ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 1.

An Act for embanking and draining certain Lands adjoining the River *Wade* in the Pariſhes of *Steeple cum Stanſgate* and *Saint Lawrence* in the County of *Eſſex*. [28th *February* 1812.]

WHEREAS *William Kenrick*, *William Hunt Mickelfield*, *Robert Torin*, *Joſeph Green*, and *John Hay*, Eſquires, the Reverend *John Morgan* Clerk, and *Ann Robinſon* Widow, are the Proprietors of the Lands adjoining a certain Inlet or Encroachment of the Waters of the Black Water River, called *The River Wade*, ſituate in the Pariſhes of *Steeple cum Stanſgate*, and *Saint Lawrence*, in the County of *Eſſex*, liable to be overflowed by the Sea or Salt Water; that is to ſay, the ſaid *William Kenrick* is Proprietor of Sixty-four Acres, Two Roods, and Nine Perches; the ſaid *William Hunt Mickelfield* is Proprietor of Sixty Acres, Three Roods, and Four Perches; the ſaid *Robert Torin* of Fifteen Acres, Three Roods, and Twenty-four Perches; the ſaid *Joſeph Green* of Thirty-four Acres and Eleven Perches; the ſaid *John Hay* of Sixteen Acres, Two Roods, and Thirty-one Perches; the ſaid *John Morgan* of Four Acres, Two Roods, and Thirty-ſeven Perches; and the ſaid *Ann Robinſon* of Four Acres, One Rood, and Fifteen Perches of the ſaid Lands, excluſive of their reſpective Parts of the Bed of the ſaid Encroachment or Inlet: And whereas it would be very much to the Advantage of the ſeveral Proprietors of the ſaid Lands, if the Sea or Salt Water ſhould be excluded and other Waters drained therefrom: And whereas all the ſaid Proprietors are deſirous that the ſame ſhould be done; but the ſame cannot effectually be done without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted

by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by Authority of the ſame, That it ſhall and may be lawful for the ſaid Proprietors, or the Proprietors of the ſaid Lands for the Time being, to erect, ſet up, and make, uphold, and maintain, or cauſe to be erected, ſet up, made, upheld, and maintained, acroſs or on the Sides of or near or adjoining unto ſuch Encroachment or Inlet, one or more Bank, Mound, Wall, Sluice, Aqueduct or Cut, Banks, Mounds, Walls, Sluices, Aqueducts or Cuts, as may be neceſſary, to exclude the Sea or Salt Water from overflowing the ſaid Lands, and to carry off other Waters therefrom; and for that Purpoſe, from Time to Time, to enter upon and take ſo much of any of the ſaid Lands, whereof the Proprietors ſhall be ſeiſed in Fee Simple, or of the Soil thereof, as may be neceſſary for erecting, ſetting up, or making the ſame, and for upholding and maintaining the ſame, after the ſame ſhall have been erected, made, and ſet up, making to the Proprietors thereof for the Time being, reaſonable Compenſation for the Lands or Soil taken by them for ſuch Purpoſes aforeſaid.

The Works to be erected.

II. And be it further enacted, That the Proprietors of the ſaid Lands for the Time being ſhall, within Thirty-one Days after the paſſing of this Act, hold a Meeting, of the Time and Place of which Meeting Ten Days Notice ſhall be given in each of the Pariſh Churches of *Steeple cum Stanſgate* and *Saint Lawrence* aforeſaid, at which Meeting or any Adjournment thereof, it ſhall and may be lawful for the ſaid Proprietors, or any Three or more of them, not being Proprietors of leſs than One hundred Acres of the ſaid Lands, to contract for the Ground whereon or wherein to erect, ſet up, and make ſuch Works; and alſo to contract with any Perſon or Perſons who may be willing to contract to erect, ſet up, or make the ſame, or any Part or Parts thereof, or to employ any Perſon or Perſons to erect, ſet up, or make the ſame, or any Part or Parts thereof, as to the Proprietors aſſembled at ſuch Meeting ſhall ſeem fit.

Appointing a Meeting to contract or give Directions for erecting the Works.

III. And be it further enacted, That for the better ſecuring the due and punctual Payment of the Expences to be incurred in obtaining this preſent Act of Parliament, and of obtaining the Maps and Eſtimates neceſſary or expedient to have been obtained, and of making, ſetting up, or erecting the ſaid Works, and purchaſing the Ground whereon or wherein to make or erect the ſame, the Proprietors of the ſaid Lands for the Time being ſhall, and they are hereby required to meet within the ſaid Pariſh of *Steeple cum Stainſgate* aforeſaid, on the Firſt Day of *June* next enſuing the paſſing of this Act, and they, or ſuch of them as ſhall attend ſuch Meeting, are hereby required to proceed to view the ſaid Works, and if the ſame ſhall not be then completed, to adjourn ſuch Meeting for any Period of Time not exceeding One Month, and ſo from Time to Time till the ſame ſhall be completed; and when the ſaid Proprietors ſhall find upon ſuch View that the ſaid Works have been completed, they are hereby authorized and required to declare the ſame to have been completed, and they, or ſuch of them who ſhall attend at ſuch Meeting, are hereby further authorized and required thereupon to proceed to an Examination and Allowance of all Sums expended and diſburſed, or due or owing in reſpect of obtaining this preſent Act, and of obtaining the Maps and Eſtimates neceſſary or expedient to have been obtained, and of purchaſing the Ground whereon or wherein

