

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

* * * \

Purposes of Drainage, not exceeding the respective Rates *per* Acre therein specified with respect to the several Districts, and to borrow Money on such Rates and Taxes either by way of Annuity or on Mortgage: And whereas by the same Act Provision was also made concerning the Navigation of the said River *Witham*, and Commissioners for Navigation were constituted: And whereas under the Act of 1762 the General Commissioners for Drainage taxed and charged the said Lands and Grounds to the Extent thereby authorized, and borrowed at Interest on Mortgage the Sum of Fifty-three thousand six hundred and fifty Pounds and applied the same (after defraying the Expenses of obtaining the said Act) in part Execution of the Purposes of the said Act: And whereas by another Act passed in the Fifty-second Year of King *George* the Third, for (among other things) rendering the Act of 1762 more effectual, (to which Act of the Fifty-second Year the Expression "the Act of 1812," when hereafter used in this Act, refers,) the Powers of the said Commissioners for Navigation were repealed, and their Property was transferred to, and the like Powers as were vested in them, so far as they related to the lower Part of the River *Witham* below the Sluice in or near the Town of *Boston* known as "the Grand Sluice," were conferred on, a Company styled "the Company of Proprietors of the *Witham* Navigation," thereby incorporated, which Company were thereby authorized and required to execute divers Works of Navigation thereby prescribed: And whereas by the Act of 1812 the Lands within the First, Third, and Fifth Districts charged at the passing of that Act with the Tax laid on the Lands within those Districts respectively under the Act of 1762 were divided into Four Classes, and were thereby respectively charged with the several yearly Taxes therein prescribed over and above the Taxes charged thereon respectively by virtue of the Act of 1762, the Lands forming the first of the said Four Classes being by the Act of 1812 charged with an annual Tax of One Shilling and Sixpence *per* Statute Acre, the Lands forming the second of the same Classes being by the Act of 1812 charged with an annual Tax of One Shilling *per* Statute Acre, the Lands forming the third of the same Classes being by the Act of 1812 charged with an annual Tax of Sixpence *per* Statute Acre, and the Lands forming the fourth of the same Classes being by the Act of 1812 charged with an annual Tax of Threepence *per* Statute Acre: And whereas by the Act of 1812 (after Recitals showing that the said Company of Proprietors had proposed to apply the Sum therein mentioned towards the Execution of the Works by the Act of 1812 directed, and that the General Commissioners in consideration thereof had agreed to secure to the Company a yearly Sum of One thousand four hundred Pounds out of the Taxes imposed by the Act of 1762 for Interest on such Expenditure, and that in consideration of the further Works by the Act of 1812 also directed to be executed by the Company the General

52 G. 3. c. cviii.

Commissioners

Commissioners had further agreed that a like yearly Sum of One thousand four hundred Pounds should be secured to the Company out of the Taxes imposed by the Act of 1812 on the First, Third, and Fifth Districts,) the Taxes arising under the Act of 1762 were charged with the Payment to the Company of the annual Sum of One thousand four hundred Pounds, and the Taxes imposed by the Act of 1812 on the First, Third and Fifth Districts were likewise charged with the Payment to the Company of an annual Sum of One thousand four hundred Pounds: And whereas by the Act of 1812 Power was given to the General Commissioners for Drainage to cause the Works, Conditions, and Provisions directed to be executed by, imposed on, and relating to the said Company to be done and observed at the Expense of the Company, if neglected by them: And whereas by another Act passed in the Seventh Year of King *George* the Fourth further Powers were conferred upon the said Company for completing the Drainage and Navigation, and for raising a further Sum of Money for that Purpose: And whereas by another Act passed in the Tenth Year of King *George* the Fourth the said Company were required to execute and maintain divers other Works and to do other Acts therein prescribed; and by the same Act the General Commissioners for Drainage were empowered to cause such Works and Acts to be maintained and done at the Expense of the said Company, if neglected by them: And whereas by "The *Great Northern* Railway Act, 1846," the *Great Northern* Railway Company were incorporated, and were empowered to make a Railway from *King's Cross* to *York*, together with what is called a Loop Line diverging from the Main Line at *Peterborough*, passing through *Spalding* to *Boston*, and thence passing over the River *Witham* above the Grand Sluice at *Boston*, and upon and along the Left Bank of the River to *Horsley Deeps* Lock, and then crossing the River, and being carried upon and along the Northern Bank of the *South Delph*: And whereas by the last-mentioned Act, after Recitals showing the Incorporation of the said Company of Proprietors of the *Witham* Navigation, and the Acts relating thereto, and declaring that it was expedient that the Works of Drainage and Navigation made in pursuance of the said Acts should be maintained and secured, it was enacted, among other things, to the Effect following; (that is to say,)

