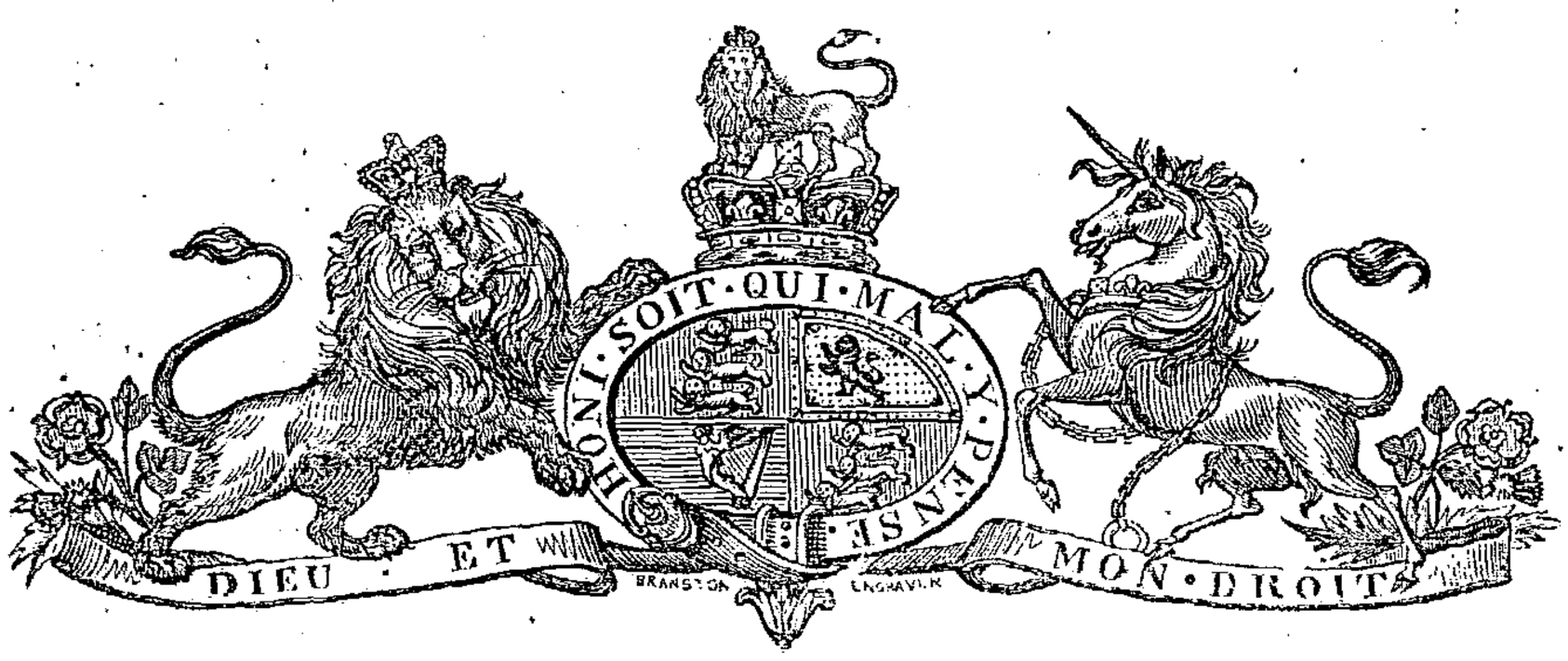


ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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Majesty, intituled ‘ *An Act for draining, preserving, and improving certain* ‘ *Lands lying in the several Parishes of* Spalding (*including the Hamlets of* ‘ Cowbit *and* Peakill), Weston, Moulton, Whaplode, Holbeach, Fleet, Ged- ‘ ney, Sutton Saint Mary, *and* Sutton Saint Nicholas *otherwise* Lutton, *all in* ‘ South Holland *in the County of* Lincoln,’ *to support and repair a certain Bank extending from* Spalding High Bridge *to* Brother House *in the said County, and to amend and repair the Road thereupon, and for compounding with the Creditors under an Act passed in the Twelfth Year of His present Majesty's Reign, for making and keeping in repair the said Road:* And whereas another Act was passed in the Fifty-seventh Year of the Reign of His said
57 G. 3. c. 69. late Majesty, intituled *An Act for amending and rendering more effectual an Act of His present Majesty for draining Lands in* South Holland, *and for continuing and amending another Act of His present Majesty for maintaining and repairing a certain Bank and the Road thereon from* Spalding High Bridge *to* Brother House, *all in the County of* Lincoln: And whereas by the said Act of the Twelfth Year of the Reign of King *George* the Third certain Persons were appointed Trustees for carrying the Act into execution during the Term and Continuance thereof, and the Undertakers of the *Deeping Fen* Drainage, then liable to the Repair of so much of the Great Bank therein mentioned as extends from *Spalding High Bridge* to *Brother House*, and other Parties therein mentioned who were liable to the Repair of other Parts of the Great Bank of the River *Welland* therein described, were discharged from further Liability therein during the said Term, in consideration of certain Payments to the said Trustees; and the said Trustees were thereby empowered to erect Turnpike Gates, and take Tolls thereat, on the said Bank and Road thereon, and directed to apply the Monies arising by the Act in repairing and widening the Road, and in raising, widening, and strengthening the Bank, and carrying the Act into execution, with Powers to borrow Money to be applied for the same Purposes for the Term of Twenty-one Years, and thence to the End of the then next Session of Parliament: And whereas by the said Act of the Thirty-third Year of the Reign of King *George* the Third Commissioners were appointed for making Works of Drainage for draining, preserving, and improving the Low Lands lying within certain Parishes in *South Holland* in the said County of *Lincoln*, with Powers to borrow Money upon the Credit of the Act, and various other Powers for effecting such Purposes, and Power to take, comprise, and include within such Drainage Lands within the said several Parishes, but not included in the specified Limits of the Act, on the Petition of the Owners of such Lands; and certain Persons were by the same Act appointed Trustees for the said Drainage, and all Works relating to the said Drainage were thereby vested in them as Trustees for the Purposes of the Act, with Power, after the Execution of the Commissioners Award, to lay Taxes, and other Powers: And whereas by the said Act of the Thirty-fifth Year of the Reign of King *George* the Third, after reciting the Act for draining *Deeping Fen*, by which the Undertakers of the Drainage of the Fen were liable to maintain so much of the Great Bank aforesaid as extends from *Spalding High Bridge* to *Brother House*, and also reciting the said Act of the Twelfth Year of the Reign of King *George* the Third, and stating that the same had expired, and also reciting the said Act of the Thirty-third Year of the Reign of King *George* the Third, and an Agreement made between the said Undertakers and the Proprietors of Lands within the *South Holland* Drainage for exonerating the Undertakers from the Repairs