How the Expence of erecting the Works to be aſcertained.

the ſaid Works ſhall have been erected, ſet up, or made, and of erecting, ſetting up, and making of the ſame, and to aſcertain by whom all and every ſuch Sum or Sums have or hath been paid or diſburſed, or to whom the ſame, or any Part thereof, are or is due, and the Sum total of the whole Expences, and to add thereto, when occaſion ſhall require, ſuch fractional Part of a Pound as ſhall make up the ſame the next Number of whole Pounds Sterling, and to cauſe an Entry thereof be made in the Book hereafter directed to be kept by ſome Perſon to be appointed to be their Clerk as herein-after directed, and to declare ſuch laſt mentioned Sum to be the Amount to be charged upon the ſaid Lands as and for the Expences of erecting the ſaid Works.

Proviſion for repairing the Works after they ſhall have been completed.

IV. And be it further enacted, That if, at any Time after the ſaid Works ſhall have been completed, the ſame, or any Part or Parts thereof, ſhall ſtand in need of any Improvements or Repairs in the Judgement of any Proprietor of the ſaid Lands for the Time being, being a Proprietor of not leſs than Four Acres of the ſaid Lands, it ſhall and may be lawful for ſuch Proprietor to cauſe a Notice in Writing, to be ſigned by him, to be affixed on the outer Doors of each of the Pariſh Churches of *Steeple cum Stanſgate*, and *Saint Lawrence* aforeſaid, on Three different *Sundays*, of a Meeting of the ſaid Proprietors for the Time being, to be holden at ſome Time and Place to be ſpecified in ſuch Notice, ſuch Time not being leſs than One Month from the Time of firſt affixing ſuch Notice, and ſuch Place not being more than Twelve Miles from the Pariſh Church of *Steeple cum Stanſgate* aforeſaid, at which Meeting it ſhall and may be lawful for the Proprietor or Proprietors aſſembled thereat, or at any Adjournment thereof, being a Proprietor or Proprietors of not leſs than One hundred Acres of the ſaid Lands, to cauſe an Eſtimate or Eſtimates to be prepared of ſuch intended Repairs or Improvements, or to contract for the Performance thereof, or any Part or Parts thereof, or to employ any Perſon or Perſons to perform the ſame, or any Part or Parts thereof, and to authorize any Perſon or Perſons to enter any of the aforeſaid Lands to do and perform ſuch Repairs or Improvements; and the Proprietor or Proprietors who ſhall at any ſuch Meeting order any Eſtimate or Eſtimates, or authorize the entering on and taking ſuch Soil, or contract for or order the Performance of any ſuch Improvements or Repairs, ſhall, and he, ſhe, or they are and is hereby required to fix ſome Time and Place for the Examination and Allowance of the Expences to be incurred in purſuance of ſuch Order or Orders, Contract or Contracts; and they, or ſuch of them who ſhall attend at ſuch Meeting, are hereby authorized and required, if ſuch Eſtimates, Improvements, or Repairs, which ſhall have been ordered ſhall not have then been made and completed, to adjourn ſuch Meeting for any Period not exceeding One Month, and ſo from Time to Time till the ſame ſhall have been made and completed; and they, or ſuch of them who ſhall attend at ſuch Meeting or adjourned Meeting, which ſhall be ſo holden after the ſame ſhall have been made and completed, are hereby required to view the ſame, and to declare the ſame to have been completed, and to proceed to an Examination and Allowance of all Sums expended and diſburſed, or due or owing in reſpect thereof, and to aſcertain by whom all and every ſuch Sum or Sums hath or have been paid or diſburſed, or to whom the ſame, or any Part or Parts thereof is or are due, and to aſcertain the Sum total of the whole Expence, and to add thereto, when Occaſion ſhall require,

require, such fractional Part of a Pound as will make up the same the next Number of whole Pounds Sterling, and to cause an Entry thereof to be made in the Book herein-after directed to be kept by some Person to be appointed to be their Clerk as herein-after directed, and to declare such last-mentioned Sum to be the Amount to be charged upon the said Lands for such Estimate, Compensation for Soil, or Amendment or Repairs of the said Works.

Provision for Payment of the Expences of making, erecting, or setting up the Works and keeping them in repair.