7 G. 4. c. ii.

10 G. 4. c. cxxiii.

9 & 10 Vict. c. lxxi.

(1.) That the Company of Proprietors should immediately after the passing of that Act grant to the *Great Northern* Railway Company, and that Company should accept, a Lease for Nine hundred and ninety-nine Years of all the Estate and Interest of the Company of Proprietors in the River *Witham*, and in the Navigation thereof, from the Grand Sluice aforesaid to the High Bridge in the City of *Lincoln*, with the Locks, Dues, and Tolls thereto belonging, and so much of the

the Banks of the River and all such Hereditaments as the Company of Proprietors were entitled to:

(2.) That the *Great Northern* Railway Company should from the passing of that Act, during the Continuance of the Lease, be entitled to receive for their own Benefit the said Two several Annuities of One thousand four hundred Pounds ach:

(3.) That the *Great Northern* Railway Company should take upon themselves from the same Period and become liable to the same Works of Navigation and Drainage, and the same Burden of performing and upholding Works of every Description, to which the said Company of Proprietors were or might have become liable, and should save harmless and keep indemnified the said Company of Proprietors and the General Commissioners for Drainage from and against the same, and all Loss and Expenses which they respectively might sustain on account of any Default on the part of the *Great Northern* Railway Company in performing the said Works or any of them:

(4.) That the *Great Northern* Railway Company should take upon themselves from the same Period the Mortgage Debt of Nineteen thousand Pounds, and Debentures to the Amount of Five thousand six hundred and ninety-two Pounds Ten Shillings, owing by the said Company of Proprietors, and the Interest thereof respectively, and all annual Outgoings payable by the Company of Proprietors in respect of any of the said Hereditaments:

And whereas by the same Act all Powers and Authorities vested in the said Company of Proprietors in relation to the Works of Drainage and Navigation and other Works, and in relation to Rates, Tolls, and Duties, and the Application thereof, and of the other Powers and Authorities vested in the said Company of Proprietors necessary for the Purposes of the same Act, were transferred to the *Great Northern* Railway Company: And whereas by the same Act Obligations were imposed upon the *Great Northern* Railway Company of maintaining and keeping such navigable Channel as therein mentioned, and of constructing and maintaining Haling Paths, Bridges, and Communications for the Purposes of the Navigation: And whereas the *Great Northern* Railway Company are in possession of the Premises, and are in enjoyment of the Benefits, and are subject to the Liabilities granted and imposed as aforesaid: And whereas it is expedient that further Works be executed for the Improvement of the Drainage and Navigation by the River *Witham*: And whereas it is expedient that some of those Works be executed by the General Commissioners for Drainage, and the Residue thereof by the *Great Northern*

Northern Railway Company: And whereas the Works proposed to be executed by the General Commissioners for Drainage will benefit chiefly the Lands within the First, Third, and Fifth Districts, and it is reasonable that additional Taxes be imposed on those Lands for the Purposes of those Works: And whereas it is expedient that the General Commissioners for Drainage be empowered to raise Money on the Security of such additional Taxes, and apply the same for the Execution of those Works and in the Maintenance thereof: And whereas it is expedient that the *Great Northern* Railway Company be authorized to raise additional Capital for the Purposes of the Works, to be executed by them under this Act: And whereas it is expedient that the Acts relating to the Drainage and Navigation by the River *Witham* be in some Particulars amended: And whereas Plans and Sections showing the Lines and Levels of the proposed Works, and the Lands proposed to be taken for the Purposes of this Act, with a Book of Reference thereto, have been deposited with the Clerks of the Peace for the Parts of *Lindsey*, the Parts of *Kesteven*, and the Parts of *Holland* respectively, all in the County of *Lincoln*, which respective Plans, Sections, and Books of Reference are hereafter in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited as the *Witham* Drainage Act, 1865.