ofth e said Part of the said Bank on the Payment by them of a certain Sum of Money to the Commissioners or Trustees for executing the said Act of the Thirty-third Year of the Reign of King *George* the Third, and vesting such said Part of the said Bank in the said Commissioners or Trustees, it was enacted, that upon such Payment the Undertakers should be divested of all Right and Interest in the said Bank and Road extending from *Spalding High Bridge* to *Brother House*, being the Barrier Bank for defending the Country called *South Holland* from the Waters of the River *Welland*, and that the same Bank and Road, and the Toll House and Toll Gate thereon, and all other Toll Gates to be thereafter erected, should be vested in the Trustees appointed by or under the said last-mentioned Act, with Powers first to the Commissioners appointed by the Act, and after Execution of their Award then to the said Trustees, to take the Tolls thereby granted, and with Powers to enlarge and strengthen the Bank sufficiently to protect and secure the Lands in *South Holland* from Inundation by means of the Waters of the said River, and to improve and repair the Road thereon, and to apply the Drainage Funds and the said Tolls as a mixed Fund for both Purposes, with other Provisions for the Maintenance of the Road and Bank; and providing that, so far as relates to making and keeping in repair the said Road, the said Act should only be in force for Twenty-one Years, and thence to the End of the then next Session of Parliament: And whereas by the said Act of the Fifty-seventh Year of the Reign of King *George* the Third all the Powers and Authorities of the Commissioners and Trustees under the former Acts were extinguished, and other Trustees were appointed instead of the Trustees authorized to act by the former Acts; and all the Works of Drainage lying within the Limits of the Act of the Thirty-third Year of the Reign of King *George* the Third, or which had been taken into the Drainage on Petition, and other Works of Drainage and Lands cut, covered, or taken or used under the same Act, and also the Barrier Bank and Turnpike Road from *Spalding High Bridge* to *Brother House*, and Works belonging thereto, were vested in the new Trustees, and Committee Men were directed to be appointed out of the Body of Trustees; and all the Powers and Authorities of the former Acts (so far as the same were not altered, varied, or repealed) were vested in such Committee Men; and all Taxes and Assessments authorized by the former Act, and all Arrears thereof, were made payable to such Committee Men, with Powers to lay new Taxes or Assessments, and to apply the same for the general Purposes of the former Acts, and of the said Act of the Fifty-seventh Year of the Reign of King *George* the Third: And whereas by the said recited Act of the Fifty-seventh Year of the Reign of King *George* the Third all such of the Powers and Provisions of the said recited Act of the Thirty-fifth Year of the Reign of King *George* the Third as relate to the Road leading from *Spalding High Bridge* to *Brother House* then in force, and not varied, altered, or repealed, are continued in full Force and Effect, and extended to the Tolls granted by the same Act of the Fifty-seventh Year of the Reign of King *George* the Third, for and during the Term of Twenty-one Years, and thence to the End of the then next Session of Parliament; and the Tolls thereby granted were directed to be applied by the aforesaid Committee Men in the same Manner as the Tolls granted by the Act of the Thirty-fifth Year of the Reign of King *George* the Third were thereby made applicable: And whereas the Term granted by the said Act of the Fifty-seventh Year of the Reign of King *George* the Third,