V. And be it hereby further enacted, That when any Proprietor or Proprietors of the said Lands for the Time being, or the Clerk of the said Proprietors, in Cases where he shall be competent so to do, shall at any Meeting declare any Sum to be the Sum to be charged upon the aforesaid Lands, under the Authority in that respect given by this Act, such Proprietor or Proprietors or Clerk shall, and he, she, or they are and is hereby authorized and required to assess and charge the same upon the aforesaid Lands, in the Manner and Proportion following; that is to say, a Sum of Six Shillings and Five-pence Halfpenny for every Pound Sterling of such Sum total upon the Lands of the said *William Kenrick*; a Sum of Six Shillings and One Halfpenny for every Pound Sterling of such Sum total on the Lands of the said *William Hunt Mickelfield*; a Sum of One Shilling and Seven-pence for every Pound Sterling of such Sum total on the Lands of the said *Robert Torin*; a Sum of Three Shillings and Four-pence Halfpenny for every Pound Sterling of such Sum total on the Lands of the said *Joseph Green*; a Sum of One Shilling and Eight-pence for every Pound Sterling of such Sum total on the Lands of the said *John Hay*; a Sum of Five-pence Halfpenny for every Pound Sterling of such Sum total on the Lands of the said *John Morgan*; and a further Sum of Five-pence for every Pound Sterling of such Sum total on the Lands of the said *Ann Robinson*; and if any Proprietor or Proprietors for the Time being of any of the said Lands shall not have advanced, disbursed, or paid, or immediately and at such Meeting shall not pay the whole Sum at such Meeting assessed and charged upon his, her, or their Lands, it shall and may be lawful for the Proprietor or Proprietors present at such Meeting, or the Clerk of the said Proprietors, in Cases where he shall be competent so to do, and he, she, or they are and is hereby authorized and required to execute an Instrument under his, her, or their Hand and Seal or Hands and Seals, in the Form in the Schedule hereunto annexed, set forth, and to deliver the same to any Person or Persons who may be willing to advance the Sum therein specified, or to whom any such Sum shall at such Meeting be found due, who shall be willing to accept the same in discharge thereof, such Sum not being greater than the Sum assessed at such Meeting on the Lands by such Instrument intended to be charged with the Payment thereof, and then remaining unpaid; and such Instrument so executed and delivered shall, from the Date thereof, be a Charge upon the Lands therein specified for the Sum therein also specified, with Interest thereon, after the Rate of Five Pounds *per Centum per Annum*, in favour of the Person or Persons to whom the same shall be so executed and delivered, his, her, or their Heirs, Executors, and Administrators, as fully and effectually as if the same had been charged thereon, by due and proper Conveyances, Surrenders, or other Instrument according to the Nature of the said Lands, executed by all Persons competent to convey an Estate in Fee Simple therein; and the Person or Persons in whose Favour the same shall be so executed, shall have all and every Means of recovering

recovering the Principal and Intereſt thereby charged thereon which any Mortgagee could or might have for the Recovery of Principal and Intereſt charged by any Mortgage thereon, and moreover all and every ſuch Remedy and Remedies, for the Recovery of any Intereſt due or to grow due thereon, which any Landlord might have for the Recovery of any Rent in arrear out of the Premiſes charged with ſuch Intereſt: Provided always, that all and every ſuch Inſtrument ſhall be invalid and of no Effect unleſs the ſame be inrolled in the High Court of Chancery within Three Calendar Months next after the Execution thereof, and the proper Officer of the ſaid Court is hereby authorized and required to inrol the ſame when the ſame ſhall be left with him for that Purpoſe, and to note on the Inſtrument the Date when the ſame was left with him for Inrolment, and the Reference to the Roll in which the ſame is inrolled, and the ſaid Officer ſhall be paid for ſo doing the uſual Fee in like Caſes.

How to charge Lands in the Hands of Tenants for Life.

VI. Provided always, and be it hereby further enacted, That no ſuch Inſtrument ſhall extend to charge any of ſuch Lands, in the Hands of any Tenant for Life thereof, with any greater or further Sum by way of Intereſt than Intereſt for the Sum therein ſpecified for One Year, and One Quarter of a Year over and above the Intereſt which ſhall come due thereon in the Life-time of ſuch Tenant for Life.

Proviſion for paying of the Charges when the Party cannot be found, or is incompetent to give a Diſcharge.

VII. Provided always, and be it hereby further enacted, That if any Proprietor for the Time being of any of the ſaid Lands ſhall be at any Time deſirous of paying off the Principal Money and Intereſt which ſhall be at any Time charged thereon by any ſuch Inſtrument as aforeſaid, it ſhall be lawful for him, her, or them ſo to do, on giving the Party entitled thereto Six Months Notice of his, her, or their Intention ſo to do; and in caſe ſuch Party ſhall refuſe to accept of the ſame, or be incompetent to give a competent Diſcharge for the ſame, or be beyond Sea, or not to be found, it ſhall and may be lawful for ſuch Proprietor to apply by Petition to the High Court of Chancery, which ſaid Court is hereby authorized to entertain ſuch Petition, and on the Hearing thereof, and Proof being made to the Satisfaction of the ſaid Court of the ſeveral Facts in the particular Caſe requiſite to be proved, to order that ſuch Principal and Intereſt ſhould be paid into the Bank, in the Name and with the Privity of the Accountant General of the ſaid Court, and to diſcharge the Lands of ſuch Proprietor therefrom, and to make ſuch other Order or Orders therein, as to the ſaid Court ſhall ſeem fit.

Claims when to be made, or otherwiſe void.