Interpretation of Terms.

2. With respect to the Interpretation of Terms in and for the Purposes of this Act, the following Provisions shall have effect; (namely,)

(1.) In this Act and in any Act herewith incorporated the Term "Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace for the Parts of *Lindsey*, the Parts of *Kesteven*, or the Parts of *Holland*:

(2.) In this Act and in any Act herewith incorporated the Term "Superior Court," or "Court of competent Jurisdiction," or any other like Term, shall have effect as if the Debt or Demand with respect to which that Term is used was an ordinary Simple Contract Debt, and not a Debt or Demand created by Statute:

(3.) In this Act the Term "the *Witham* General Drainage Acts" means the Acts of 1762 and 1812, and the other Local and

Personal Acts relative to the Drainage by the River *Witham*, or to the General Commissioners for Drainage:

(4.) The several Terms to which Meanings are assigned by the Acts herewith incorporated have in this Act the same respective Meanings, unless the Subject or Context be repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Power for Commissioners to execute specified Works.

3. Subject to the Provisions of this Act, the General Commissioners for Drainage are hereby authorized, on the Lines and according to the Levels shown on the deposited Plans and Sections (so far as such Lines and Levels are shown thereon), to execute the following Works; (that is to say,)

(1.) To widen, deepen, scour, and otherwise improve or alter the River *Witham*, and to raise, widen, enlarge, or otherwise improve or alter both Banks and Haling Paths of the same River, such Works commencing at or near the Milestone on the Right Bank of the said River situate in the Parish of *Fosdyke* in the County of *Lincoln*, denoting the Distances of Six Miles and Three Quarters from *Boston* and Twenty-five Miles from *Lincoln*, and terminating at or near *Horsley Deeps* Lock in the Parish of *Branston* in the County aforesaid, and to widen, deepen, scour, and otherwise improve or alter the tributary Streams, Drains, and Watercourses falling into the said River between those Points for a Distance up any such Stream, Drain, or Watercourse not exceeding One hundred Yards from the Point where the same falls into the River *Witham*:

(2.) To widen, deepen, scour, and otherwise improve or alter the lower Part of the old River *Witham* between its Junction with the River *Witham* near *Horsley Deeps* Lock and its Junction with the Cut or Channel called *Barling's Eau*, and also *Barling's Eau* between that Junction and *Barling's Abbey* Ruins, and to raise, widen, enlarge, or otherwise improve both the Banks of those Parts of the old River *Witham* and *Barling's Eau*, such Works commencing at or near the Junction of the old River *Witham* with the River *Witham* in the said Parishes of *Bardney* and *Branston*, or One of them, near *Horsley Deeps* Lock, and terminating at or near *Barling's Abbey* Ruins, and to widen, deepen, scour, and otherwise improve or alter the tributary Streams, Drains, and Watercourses falling into the old River *Witham* or *Barling's Eau* between those Points for a Distance up any such Stream, Drain, or Watercourse not exceeding One hundred

hundred Yards from the Point where the same falls into the old River *Witham* or *Barling's Eau*:

(3.) To widen, deepen, scour, and otherwise improve or alter the Cut or Channel called *Billinghay Skirth*, and to raise, widen, enlarge, or otherwise improve both the Banks of the same Cut or Channel, such Works commencing at or near the Point where the said *Billinghay Skirth* joins the River *Witham*, and terminating at or near the Bridge over *Billinghay Skirth* at the End of *North Kyme* Causeway, and to widen, deepen, scour, and otherwise improve or alter the tributary Streams, Drains, and Watercourses falling into *Billinghay Skirth* between those Points for a Distance up any such Stream, Drain, or Watercourse not exceeding One hundred Yards from the Point where the same falls into *Billinghay Skirth*:

(4.) To widen, deepen, scour, and otherwise improve or alter the *Horncastle* Navigation between the Point where that Navigation joins the River *Witham* in the Parish of *Tattershall* in the Parts of *Lindsey* in the County of *Lincoln* and the Lock on that Navigation nearest to the River *Witham* situate in the Parish of *Tattershall*, and called *Tattershall* Lower Lock, and to lower and alter the said Lock:

(5.) To widen, deepen, scour, and otherwise improve or alter *Kyme Eau* or *Sleaford* Navigation between the Point where it joins the River *Witham* and the Lock on that Navigation nearest to the River *Witham* called *Kyme* Lower Lock, and to lower and alter the said Lock:

(6.) To widen, lengthen, deepen, and alter the Sills and Gates of the under-mentioned Delphs where they join the River *Witham*; (that is to say,) *Timberland Delph* in the Parish of *Timberland*, *Metheringham Delph* in the Parish of *Stixwould*, *Nocton Delph* in the Parish of *Dunston*, and *Branston Delph* in the Parishes of *Branston* and *Washingborough*, all in the Parts of *Kesteven* in the County of *Lincoln*.

Power for Great Northern Railway Company to execute specified Works.

4. Subject to the Provisions of this Act, the *Great Northern* Railway Company are hereby authorized, on the Lines and according to the Levels shown on the deposited Plans and Sections (so far as such Lines and Levels are shown thereon), to execute the following Works; (that is to say,)

(1.) To widen, deepen, scour, and otherwise improve or alter the lower Part of the Cut or Channel called the *South Delph*, and to raise, widen, enlarge, or otherwise improve both the Banks thereof, such Works commencing at or near the Point where the *South Delph* joins the River *Witham* in the said Parish of *Branston*, near *Horsley Deeps* Lock, and terminating

nating at or near a Point opposite the Milepost on the Loop Line of the *Great Northern* Railway from *Peterborough* to *Retford*, situate in the said Parish of *Washingborough*, denoting the Distance of One hundred and thirty-two Miles from *London*, and to widen, deepen, scour, and otherwise improve or alter the tributary Streams, Drains, and Watercourses falling into the *South Delph* between those Points for a Distance up any such Stream, Drain, or Watercourse not exceeding One hundred Yards from the Point where the same falls into the *South Delph*:

(2.) To deepen, widen, and alter or remove and rebuild *Horsley Deeps* Lock in the said Parish of *Branston*, and the Lock called *Anton's Gowt* Lock, situate in an Extra-parochial Place adjoining the Townships of *Langriville* and *Frithville* in the Parts of *Lindsey* in the County of *Lincoln*, or One of them.

Limits of Deviation.

5. In the Execution of the Works by this Act authorized the General Commissioners for Drainage and the *Great Northern* Railway Company respectively may make lateral Deviations from the Lines of such Works to any Extent within the Limits of lateral Deviation shown on the deposited Plans, and vertical Deviations from the Levels of such Works shown on the deposited Sections to any Extent not exceeding Five Feet upwards and Five Feet downwards, but shall not make any greater lateral or vertical Deviation without the Consent of the Owners of the Land in which the Deviation is intended to be made.

Limitation of certain Works.

6. Provided, That the Powers herein-before given to the General Commissioners for Drainage and the *Great Northern* Railway Company respectively to widen, deepen, scour, and otherwise improve or alter tributary Streams, Drains, and Watercourses shall not extend to authorize any Variation, Extension, or Enlargement of any Cut for Drainage being more than Eleven Feet wide at the Bottom thereof, or of any Cut for Navigation beyond the Extent to which the Variation, Extension, or Enlargement thereof is shown on the deposited Plans and Sections.

Power for Commissioners and Company to execute subsidiary Works.

7. Subject to the Restrictions contained in this Act or in any Enactment incorporated herewith applicable in this Behalf, the General Commissioners for Drainage and the *Great Northern* Railway Company respectively are hereby authorized to execute the following subsidiary Works; (that is to say,)

(1.) To deepen, widen, and alter or remove and rebuild all Locks, Bridges, Sluices, Milldams, Staunches, Floodgates, Tunnels, Haling Paths, Works, and Conveniences upon the River

River *Witham*, *South Delph*, the old River *Witham*, *Barling's Eau*, *Billinghay Skirth*, *Horncastle* Navigation, and *Kyme Eau*, or *Sleaford* Navigation respectively, between the respective Commencements and Terminations of the Works by this Act authorized to be executed by the Commissioners and Company respectively, and to alter the Level of the Top Water therein:

(2.) To alter or divert, either temporarily or permanently, any Turnpike Road, public Carriage Road, or other Road or Way, Haling Paths, Drains, Streams, Canals, or Railways, which it may be necessary to interfere with for the Purposes of the Works, with the Consent of the Trustees or other Authority having the Management or Control of the same, and to deposit Soil, Earth, and other Things on the same and the Banks, Slopes, and Sides thereof, but not so as to authorize the depositing by the Commissioners of any Soil, Earth, or other Thing on the Line of any Railway:

(3.) To alter, raise, or lower, or remove and rebuild, the Bridges, Culverts, Arches, Openings, Floodways, and other Works over or in the River *Witham*, *South Delph*, old River *Witham*, *Barling's Eau*, *Billinghay Skirth*, *Horncastle* Navigation, and *Kyme Eau* or *Sleaford* Navigation respectively, and the tributary Streams, Drains, and Watercourses thereof respectively in or near the Lines of the Works by this Act authorized to be executed by the Commissioners and Company respectively, and to construct new or additional Bridges, Culverts, and Openings, Approaches, and other Works in or near those Lines:

(4.) To divert into the intended Works and altered Navigations, Cuts, and Channels the Waters of the River *Witham*, *South Delph*, old River *Witham*, *Barling's Eau*, *Billinghay Skirth*, *Horncastle* Navigation, River *Bane*, *Kyme Eau* or *Sleaford* Navigation, *Car Dyke*, *Digby Dam*, *Stainfield Beck*, and *Drury Dyke*, and of the Drains and Streams running into the same.

Parts of 8 & 9 Vict. c. 20. incorporated.

8. The Provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, (so far as those Provisions do not relate to the Entry upon or Use of any Land for the Purpose of forming permanent Roads, and so far as they are applicable for the Purposes of this Act, and are not inconsistent with this Act,) are hereby incorporated with this Act, subject to the following Modifications; namely,

(1.) The Word "Company" in those Provisions means, for the Purposes of this Act, the General Commissioners for

Drainage and the *Great Northern* Railway Company respectively in relation to the Works by this Act authorized to be executed by them respectively:

(2.) The Word "Railway" in those Provisions means, for the Purposes of this Act, any Work shown on the deposited Plans and by this Act authorized:

(3.) The prescribed Limit with reference to Entry on and User of any existing private Road is Two hundred Yards from the Work for Access to which the Road is required.

Roads which may be interfered with.

9. If and so far as the General Commissioners for Drainage and the Company respectively from Time to Time find it requisite for the Purposes of the Works by this Act authorized to be executed by them respectively, they may alter or divert temporarily or permanently the Turnpike Roads numbered on the deposited Plans and described in the deposited Book of Reference: Provided always, as follows; (that is to say,)

(1.) Any such permanent Alteration or Diversion of a Turnpike or other public Road shall be subject to the Provisions with respect to the Alteration or Diversion of Turnpike or public Roads contained in any General Act relating to Turnpike Roads or Highways for the Time being in force:

(2.) No such Diversion of a Turnpike Road or public Carriage Road shall be made unless the Course of the Diversion is shown on the deposited Plans.

Works to be proceeded with progressively from Grand Sluice upwards.

10. To the Intent that no Part of the Lands adjoining the River may be endangered by the Execution of any Works in the upper Part of the River before the Works in the lower Part thereof are in a Condition to admit of the Passage of the Flood Water along the same to and through the Grand Sluice to the Sea, the widening, deepening, scouring, or other improving or altering of the River *Witham*, and the forming of the Banks thereof, as directed by this Act, shall be proceeded with from the Grand Sluice aforesaid upwards progressively, except by the express Direction in Writing of the General Commissioners for Drainage, or of any Five or more of them, who are hereby authorized to dispense with the progressive Execution of the Works where they deem it expedient so to do for the better Execution of this Act.

Works of Commissioners and Company to be carried on together.

11. The General Commissioners for Drainage and the *Great Northern* Railway Company respectively shall proceed in the Execution of the Works by this Act authorized to be executed by them respectively at such Times and in such Manner as from Time to Time may be agreed on between the Engineers of the Commissioners and of the Company respectively, or as, in case of Difference between those

those Engineers, may be determined by an Engineer appointed by the Board of Trade, to the end that the several Works authorized by this Act to be executed by the Commissioners and the Company respectively may be carried on in the Order and at the Times most advantageous for the Drainage and Navigation, and that, as far as Circumstances admit, the whole of the same Works may be completed simultaneously.