Third for executing the Powers and Provisions therein contained and authorized to be executed for maintaining the said Road on the said Bank, and for taking the Tolls thereby granted, is near expiring; and it is expedient for the Purpose of maintaining and repairing the said Road that the said Powers and Provisions, and the said Tolls, should be continued for a further Term: And whereas it is also expedient that some other of the Powers and Provisions contained in the same Act should be amended: 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 upon the Day of the Commencement of this Act all and every the Powers, Authorities, Provisions, Directions, and Privileges contained in the said recited Act passed in the Fifty-seventh Year of the Reign of King *George* the Third for maintaining, repairing, and improving the said Road from *Spalding High Bridge* to *Brother House*, and for taking, collecting, receiving, levying, and recovering thereon the Tolls thereby authorized to be collected, and all Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things whatsoever thereby given, imposed, authorized, or made relative to the said Road, and also all and every the Powers, Authorities, Provisions, Directions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Articles, Matters, and Things given or authorized by or contained in any former Act, and by the said recited Act extended to the said Road, shall be and the same are hereby declared to be repealed.

Existing Powers and Tolls repealed.

The Road to be repaired and maintained by Trustees as a Turnpike Road.

II. And be it further enacted, That this Act, so far as relates to the said Road, shall be put in execution for and during the Term herein-after mentioned for the Purpose of repairing, improving, and maintaining the said Road on the said Bank from *Spalding High Bridge* to *Brother House* in the County of *Lincoln*; and the said Road is hereby declared to be a Turnpike Road, and the same is hereby put and declared to be under the Care and Management of the Trustees herein-after appointed.

Debts under former Acts to be paid.

III. And be it further enacted, That all and every Persons and Person owing any Sum or Sums of Money in respect of the said Road at the Time of the Commencement of this Act shall be liable to the Payment thereof to the Trustees for executing this Act, and that all Monies due and owing to any Persons or Person in respect of the said Road at the Time of the Commencement of this Act shall be payable to such Persons and Person by the Trustees for executing this Act, notwithstanding the Repeal of the Powers and Provisions aforesaid, out of the Tolls to be received by virtue of this Act.

Appointment of Trustees.

IV. And be it further enacted, That the Committee Men for the Time being appointed or to be appointed pursuant to the Directions and for the Time being acting in execution of the said recited Act of the Fifty-seventh Year of the Reign of King *George* the Third shall be and they are hereby appointed the Trustees for repairing, improving, and maintaining the said Road on the said Bank from *Spalding High Bridge* to *Brother House* aforesaid, and for carrying the Purposes of this Act into execution for the Repair, Improvement, and Maintenance of the said Road; and that all and every the Powers and Provisions contained in any Law or

Statute

Statute relating to Turnpike Roads in *England*, and given to any Trustees or Commissioners of any Turnpike Road in *England*, shall be extended to the said Road on the said Bank, and shall and may be executed and enforced by the Trustees hereby appointed for the Repair, Improvement, and Maintenance of the said Road.

Respecting Meetings of Trustees.

V. And be it further enacted, That it shall and may be lawful for the said Trustees to act in the Execution of the Powers and Provisions by this Act granted for the Repair, Improvement, and Maintenance of the said Road at any of their Meetings to be held for the Purposes of the said recited Act of the Fifty-seventh Year of the Reign of King *George* the Third, or this Act, relating to the Works of Drainage, and also at any Meeting convened according to the Powers and Provisions of any Law or Statute relating to Turnpike Roads in *England*, as they may find expedient or think proper; and all Acts and Proceedings of the said Trustees at any such Meeting relating to the Repair, Improvement, and Maintenance of the said Road, and to the Execution of this Act relative thereto, in which the major Part of the Trustees present shall concur, shall be as valid and effectual as if all the said Trustees had concurred or agreed therein.

Toll Gates.

VI. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses erected and now standing and being in, upon, or across or on the Sides of the said Road shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected, set up, and built upon, in, or across the said Road, or on the Sides of such Road, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near such Gates, Turnpikes, Side Gates, Bars, Chains, and Weighing Machines, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll Gates or Turnpikes and Toll Houses, or any of them, and any future Gates, Turnpikes, Side Gates, Bars, Chains, Weighing Machines, or Toll Houses, or any or either of them, as they the said Trustees shall think proper.