VIII. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall pay, diſburſe, or expend, or be entitled to be paid any Sum or Sums of Money in reſpect of any of the Expences of obtaining this Act, or the Plan or Eſtimates aforeſaid, or of purchaſing any Land or Soil taken for the Purpoſe of erecting, making, ſetting up, or repairing or improving the ſaid Works, or in any other Reſpect in regard to the ſaid Works, or otherwiſe, for the Purpoſes of this Act, ſhall be entitled to demand or recover the ſame from the ſaid Proprietors for the Time being, or any of them, or their or any of their Lands, Goods, or Effects, unleſs ſuch Perſon or Perſons ſhall ſtate in Writing and demand his, her, or their Claim at the particular Meeting for the Conſideration or Allowance of the Expences of which ſuch his, her, or their Claim ſhall form the Whole or a Part, or at ſome Adjournment of ſuch Meeting, or of

the Clerk of the ſaid Proprietors, to be appointed as after-mentioned, previous to ſuch Meeting or ſome Adjournment of ſuch Meeting.

Meetings may be adjourned.

IX. Provided always, and be it hereby further enacted, That it ſhall and may be lawful for the Proprietor or Proprietors of the ſaid Lands for the Time being, competent to act at any Meeting to be holden under the Authority of this Act, who ſhall be aſſembled at any Meeting, to adjourn the ſame for any Space of Time not exceeding One Calendar Month from Time to Time, as Occaſion may require, or he, ſhe, or they ſhall think fit; and that if at any Meeting or adjourned Meeting, at which the Preſence of Proprietors or a Proprietor of not leſs than One hundred Acres is required, there ſhall not be ſuch an Attendance, the ſame ſhall ſtand and be adjourned from Fourteen Days to Fourteen Days until a Proprietor or Proprietors competent to act thereat ſhall attend: Provided nevertheleſs, that if at any Meeting of the Proprietors, at which the ſaid Works or any Repairs or Improvements thereof may be declared complete, or any Accounts thereof examined and allowed, no Proprietor ſhall attend, it ſhall and may be lawful for the Clerk of the ſaid Proprietors appointed as herein-after directed, and he is hereby authorized and required to proceed to view the ſaid Works; and if he ſhall find them, or the Repairs or Improvements thereof, as the Caſe may be, incomplete, to adjourn ſuch Meeting for any Period of Time not exceeding One Month, and ſo from Time to Time until the ſame ſhall be completed, and then to declare them to be ſo, and forthwith to proceed to the Examination and Allowance, and Aſſeſſment of the Charges and Expences thereof, and to charge the reſpective Amount on the Lands of the ſeveral Proprietors to be charged therewith as herein-above directed, and to the Execution and Delivery of ſuch Inſtruments as aforeſaid, as may be neceſſary for the due and effectual Charge of the ſeveral Sums which may be neceſſary to be charged in favour of the Perſon or Perſons to whom the ſame may be found due, and who may be willing to accept ſuch Inſtruments in Payment thereof; and all Matters, Things, and Acts done therein by the Clerk of the ſaid Proprietors appointed in Manner herein-after mentioned, when no Proprietor ſhall attend at any ſuch Meeting or adjourned Meeting, ſhall be equally good, valid, binding, and of the ſame Force and Effect to all Intents and Purpoſes, as if the ſame had been done and performed by a Proprietor or Proprietors competent to do or perform the ſame under the Proviſions of this Act.

Proprietors may act at Meetings when intereſted.

X. Provided always, and be it further enacted, That any Proprietor ſhall be competent to act at any Meeting of the Proprietors of the ſaid Lands, and to do or concur in any Act to be done at any Meeting, although he or ſhe may be intereſted in the ſubject Matter of ſuch Meeting, or in the Act which he or ſhe may ſo do, or in which he or ſhe may ſo concur.

The Determination of any Meeting to be had by Plurality of Voices, &c.

XI. And be it further enacted, That at all Meetings of the Proprietors of the ſaid Lands, to be held in purſuance of this Act, the Determination of ſuch Meeting ſhall be had by Plurality of Voices of the Proprietors for the Time being preſent at ſuch Meeting, being Proprietor reſpectively of Four Acres of the ſaid Lands, and upwards; and that every Proprietor of Four Acres, and under Fifteen Acres of the ſaid Lands, ſhall be entitled

entitled to One ſuch Voice; and that every Proprietor of more than Fifteen Acres of the ſaid Lands ſhall be entitled to One additional Voice for every Fifteen Acres of the ſaid Lands whereof he ſhall be Proprietor, over and above the firſt Fifteen Acres; and if at any Meeting there ſhould happen to be an Equality of Voices, then the Perſon who ſhall have called, or whoſe Name ſhall ſtand firſt of the Names ſubſcribed to the Notice calling ſuch Meeting, or the Meeting whereof the then Meeting may be an Adjournment, ſhall have One other additional or the caſting Voice.

A Clerk to be appointed.