Power to Commissioners and Company to contract for Works.

12. The General Commissioners for Drainage and the Directors of the *Great Northern* Railway Company on behalf of the Company respectively from Time to Time may contract with any Person for the Execution of any of the Works by this Act authorized to be executed by the Commissioners and the Company respectivly, and in the Case of the Commissioners all Contracts so entered into shall be reduced into Writing, and shall be under the Hands of the Commissioners, or of any Five or more of them, and shall be signed by the Person contracting with the Commissioners, and shall specify the Works to be done and the Price to be paid for the same, and the Time within which the Works are to be executed, and in the Case of the Company Section 97 of the Companies Clauses Consolidation Act, 1845, shall apply to all Contracts so entered into; and the Commissioners and the Company respectively may take such Bond or other Security from every Contractor for the due Performance of his Contract as they respectively think sufficient; and the Commissioners and the Company respectively may from Time to Time (if Occasion so requires) compound with any such Contractor for any Penalty contained in any such Contract or in any Bond or other Security as aforesaid, or on account of any Breach or Nonperformance of such Contract, Bond, or other Security, for such pecuniary or other Recompense, or may take such other Steps or Proceedings in reference to the Contract or to the Contractor, or to the Execution of the Works comprised in the Contract, as the Commissioners and the Company respectively think proper.

Power to Commissioners and Company to maintain Works.

13. The General Commissioners for Drainage and the *Great Northern* Railway Company respectively may from Time to Time maintain the Works by this Act authorized to be executed by them respectively, so far as any Bodies or Persons other than the Commissioners or the Company are not liable to maintain the same respectively.

Power to Commissioners and Company to take Lands specified.

14. The General Commissioners for Drainage and the *Great Northern* Railway Company respectively may purchase, take, and hold all or any Part of the Lands described in the deposited Plans and Book of Reference for the Purposes of the respective Works by this Act authorized to be executed by the Commissioners and the Company respectively.

15. For

For subsidiary Works Power to Commissioners and Company to take Lands on deposited Plans.

15. For any of the subsidiary Works or Purposes aforesaid the General Commissioners for Drainage and the *Great Northern* Railway Company respectively may from Time to Time purchase, take, and hold all or any Part of the Lands described and numbered in the deposited Plans and Book of Reference, although not lying within the Limits shown on the deposited Plans as the Limits of Deviation of the Works in and by this Act particularly described and authorized to be executed.

Power to Commissioners and Company to purchase Lands by Agreement.

16. In addition to the Lands which the General Commissioners for Drainage and the *Great Northern* Railway Company respectively are by this Act authorized to purchase compulsorily, they respectively for the Purposes of this Act may from Time to Time purchase by Agreement any Lands, and may hold the same, so that the Lands held by the Commissioners or by the Company by this Section do not exceed in the whole at One Time Three Acres.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

17. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, (so far as the Provisions of those Acts are applicable for the Purposes and are not inconsistent with the Provisions of this Act,) are hereby incorporated with this Act.

Powers for compulsory Purchases limited.

18. The Powers of the General Commissioners for Drainage and of the *Great Northern* Railway Company respectively for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Further Parts of 8 & 9 Vict. c. 20. incorporated.

19. Sections 6 to 10 (both inclusive) of the Railways Clauses Consolidation Act, 1845, (so far as the same are applicable for the Purposes and are not inconsistent with the Provisions of this Act,) are hereby incorporated with this Act; and in the Construction of those Sections in connexion with this Act the Term "Company" therein used shall mean the General Commissioners for Drainage or the *Great Northern* Railway Company, as the Case may require, and the Term "the Railway" shall mean any Work by this Act authorized to be executed.

Additional Acre Tax on Lands in 1st, 3d, and 5th Districts.