Power to take Tolls.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls, to demand and take the Tolls herein-after mentioned at each and every of the Toll Gates or Turnpikes or Toll Houses, or Side Bars or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, or across or on the Sides of the said Road, or any Part thereof, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

Tolls.

For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of Two-pence:

For every Horse, Mule, Ox, Bullock, or other Beast of Draught drawing any

any Waggon or Cart the Fellies of the Wheels of which are of the Breadth of Six Inches or more, the Sum of Four-pence:

For every Horse, Mule, Ass, Ox, Bullock, or other Beast of Draught drawing any Waggon or Cart the Fellies of the Wheels of which are of less Breadth than Six Inches, the Sum of Sixpence:

For every Horse, Mule, Ass, or other Beast of Draught drawing any Coach, Chariot, Calash, Chaise, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Drove of Oxen, Cows, Burlings, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score:

For Half a Score, the Sum of Seven-pence Halfpenny:

For a Quarter of a Score, the Sum of Four-pence:

For Four only of such Oxen, Cows, Burlings, or Neat Cattle, or for Four above a Score, Half Score, or Quarter Score, the Sum of Three-pence:

For Three only of such Oxen, Cows, Burlings, or Neat Cattle, or for Three above a Score, Half Score, or Quarter Score, the Sum of Two-pence Halfpenny:

For Two only of such Oxen, Cows, Burlings, or Neat Cattle, or for Two above a Score, Half Score, or Quarter Score, the Sum of Two-pence:

For One only of such Oxen, Cows, Burlings, or Neat Cattle, or for One above a Score, Half Score, or Quarter Score, the Sum of One Penny:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Sixpence *per* Score:

For Half a Score, the Sum of Three-pence:

For a Quarter of a Score, the Sum of One Penny Halfpenny:

For Four or Three only of such Calves, Hogs, Sheep, or Lambs, or for Four or Three above a Score, Half Score, or Quarter Score, the Sum of One Penny:

For Two or One only of such Calves, Hogs, Sheep, or Lambs, or for Two or One above a Score, Half Score, or Quarter Score, the Sum of One Halfpenny:

For every Dog or other Canine Animal drawing any Cart, Carriage, Truck, Barrow, or other Thing, the Sum of Two-pence:

Which said Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle, or Dog or other Canine Animal, drawing as aforesaid, shall be entitled or permitted to pass through any Toll Gate or Turnpike, or Side Bar or Side Gate or Chain, erected or to be erected as aforesaid.

Exemptions from Tolls.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the Trustees or Committee Men acting in execution of the said recited Act or this Act, or any Collector of the Tolls by the said recited Act or this Act authorized to be demanded, taken, or collected on the said Road, to demand or take the said Tolls, or any of them, of or from any of the Tenants or Occupiers of Lands in the Hamlets of *Cowbit* and *Peakill*, or either of them, for or in respect of any Horse, Beast, or other Cattle, Waggon, Cart, or other Carriage, employed in carrying or conveying, or going to fetch, carry, or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Hay, Grass, Seed, Corn, Flax, Hemp, Sanfoin, Fodder, Turnips, Potatoes,

or Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, or Yards or on the Lands, of the Owners thereof; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Servants or Labourers to be employed in Harvest Work or Husbandry, or any Plough, Harrow, or other Implement of Husbandry, or Matters or Things used therein, or any Gate or Fencing belonging to any such Owners or Occupiers, or any Dung, Mould, Manure, or Compost for manuring or improving Lands or Gardens; nor for any Horse used for the express Purpose of carrying or drawing any Occupier or Occupiers of Lands, Stock, or Cattle to the Farms, Lands, and Grounds in his, her, or their respective Occupations, his, her, or their Servants in Husbandry, Shepherds, or Labourers so to be employed; nor for any Horse, Beast, or other Cattle going to or returning from ploughing or harrowing, or to or from Water or Pasture, or other Work in Husbandry, or going to be or returning from being shoed or farried; nor for any Horse, Beast, or Cattle, or for any Waggon, Wain, Cart, or other Carriage, used or employed for the Purpose only of carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Gravel, Sand, Stones, or other Materials for making and repairing the Roads or any public Bridge within the said Hamlets respectively; nor for any Horse, Cattle, Beast, or Carriage going no more than One hundred Yards upon the said Road; and if any Person or Persons shall claim and take the Benefit of any such Exemption, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, levied, and applied in manner directed respecting Penalties in similar Cases by the General Act relating to Turnpike Roads in *England*.

Tolls to be paid but once a Day at the same Gate.