XII. And be it further enacted, That the Proprietors of the ſaid Lands ſhall, at their Firſt Meeting, appoint ſome fit and proper Perſon to be their Clerk, to take and enter in a Book Minutes of the Proceedings of the Meetings of the ſaid Proprietors, and the ſaid Proprietors ſhall allow him ſuch Compenſation for his Expences of coming or travelling to and from, and for his Trouble and Attendance at ſuch Meetings, as to them ſhall ſeem fit, not exceeding the Sum of Three Pounds for each Day of Attendance at any ſuch Meeting, and which Sum may be added to any Expences ordered to be allowed at ſuch Meeting, or ſhall be chargeable upon and collected from the aforeſaid Eſtates, in ſuch and the ſame Proportions, as other Sums are herein-before directed to be charged thereon; and the ſaid Proprietors ſhall cauſe a Map of the ſaid Eſtates to be entered in ſuch Book, and ſuch Book and Map ſhall be the Property of the ſaid Proprietors for the Time being, and ſhall be kept and diſpoſed of in ſuch Manner and ſuch Place, as the ſaid Proprietors ſhall at any of their Meetings from Time to Time direct; and ſuch Clerk ſhall be liable to be diſmiſſed, and in caſe of his Death or Diſmiſſal another Perſon may be appointed in his Room at the Will and Pleaſure of the Proprietors for the Time being, who ſhall attend at any Meeting to be held under the Authority of this Act, at which a Proprietor or Proprietors of not leſs than One hundred Acres of the ſaid Lands ſhall attend.

Proviſion for the Repair of the Works requiring to be immediately done.

XIII. And be it further enacted, That after the Works herein-above authorized to be erected, made, and ſet up, ſhall have been declared to have been completed in the Manner herein-above directed, it ſhall and may be lawful for any Proprietor for the Time being of not leſs than Four Acres of any of the aforeſaid Lands, or for any Occupier of any of the aforeſaid Lands, who ſhall be deputed ſo to do under the Hand and Seal of any Proprietor for the Time being of not leſs than Fifteen Acres of the ſaid Lands, (which Deputation ſuch Proprietor is hereby authorized and empowered to make,) from Time to Time, and as Occaſion may require, to direct any Sum of Money, not exceeding Thirty Pounds, to be laid out in the Repair of any ſudden Injury which may be done to the ſaid Works, or any of them, or of any Defect or Imperfection which may ariſe or appear and require urgent or immediate Remedy; and upon Proof being made by Affidavit before any of His Majeſty's Juſtices of the Peace for the ſaid County of *Eſſex*, which Affidavit ſuch Magiſtrate is hereby authorized and required to take, of the Expenditure of any Sum, not exceeding the Sum of Thirty Pounds, for the Purpoſes laſt aforeſaid, the ſaid Clerk ſhall, when Occaſion ſhall require, add thereto ſuch fractional Part of a Pound as will make ſuch Sum up the next Number of whole Pounds, and divide, apportion, and aſſeſs ſuch Sum upon the aforeſaid Lands, in the Proportion herein-above directed in reſpect of the Expences of erecting the ſaid Works; and if the Proportion aſſeſſed upon any of the ſaid

Lands, or any Part thereof, ſhall remain unpaid by any Occupier of the Lands, or any of them, on which the ſame ſhall have been aſſeſſed, of whom the ſame ſhall have been demanded for the Space of Twenty-one Days, the ſame ſhall be recoverable by a Warrant of Diſtreſs and Sale of ſuch Occupier's Goods and Chattels, under the Hand and Seal of any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Eſſex*, acting for the Diſtrict in which the ſaid Lands are ſituate, who is hereby authorized and required upon Proof of ſuch Aſſeſſment, Demand, and Non-payment, to grant ſuch Warrant accordingly; and ſuch Occupier ſo paying the ſame, ſhall be allowed the Amount thereof by his or her Landlord or Landlady, in Payment of any Rent then or thereafter accruing or to accrue due to ſuch Landlord or Landlady, who is hereby required to allow the ſame to him or her accordingly.

All Aſſeſſments to be apportioned in the Manner ſpecified.

XIV. And be it hereby further enacted, That all Aſſeſſments made under the Authority of this Act ſhall be made in the Proportions hereinabove mentioned upon ſuch Lands reſpectively into whoſe or whatever other Hands the ſame ſhall reſpectively come or devolve, or however the Property in the ſame may hereafter be divided: Provided always nevertheleſs, that if the Proprietors for the Time being, aſſembled at any Meeting of not leſs than One hundred Acres of Land, in reſpect of which no Alteration ſhall be propoſed at ſuch Meeting, ſhall aſſent to any different Diviſion of the Proportion of Aſſeſſment on any other of the ſaid Lands, and a Memorandum thereof be entered and ſigned by them in the Book herein-above directed to be kept by the Clerk of the ſaid Proprietors, the ſame may be done, and all Aſſeſſments thereafter to be made under the Authority of this Act, ſhall be apportioned and aſſeſſed in the Proportions at which the ſame ſhall at ſuch Meeting be ſo agreed to be apportioned and aſſeſſed, any Thing in this Act to the contrary in anywiſe notwithſtanding.

Sums under Ten Pounds to be levied by Warrant of Diſtreſs and Sale.

