, or Authority than this Act for so doing; and such Justice or Justices of the Peace is and are hereby respectively empowered and directed to proceed immediately to the Hearing of the Matter in question, and to the Conviction or Acquittal of such Person; and it shall be lawful for the said respective Trustees to make or allow to the Person apprehending

hending or securing such Offender such Compensation or Recompence for his Trouble therein as they the said respective Trustees shall think proper.

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

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

Appeal to Quarter Sessions.

LXXVI. And be it further enacted, That any Person who may think himself aggrieved by any Act of the said respective Trustees, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing done or omitted to be done in the Execution of this Act, may, within Four Calendar Months next after such Act shall have been done, or such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the Division or Place where the Cause of Appeal shall happen to arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Matter thereof, to the Person against whom such Complaint is intended to be made, or to the Clerk of the said respective Trustees, (as the Case may be,) and forthwith after such Notice entering into Recognizance before some Justice of the Peace, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall, in a summary Way, hear and determine the said Complaint, either at such General or Quarter Sessions, or, if they shall think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such Division or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Order, or Determination, and also may order any such further Satisfaction to be made to the Party injured, as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment shall think fit and reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding: Provided always, that in case there shall not be Time to give such Notice, and to enter into such Recognizance as aforesaid, before the next Sessions to be holden after the Conviction of the Appellant, then and in every such Case such Appeal may be made to the next following Sessions, and shall be then heard and determined.

Plaintiff not to recover after Tender of Amends.

LXXVII. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action or Suit to be commenced against any Person for any Irregularity, Trespass, or wrongful Proceeding, or any

any thing done in pursuance of this Act, if Tender of sufficient Amends shall have been made to him or to his Attorney, by or on the Behalf of the Defendant, before such Action or Suit brought, nor if such Tender of Amends shall be made at any Time after the said Action or Suit brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action or Suit the Plaintiff shall be nonsuited, and shall pay Double Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law; or in case no such Tender shall have been made, it shall be lawful for the Defendant in any such Action or Suit, by Leave of the Court where such Action or Suit shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions or Suits where the Defendant is allowed to pay Money into Court.

This Act not to affect the Act 37 G. 3. c. 67. except as regards Walcot Dales.

LXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, affect, or prejudice the said recited Act passed in the Thirty-seventh Year of the Reign of King *George* the Third, or any of the Provisions therein contained, except so far as the same apply to the Low Lands called the "Dales in *Walcot*;" and that the said Act, and all the Provisions therein contained, except so far as the same relate to the said last-mentioned Lands, which are the Subject of this Act, and also except so far as the same may have been repealed or altered by an Act passed in the Second Year of the Reign of His late Majesty *William* the Fourth, intituled *An Act for the more effectual Drainage of the Lands within* Blankney Fen, Blankney Dales, Linwood Fen, Linwood Dales, *and* Martin Fen *and* Martin Dales, *in the County of* Lincoln, and an Act passed in the last Session of Parliament, intituled *An Act for the more effectual Drainage of certain Lands, called the* Fen and Dales of Timberland and Timberland Thorpe, *in the Parish of* Timberland *in the County of* Lincoln, shall be and continue in full Force as if this Act had not been passed.

2 & 3 W. 4. c. 94.

2 & 3 Vict. c. 10.

Reserving Rights of Commissioners of the River Witham.

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

2 G. 3. c. 32.

52 G. 3. c. 108.

rendering more effectual an Act of His present Majesty, for draining Lands lying on both Sides of the River Witham *in the County of* Lincoln, *and restoring the Navigation of the said River; and for repealing another Act of His present Majesty in relation to the said Drainage and Navigation;* but that the same shall respectively be and continue in force, as fully, to all Intents and Purposes, as if this Act had not been passed, any thing herein contained to the contrary thereof in anywise notwithstanding.

Awards under former Acts not to be affected.

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

Rights of the Lords of Manors reserved.

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

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.