IX. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle through any such Toll Gate, Turnpike, or Side Gate, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day (to be computed as aforesaid), any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the number of Payments on the whole Line of Road.

X. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors of the Tolls, to demand or take, for or in respect of the same Horse, Beast, or Cattle, for passing or repassing at any Time or Times in any one Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road, more than One full Toll.

Stage Coaches to pay every Time of passing.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage or

or Cart, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Carriage, or Cart on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

Post Chaises, &c. to be subject to Toll on every new Hiring.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise, Hackney Coach, One-horse Chaise, Gig, or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Application of Tolls.

XIII. And be it further enacted, That the said Tolls or Sums of Money to be collected on the said Road, and all Monies to arise by virtue of this Act on account of the said Road, shall be vested in the said Trustees, and shall be by them applied in paying the necessary Expences of erecting and repairing Toll Houses, Turnpikes, Toll Gates, and Fences, and in Payment of the Expences attending the Collection of Tolls, and other current Expences, and in repairing, maintaining, and improving the said Road; or in case any Money shall be borrowed on the Credit of such Tolls, then the same shall be applied (after Payment of such necessary and current Expences aforesaid) in paying the Interest of the Monies so to be borrowed, and afterwards in the Repair, Improvement, and Maintenance of the said Road, and in Repayment of any Monies which shall be so borrowed.

Act not to affect the Powers of the Drainage Trustees respecting the Barrier Bank.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, annul, alter, prejudice, or affect the Powers or Provisions of the said recited Acts or either of them, or of this Act, relating to the Repair or Maintenance or Improvement of the said Barrier Bank, or the Rights and Interests of the Trustees and Committee Men respectively, under the said recited Act of the Fifty-seventh Year of the Reign of King *George* the Third therein, or the Powers or Provisions relating to the Application of any Monies for the Support, Repair, Maintenance, or Improvement of the said Bank as a Barrier or Protecting Bank for the District of *South Holland* aforesaid, authorized by the said recited Acts or this Act.

Power for Committee Men to borrow a further Sum of Money above the Sum of Three thousand Pounds authorized to be borrowed by the Act 57 G. 3.

XV. And whereas by the said recited Act of the Fifty-seventh Year of the Reign of King *George* the Third the Committee Men for the Time being acting in the Execution thereof were authorized to borrow and take up at Interest, upon the Credit of the Taxes or Assessments made or to be made by virtue of the same Act, or of the annual Tax or Rate of One Shilling *per* Acre, such Sum or Sums of Money as they should in their Judgment deem necessary or requisite for the Purposes of the Acts therein recited, or of the same Act, not exceeding in the whole the Sum of Three thousand Pounds: And whereas the said Sum of Three thousand Pounds was borrowed soon after the passing of the said last-mentioned Act, and the same still remains due and owing: And whereas in order and for the Purpose of providing for the Costs and Expences of any Works already executed, and of any new or auxiliary Works that may become necessary,

or of any essential Alteration or Improvement of the subsisting Works, or for any unforeseen or extraordinary Emergency to the Costs whereof the annual Revenue may be inadequate, it is expedient that the Power and Authority of borrowing Money should be enlarged; be it therefore further enacted, That it shall be lawful for the said Committee Men acting in execution of the said Act of the Fifty-seventh Year of the Reign of King *George* the Third, and they are hereby authorized and empowered, with the Consent of the Trustees for the Time being of the same Act (such Consent to be ascertained in the Manner herein-after expressed and provided for), from Time to Time to borrow and take up at Interest for the Purposes aforesaid, upon the Credit and Security of the Tax or Rate of One Shilling an Acre by the same Act charged or chargeable and made payable, such Sum or several Sums of Money as they shall in their Judgment deem necessary and requisite for the Purposes of the same Act, or of the several Acts therein recited or referred to, so that the Sum or several Sums of Money so to be borrowed shall not exceed in the whole (including the said Sum of Three thousand Pounds already borrowed as aforesaid) the Sum of Fifteen thousand Pounds: Provided always, that no further or additional Sum beyond the said Sum of Three thousand Pounds in the said Act of the Fifty-seventh Year of His late Majesty King *George* the Third mentioned shall at any Time hereafter be borrowed or taken up at Interest by the Committee Men for the Time being as aforesaid, except with the Consent of the Trustees of the said last-mentioned Act, to be ascertained and given at any Annual or Special General Meeting of the said Trustees, or their Agents, whereof Notice shall have been given by Three or more of the said Trustees, and published in the *Lincoln, Rutland, and Stamford Mercury* Newspaper, or in some other Newspaper circulating in the County of *Lincoln*, for Three successive Weeks immediately previous to the Day appointed for any such Annual or Special General Meeting, and in which Notice the Intention to borrow or take up at Interest any and what further and additional Sum shall be distinctly expressed; and the Fact of such Consent being given by the Majority of Votes of the Trustees or their respective Agents at any such Meeting shall be certified by the Chairman of the Meeting, who shall subscribe his Name to the Minute or Record of the Proceedings of such Meeting in the Book of Proceedings of the said Trustees and Committee Men, to be kept conformably with the Directions of the said last-mentioned Act; and the said Certificate, or a Copy thereof, verified by the Clerk for the Time being to the said Committee Men, shall be conclusive Evidence of such Consent as aforesaid.