XV. Provided always, and be it hereby enacted, That when and ſo often as any Aſſeſſment upon the Lands of any One of the aforeſaid Proprietors, made under the Authority of this Act, ſhall not exceed the Sum of Ten Pounds, and the ſame ſhall remain unpaid for the Space of Twenty-one Days after the ſame ſhall have been demanded of any Occupier of the Lands, or any of the Lands on which the ſame ſhall have been aſſeſſed, the ſame ſhall be recoverable by a Warrant of Diſtreſs and Sale of ſuch Occupier's Goods and Chattels, under the Hand and Seal of any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Eſſex*, acting for the Diviſion in which the ſaid Lands are ſituate, who is hereby authorized and required upon Proof of ſuch Aſſeſſment, Demand, and Non-payment, to grant ſuch Warrant accordingly, and ſuch Occupier ſo paying the ſame, ſhall be allowed the Amount thereof by his or her Landlord or Landlady on Payment of any Rent, then accrued or thenafter accruing due to ſuch Landlord or Landlady, who is hereby required to allow the ſame to him or her accordingly.

Power to Magiſtrates in certain Caſes to apportion the Diſtreſs.

XVI. Provided always, and be it hereby enacted, That if in any Caſe where any Sum of Money is by this Act authorized to be levied on the Goods and Chattels of any Occupier, by Warrant of Diſtreſs and Sale, under the Hand and Seal of any Juſtice of Peace, and it ſhall be made to appear to ſuch Juſtice that any other Occupier or Occupiers ought to pay, or

or is or are liable to be called on for the Payment of such Sum, or any Part or Parts thereof, it shall and may be lawful for such Justice to apportion the same among such Occupiers, and to enforce by like Warrant the Payment of his, her, or their respective Proportion or Proportions, who shall be allowed the Sum or Sums he, she, or they may respectively voluntarily pay or be compelled to pay on such Account by his, her, or their respective Landlords or Landladies, out of any Rent or Rents then accrued or thenafter accruing due to such Landlords or Landladies respectively, who are hereby required to allow the same accordingly.

Monies advanced to be repaid with Interest.

XVII. And be it further enacted, That if any Proprietor or Proprietors of the said Lands, or other Person or Persons shall advance any Sum or Sums of Money for defraying the Expences of obtaining and passing this Act, and carrying the same into Execution, or for erecting, making, or setting up the said Works, or for the necessary Expences thereof, or any Repairs or Amendments thereof, ordered at any Meeting competent to order the same, every such Proprietor or Proprietors, Person or Persons, shall be repaid the same with Interest, after the Rate of Five Pounds *per Centum per Annum*, for the Time the same shall have been advanced to the Day the same shall be allowed, and such Interest shall be allowed and paid, or the Payment thereof provided for in such and the same Manner as other Expences are in that Behalf herein-before directed to be allowed and paid or provided for.

Tenants at Rack Rents to continue on certain Conditions, or their Leases to be awarded on certain other Conditions at their Option.

XVIII. And be it further enacted, That in all Cases where any of the said Lands are let at Rack Rents, the same will, by the Erection of such Works aforesaid, be greatly enhanced in value in the Hands of the Tenants thereof, the Tenants thereof shall be at Liberty to hold and enjoy the same during the Continuance of their respective Terms, then to come therein, on Condition of paying yearly and every Year, or Portion of a Year during the Continuance of their respective Terms therein by Way of increased Rent, after the Rate of Three Pounds *per Centum per Annum* for the first Three Years, and Seven Pounds *per Centum per Annum* for the Residue of their respective Terms, over and above their respective Rents on the Sum to be assessed on their respective Landlords on the Completion of the said Works in Manner aforesaid, and such Payments to begin to accrue due from the Quarter Day next after the said Works shall be declared to be completed as aforesaid; or if the said Tenants or any of them shall prefer, it shall and may be lawful for him, her, or them to apply to *Anthony Bower* of the City of *Lincoln*, Gentleman, who is on the Receipt of such Application hereby authorized and required to proceed to view the Lands in the Occupation of him, her, or them making such Application, and to award what Increase of Rent ought to be paid by him, her, or them continuing to hold the same for the Continuance of his, her, or their Term, or what Abatement of Rent ought to be allowed to him, her, or them during the Continuance of his, her, or their Term, upon he, she, or they giving up his, her, or their Term in the said Lands; and such Tenant or Tenants shall have the Option of giving up or continuing Tenant of the said Lands, receiving such Abatements, or paying such additional Rent accordingly: Provided always, that the Expence of obtaining such Award be settled by the said *Anthony Bower*, and that the same be borne and paid by the Tenant or Tenants applying for the same, and that the same be delivered within Twelve Calendar Months after the said Works shall be declared to have been completed as aforesaid.

XIX. And

Boundaries may be straightened.