Receipts under the Hand of Committee Men to be a sufficient Discharge.

XVI. And be it further enacted, That the Receipt or Receipts under the Hands of the said Committee Men for the Time being, or of the major Part of them, shall be an effectual Acquittance and Discharge to the Person or Persons who shall advance any Sum or Sums of Money to be borrowed pursuant to the Power herein-before in that Behalf contained.

Form of Security to be in the following Form.

XVII. And be it further enacted, That any and every Security to be made or granted for the Money to be borrowed pursuant to the Provisions of this Act shall and may be made in the Form or to the Effect following, with such other Stipulations or Provisions to be inserted therein as the Case may require; (that is to say,)

Form of Security.

'WE, the Committee Men acting in the Execution of an Act of Parliament passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual an Act of His present Majesty, for draining Lands in* South Holland, *and for continuing and amending another Act of His present Majesty, for maintaining and repairing a certain Bank and the Road thereon from* Spalding High Bridge *to* Brother House, *all in the County of* Lincoln, and also of another Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], do by virtue of the Power and Authority given to us by the said lastly-recited Act, and in consideration of the Sum of paid to us by , bargain, sell, and assign unto the said Successors and Assigns [*or* Executors, Administrators, or Assigns (*as the Case may be*)], all and singular the Proceeds and Produce and Monies arising by and from or in respect of the annual Tax or Rate of One Shilling *per* Acre in the said Act of the Fifty-seventh Year of the Reign of King *George* the Third mentioned, and thereby charged and made payable for and in respect of the several Lands therein respectively mentioned or referred to, to hold the same yearly Tax or Rate and Monies unto the said Successors and Assigns [*or* Executors, Administrators, or Assigns (*as the Case may be*)], until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, to be computed from the Day of the Date hereof, shall be fully repaid and satisfied to him, her, or them (*as the Case may be*), such Interest to be paid by equal half-yearly Portions on the Day of and the Day of in every Year in the meantime. Given under our Hands and Seals the Day of in the Year of our Lord .'

And Copies of all such Securities as shall be so made or granted by the said Committee Men for the Time being as aforesaid shall be respectively entered in a Book or Books to be kept for that Purpose by the Clerk of the said Committee Men; and such Book or Books may be inspected at all seasonable Times by any Person or Persons whomsoever, on Payment of the Sum of One Shilling to the said Clerk for every such Inspection.

Securities may be assigned.

XVIII. And be it further enacted, That it shall be lawful for all and every Body and Bodies and Person and Persons to whom any such Security shall be so made as aforesaid, or who shall be entitled to the same, or to the Principal Money and Interest thereby secured, or any Part or Proportion thereof, and he, she, and they is and are hereby respectively empowered, from Time to Time, by any Writing under his, her, or their Hand and Seal or Hands and Seals, to be indorsed on his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, such Writing or Writings being duly stamped, and setting forth the Consideration for such Assignment or Transfer, to assign or transfer such Security, or any Share thereof or Interest therein, and all or any Part of the Monies due or to become due thereon, to any Person or Persons whomsoever; and every such Assignment or Transfer shall be produced or notified to the Clerk of the said Committee

Committee Men, who shall cause a Memorial thereof, specifying the Date thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, and the Sum or Sums of Money therein mentioned to be transferred, to be entered in the said Book or Books to be kept for entering the said original Securities, for the Entry of which said Memorial the said Clerk shall be paid the Sum of Five Shillings, and no more, by the Person or Persons producing or notifying such Assignment or Transfer as aforesaid; and after such Entry made of such Memorial as aforesaid, and not sooner or otherwise, such Assignment or Transfer shall entitle the Assignee or Assignees therein mentioned, and his, her, or their Successors, Executors, Administrators, and Assigns, to the Benefit thereof, and of the original Security, or of the Interest therein, which shall have been thereby assigned or transferred; and every Assignee of any such Security shall and may in like Manner from Time to Time assign and transfer such Security as he or she shall think proper.

Mortgagees to be Creditors in equal Degree.

XIX. And be it further enacted, That the several Bodies or Persons to whom such respective Securities shall have been made or granted by the said Committee Men as aforesaid, and their respective Successors, Executors, Administrators, and Assigns, shall be Creditors upon the several Taxes, Rates, and Monies respectively charged therewith, in an equal Degree one with another, according to the Amount of the respective Principal Sums of Money which shall be thereby respectively secured to them; and any One or more of the said several Bodies or Persons, or his, her, or their respective Successors, Executors, Administrators, or Assigns, shall not have any Preference over any of the others of them, or his, her, or their respective Successors, Executors, Administrators, or Assigns, by reason of any Priority in the Date of such respective Securities, or any of them, or in the Time of advancing the Monies for which the same shall have been respectively given.

The Treasurer of the Committee Men to pay the Interest and Principal Monies as directed.

XX. And be it further enacted, That the Treasurer for the Time being of the said Committee Men, or in case of his or their Default, then any Collector of the said Committee Men, shall, upon receiving Notice in that Behalf from any Mortgagee for the Time being entitled to any such Security which shall have been so granted as aforesaid, and he is hereby authorized and required, with and out of the respective Taxes, Rates, and Monies respectively comprised in or charged by such Security, to pay and keep down the yearly Interest mentioned in and secured by such Security by equal half-yearly Payments to the Party or Parties entitled thereto, and also to repay the Principal Money mentioned in and secured by such Security to the Party or Parties entitled thereto on the Day or respective Days and in the Manner which may be limited or appointed for the Repayment thereof in such Security; or in case no such Day shall be therein appointed, or in case the Payment of the said Principal Money shall have been postponed beyond the Day or Days which shall be therein appointed by Consent of the Person or Persons entitled to receive such Principal Money, then upon Six Calendar Months previous Notice in Writing for the Payment of such Principal Money being given to or left at the Dwelling House or Office for the Time being of the Treasurer or Clerk of the said Committee Men by or on behalf of the Person or Persons for the Time being possessed of or entitled

to

to such Mortgage, or to the Principal Money and Interest thereby secured.

In default of Payment the Taxes to vest in the Mortgagees.

XXI. And be it further enacted, That in case the Principal Money or Interest due by virtue of any Security which shall have been granted by the said Committee Men as aforesaid shall not be paid by the said Committee Men, or by their Treasurer or Collector, on the Day or Days and in the Manner herein-before directed for the Payment thereof respectively, then and in any such Case the said several yearly Taxes and Rates and Monies which shall have been made liable to and charged with the Payment thereof respectively shall thereupon vest in the Mortgagee or Mortgagees to whom the same yearly Taxes or Rates and Monies shall have been respectively mortgaged or charged as aforesaid, or their respective Successors, Executors, Administrators, or Assigns, or in some Person or Persons to be nominated by them or the major Part of them, in Trust for all of them, according to the respective Amounts of the several Principal Monies secured to them respectively, until all the said Principal Monies and Interest in the Payment whereof default shall have been made as aforesaid, and all further and accruing Interest due upon the same Security or Securities, shall be fully paid and satisfied to the said several Mortgagees respectively, together with the Costs and Charges which shall have been occasioned to them respectively by the Nonpayment of the same Principal Monies and Interest respectively; and the said Mortgagees respectively, and their respective Successors, Executors, Administrators, and Assigns, shall have all such and the same Powers, Rights, Privivileges, and Remedies for recovering, collecting, and receiving the said Taxes and Rates and Monies, or such of them or such Part or Parts thereof as shall be so mortgaged or charged to them respectively as aforesaid, as the said Committee Men would have had in case the said respective Mortgages had not been made or granted.

Power to raise Money for the Discharge of Principal Monies called in.

XXII. And be it further enacted, That it shall be lawful for the Trustees of the said Act of the Fifty-seventh Year of the Reign of King *George* the Third, and they are hereby empowered, in like Manner as aforesaid, to provide and raise, or to direct or authorize their said Committee to provide and raise, from Time to Time, by any of the Ways or Means and in the Manner herein-before mentioned, any Sum or Sums of Money which shall from Time be required for paying off and discharging any Principal Money or Monies theretofore borrowed or taken up at Interest as aforesaid which shall from Time to Time be called in by the Person or Persons respectively entitled thereto, or which the said Trustees, or their said Committee, shall from Time to Time think proper to pay off and discharge, or any Part thereof respectively, for the Payment of which there shall at the Time be no Fund or no sufficient Fund appropriated and available at the Disposal of the said Committee Men.

Allowing adjacent Lands to be included in the Drainage on Petition.