XIX. And be it hereby further enacted, That if any Difference shall arise between any of the Proprietors of the said Lands touching the Boundaries of their respective Lands, or any of the said Proprietors shall be desirous that the Boundary of his, her, or their Property should be straightened so as to afford a more free and ready Passage of the Waters therefrom, it shall and may be lawful for any of the said Proprietors for the Time being, at any Time after the passing of this Act, to apply to the said *Anthony Bower* to ascertain and settle, or to straighten and set out the same, who is hereby authorized and required upon such Application being made to him, to give to the Parties interested a Notice in Writing of some Day when he will proceed to ascertain and set out the same, by leaving or causing the same to be left at his, her, or their last usual Place of Abode, at least Fourteen Days before the Day so appointed by him, and on such Day and such subsequent Days as may be requisite or necessary for so doing, to ascertain and settle, and set to such Boundary, and to give the Parties interested therein a Description thereof, and to mark the same upon the Plan or Map in the Book herein-before directed to be provided, and the Boundary so set out by the said *Anthony Bower* shall thenceforth ever after be the Boundary of the said Proprietors, and be by them respectively kept and maintained as the said *Anthony Bower* shall direct; and the said *Anthony Bower* shall be paid his reasonable Expences, and a Remuneration for so doing by the said Proprietors in such Proportion as he shall direct, such Expences and Remuneration not exceeding Four Guineas *per* Day for every Day he shall be reasonably engaged therein, and travelling to and from the said Place.

Course of the Wade may be altered.

XX. And be it further enacted, That if at any Time after the passing of this Act it shall be thought expedient to alter the Course of the said River *Wade*, so that the Waters draining through the same may have a straighter and more free and ready Outfal and Passage through the same, it shall and may be lawful for any Proprietor to propose the same at any Meeting of the Proprietors for the Time being held under the Authority of this Act, at which a Proprietor or Proprietors of not less than One hundred Acres of the said Lands shall be present, and the said Meeting is hereby authorized and required to take such Proposal into their Consideration, and to determine thereon; and if such Meeting shall determine that the same ought to be done, such Determination shall not be valid and binding until the same shall have undergone the Consideration of a subsequent Meeting, to be called for the special Purpose of considering thereof, with Twenty-one Days Notice thereof at the least, and the Purpose of calling the same specially mentioned in the Notice calling the same; and if such Determination shall be ratified at such subsequent Meeting, the same shall be carried into Effect by the said *Anthony Bower*, and the Expences to be incurred in carrying the same into Effect shall be examined, allowed, raised, borne, assessed, charged, and paid in the same Manner, as the Expences of erecting, making, and setting up the said Works, are herein-before directed to be examined, allowed, raised, borne, assessed, charged, and paid.

Provision as to Lands annexed and disannexed by altering

XXI. Provided always, and be it hereby enacted, That if in straightening or altering the Course of the said River *Wade*, or the Boundaries between any Proprietors, it shall be found expedient or necessary to disannex any Part of the Lands of any Proprietor for the Time being, and

annex

annex them to the Lands of any other Proprietor for the Time being, it shall and may be done; and in every such Case, the said *Anthony Bower* shall set out, if the same can conveniently be done, an equivalent Quantity of Land from the Lands of the Proprietor for the Time being, to whose Lands such Land shall by such Operation be annexed for the Proprietor for the Time being, from whose Lands the same shall be disannexed, or otherwise shall award a sufficient Rent Charge to be issuing out of the Lands of the Proprietor for the Time being, to whose Lands the same shall be annexed in favour of the Proprietor from whose Lands the same shall be disannexed: Provided always, that in all such Cases the Equivalent may be given Part in Land, and Part by way of Rent Charge, or wholly in either, as may by the said *Anthony Bower* be judged most convenient; and that when any Lands shall be so annexed, or set out as an Equivalent, the same shall become Part and Parcel of the Lands to which the same shall be annexed, or shall be given as an Equivalent, and held and enjoyed by the same Title, and for the same Interest or Estate, and be of the same Tenure as the Lands to which the same shall be annexed or given as an Equivalent, any Thing or any Statute to the contrary in anywise notwithstanding: And further provided, that in all Cases when any Rent Charge shall be awarded as an Equivalent or part Equivalent, the same shall be held and enjoyed by the same Title, and for the same Interest or Estate, as the Lands were held for which the same was awarded as an Equivalent.

the Course of the Wade.

XXII. Provided always, and be it further enacted, That a Memorandum of every such Annexation and Disannexation, and Rent Charge, be made in the Book herein-above directed to be provided and kept, and also that the Lands annexed and disannexed be marked on the Map hereby directed to be kept in the said Book: Provided always, that if the said *Anthony Bower* shall die or refuse to act, some other Person may be elected in his Place or Stead, at any Meeting of the Proprietors for the Time being held in pursuance of this Act, and that the Person so elected shall have the same Powers and Authorities as the said *Anthony Bower* hath given to him by this Act; and all Acts, Matters, and Things to be done by such Person in pursuance of this Act, shall be of the like Force, Validity, and Effect, as if the same had been done or performed by the said *Anthony Bower*: Provided always, that the said *Anthony Bower*, or the Person so to be appointed in his Stead, before he proceeds to act, shall take and subscribe before some Magistrate of the County of *Essex*, who is hereby authorized and required to administer the same, the Oath following; that is to say,

Provision for registering such Alterations.

If the Referree refuse to act or dies, another may be appointed.

The Referee to take an Oath.

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I will faithfully and impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me by virtue of an Act, intituled [*state the Title of this Act*,] according to Equity and good Conscience, without Favour, Affection, or Partiality to any Person or Persons whomsoever.'

Oath.