XXIII. And be it further enacted, That it shall be lawful for the said Committee Men acting in the Execution of the said Act of the Fifty-seventh Year of the Reign of King *George* the Third, and they are hereby authorized and empowered, on the Petition in Writing signed by the Proprietors or Owners in Possession of Two Third Parts in Quantity or Number of Acres of the Lands adjoining or lying contiguous to the District

of Drainage in the said Act of the Thirty-third Year of the Reign of King *George* the Third mentioned, and comprised under the Powers of the said Act of the Fifty-seventh Year of the Reign of King *George* the Third, to take, comprise, and include such Lands within the said Drainage, upon the said several Proprietors or Owners submitting to pay such Sum or Sums of Money, either in the gross or annually, or both, and agreeing to conform to such Regulations, Gauges, Provisions, and Restrictions as the said Committee Men for the Time being shall adjudge and determine to be just and reasonable; and the annual Sum or Sums of Money to be paid shall be due and payable on the same Day and be levied and recovered by the same Ways and Means as in the said several recited Acts, or either of them, is mentioned and provided for in relation to the annual Tax or Rate therein and thereby made payable from or for the other Lands comprised in the said Drainage, or any of them respectively: Provided nevertheless, that it shall not be lawful for the said Committee Men, or any other Persons acting in execution of the said Act of the Fifty-seventh Year of the Reign of King *George* the Third, or of this Act, to take, comprise, or include within the Drainage mentioned in the said Act of the Thirty-third Year of the Reign of King *George* the Third any Lands or Grounds lying within the *North Level* Part of the Great Level of the Fens called *Bedford Level*, nor any Lands or Grounds which had not at the Time of the passing of this Act a Right of Drainage or Passage of Waters into, by, and through the *Nene Outfall* Cut or Channel to Sea, or which did not contribute to the Expences of the Execution of the *Nene Outfall* Works, without the previous Consent of the Commissioners of the said *Nene Outfall* by an Order made at one of their General or Special Meetings, and testified by a Copy of such Order in Writing under their Common Seal.

No Lands not having a Right of Drainage to be admitted without Consent of the Commissioners of the Nene Outfall.

XXIV. And be it further enacted, That it shall and may be lawful to and for the Trustees of and under the said recited Act of the Fifty-seventh Year of King *George* the Third, or their respective Agents, at any General Annual Meeting to be held pursuant to the Directions and Provisions of the same Act, to make, ordain, and establish Orders, Rules, and Bye Laws for the due and efficient Preservation, Management, and Direction of the said Barrier Bank, and of the Works of Drainage made or executed under the Authority of the recited Acts, or either of them, or to be made or executed under the same Authority, and for providing and preserving proper Channels, Tunnels, and Watercourses for Discharge of the Waters into and from the several Drains; and also from Time to Time, as Occasion shall require, to rescind, add to, amend, and alter such Orders, Rules, and Bye Laws, and to impose and inflict such reasonable Fines, Penalties, and Forfeitures for the Breach of such Orders, Rules, and Bye Laws, as the said Trustees at any such annual Meeting as aforesaid shall think fit and expedient, so as no such Fine or Forfeiture shall exceed the Sum of Five Pounds on any one Person for any one Offence; which Fine, Penalty, or Forfeiture shall be enforced, levied, and recovered in the Manner and by the Means prescribed and directed in and by the said recited Act of the Fifty-seventh Year of King *George* the Third in relation to any Penalty or Forfeiture therein mentioned; which said Orders, Rules, and Bye Laws shall be reduced into Writing, and signed by the Trustees present at such annual Meeting as aforesaid, or their Agents respectively, and entered in the Book or Books of Proceedings of

Power to make Bye Laws.

the said Trustees and Committee Men; and Copies thereof shall be printed for Distribution and for Delivery to any Person requiring the same: Provided nevertheless, that such Orders, Rules, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to any Provision contained in this or the said several herein-before recited Acts: Provided also, that before any such Fine, Penalty, or Forfeiture shall be payable or recoverable such Bye Laws shall be approved by some Judge of one of Her Majesty's Courts of Record, or by the Justices in the Court of General or Quarter Sessions assembled at *Spalding* for the Parts of *Holland* in the County of *Lincoln*, and a Certificate obtained of such Approval under the Hand of such Judge, or of the Chairman of such Court of General or Quarter Sessions.

Reservation of the Rights of the North Level and Nene Outfall Commissioners.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to annul, invalidate, lessen, prejudice, or interfere with any of the Rights, Powers, or Privileges to which the *North Level* Commissioners or the *Nene Outfall* Commissioners, or their respective Committees, or any of them, were respectively entitled, or which were vested in them respectively before the passing of this Act, but that all such Powers, Rights, and Privileges shall remain and continue at all Times hereafter in as full Force and Effect as if this Act had not been passed.

Public Act.

XXVI. 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.

Term of Act in regard to the Road.

XXVII. And be it further enacted, That so much of this Act as relates to the Road from *Spalding High Bridge* to *Brother House* aforesaid on the said Barrier Bank shall commence on the Day of the passing thereof, and shall thenceforth continue and be in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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