XXIII. Provided always, and be it hereby further enacted, That whenever it shall be necessary that any Instrument or Instruments should be prepared and executed for the Purpose of charging the Lands of any of the

Provision for paying for the Instruments to

charge the Lands.

the Proprietor or Proprietors for the Time being, with his, her, or their Proportion of the Expences of erecting the ſaid Works, or any Repairs or Amendments thereof, the ſame ſhall be prepared and procured to be ſtamped and executed by the Clerk of the ſaid Proprietors, who ſhall be entitled to be paid the Price of the Stamp or Stamps to be affixed on each of ſuch Inſtruments, and a further Sum of Two Pounds, and no more, as a Remuneration for his Trouble in preparing and procuring the ſame to be ſtamped and executed, by the Perſon in whoſe Favour the ſame ſhall be executed; and ſuch Sum of Two Pounds, and the Price of ſuch Stamps, may and is hereby authorized to be by ſuch Inſtrument further charged on the Lands of the Proprietors for the Time being, in addition to and in the ſame Manner, and with the ſame Rate of Intereſt, as the other Sum hereby before authorized to be charged by the ſame Inſtruments thereon.

Proviſion for the Recovery of Money due to Referree.

XXIV. Provided always, and be it hereby further enacted, That all Sums of Money which may accrue and be juſtly due and owing to the ſaid *Anthony Bower*, or any Referee under the Authority of this Act, which ſhall remain unpaid for the Space of Twenty-one Days after the ſame ſhall have been demanded, ſhall and may be recovered by Warrant of Diſtreſs and Sale, under the Hand and Seal of any of His Majeſty's Juſtices of the Peace acting in and for the County of *Eſſex*, and which Warrant ſuch Juſtice is, upon due Proof of the Matters aforeſaid, hereby authorized to iſſue accordingly.

Appeal to the Seſſions.

XXV. Provided always, and be it hereby enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Matter or Thing done or omitted to be done by or under any Authority or Colour or Pretence given or ſuppoſed to be given by this preſent Act of Parliament, he, ſhe, or they may appeal to any General Quarter Seſſions of the Peace to be holden in and for the County of *Eſſex*, within Four Months next after the Cauſe of ſuch Grievance ſhall ariſe, happen, or fall out; and the Juſtices aſſembled at ſuch Seſſions, or at any Seſſions to which the ſame may be adjourned, are hereby authorized and required to take Cognizance thereof, and either to hear and finally determine the ſame, or to adjourn the Conſideration and final Determination thereof, as to them ſhall ſeem moſt conducive to the furtherance of Juſtice therein; and the ſaid Juſtices may on the hearing thereof award ſuch Coſts to any of the Parties as to them ſhall ſeem fit.

Saving the Claims of the Borough of Maldon.

XXVI. Provided always, and be it hereby further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice, leſſen, or defeat any Rights, Privileges, Franchiſes, or Juriſdictions, claimed by the Corporation of the Borough or Port of *Maldon*.

Publick Act.

XXVII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

SCHEDULE to which the Act refers.

‘ TO all to whom theſe Preſents ſhall come [*A. B.* of in the
‘ County of Eſq. *C. D.* of &c. *as the Caſe may be*] ſend
‘ greeting: Whereas by an Act, intituled [*here ſtate the Title of this Act*]
‘ it is enacted [*here ſtate the Clauſe or Clauſes enabling the Proprietors or*
‘ *the Clerk to execute in the particular Caſe the Inſtrument*]: And whereas,
‘ [*here recite the Circumſtances ſhewing that, in the particular Caſe, the Perſon*
‘ *or Perſons executing have Authority to execute in favour of the Perſon*
‘ *or Perſons by whom it is intended to be executed, and for the Sum intended*
‘ *to be inſerted*]; by reaſon of which Premiſes, I [*or*, we] the ſaid *A. B.*
‘ have full Power and Authority to charge the ſaid Lands with the ſaid
‘ Sum of and Intereſt for the ſame, after the Rate of Five
‘ Pounds *per Centum per Annum*, from the Date of theſe Preſents. Know
‘ ye, therefore, that by virtue of theſe Preſents, and in exerciſe of all and
‘ every Authority authoriſing and empowering me [*or*, us] ſo to do, I
‘ [*or*, we] the ſaid *A. B.* do charge the ſaid Lands, in whoſe Hands ſoever
‘ the ſame may now or hereafter be, with the Payment to [*the Party in*
‘ *whoſe Favour the Charge is made*] his Heirs, Executors, Adminiſtrators,
‘ or Aſſigns, of the ſaid Sum of with Intereſt for the ſame,
‘ from the Date of theſe Preſents, after the Rate of Five Pounds *per*
‘ *Centum per Annum*; and the ſaid [*Party in whoſe Favour the Charge is*
‘ *made*] doth by his Acceptance hereof, and by a Receipt ſigned by him,
‘ bearing even Date acknowledge the Payment and Satisfaction
‘ thereof, and the ſaid Lands are hereby charged with the ſaid Sum of
‘ and Intereſt for the ſame, at the Rate of Five Pounds
‘ *per Centum per Annum*, from the Date of theſe Preſents accordingly.
‘ As witneſs my [*or*, our] Hand and Seal this Day of
‘ in the Year

‘ L. S.’

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