20. The Lands in the said First, Third, and Fifth Districts, forming respectively the said Four several Classes, (into which the same were divided by the Act of 1812,) shall be and are hereby further charged with an additional Acre Tax (over and above all Taxes at the passing of this Act charged thereon respectively by or under the *Witham* General Drainage Acts), as follows; (that is to say,)

The Lands forming the first of the said Four Classes shall be and are hereby charged with such an additional annual Acre Tax, not exceeding Three Shillings *per* Statute Acre, as the General Commissioners for Drainage from Time to Time think requisite for the Execution of this Act:

The Lands forming the second of the same Classes shall be and are hereby charged with such an additional annual Acre Tax not exceeding Two Shillings and Sixpence *per* Statute Acre, as the Commissioners from Time to Time think requisite for the Execution of this Act:

The Lands forming the third of the same Classes shall be and are hereby charged with such an additional annual Acre Tax, not exceeding Two Shillings *per* Statute Acre, as the Commissioners from Time to Time think requisite for the Execution of this Act:

The Lands forming the fourth of the same Classes shall be and are hereby charged with such an additional annual Acre Tax, not exceeding One Shilling *per* Statute Acre, as the Commissioners from Time to Time think requisite for the Execution of this Act:

And the Commissioners are hereby authorized and required to charge all the Lands forming the said Four several Classes accordingly (to which Tax of such several Amounts as aforesaid the Expression "the additional Acre Tax," when hereafter used in this Act, refers).

Commencement of additional Acre Tax.

21. The Lands forming the said Four Classes shall be deemed to have been charged with and to have become liable to the Payment of the additional Acre Tax on and from the Sixth Day of *April* One thousand eight hundred and sixty-five, and the first annual Payment of the additional Acre Tax shall be considered as having become due and payable on that Day, and the subsequent annual Payments thereof shall become due and payable on the Sixth Day of *April* in every Year.

Collection and Recovery of additional Acre Tax.

22. Subject to the express Provisions of this Act, the additional Acre Tax shall be collected, levied, and recovered by the General Commissioners for Drainage, their Collectors, Agents, and Officers, from the like Persons and by the like Ways and Means as the Taxes at the passing of this Act imposed on the same Lands respectively by or under the *Witham* General Drainage Acts may be collected, levied, and recovered.

Separate Account of additional Acre Tax.

23. The General Commissioners for Drainage shall keep a separate Account of their Receipts, Payments, Credits, and Liabilities in respect of the additional Acre Tax.

Power to Commissioners to borrow on Annuity or Mortgage.

24. The General Commissioners for Drainage may from Time to Time borrow at Interest, on the Security of the additional Acre Tax, such Sums of Money as they from Time to Time think requisite for the Execution of this Act, not exceeding in the whole the Sum of Fifty-five thousand Pounds, and may mortgage the additional Acre Tax to secure the Repayment of the Money so borrowed, with Interest, accordingly.

Form of Mortgage.

25. Every Mortgage made by the General Commissioners for Drainage under this Act shall be by Deed duly stamped, and truly stating the Consideration, and executed by Seven or more of the Commissioners.

Instalments or Sinking Fund.

26. The General Commissioners for Drainage shall pay off any Money borrowed by them under this Act within Thirty-five Years after the same is borrowed, either by Instalments or by means of a Sinking Fund invested in Government Securities, and increased by Accumulation in the way of Compound Interest or otherwise.

Receiver.

27. The General Commissioners for Drainage may from Time to Time by Deed, executed by Seven or more of the Commissioners, appoint or authorize the Appointment of a Receiver of the additional Acre Tax on behalf of any Mortgagee thereof on such Terms as may be agreed on between the Commissioners and such Mortgagee.

Power to Mortgagees to levy Acre Tax on Failure of Commissioners to do so.

28. If the General Commissioners for Drainage at any Time while any Money remains due on any Mortgage made under this Act refuse or neglect to exercise the Powers or any of the Powers vested in them for charging, assessing, or recovering the additional Acre Tax on or against the Lands liable thereto, or any Part of those Lands, then (without Prejudice to the Provisions of this Act relative to the Appointment of a Receiver) for the Purpose of enforcing the Payment of Principal and Interest, or either of them, due and payable on such Mortgage, the Mortgagee thereunder, his personal Representatives or Assigns, shall have and may exercise the same or the like Powers, Rights, and Remedies for charging and assessing the additional Acre Tax on all or any of the Lands liable thereto, and for collecting, receiving, and enforcing the Payment of the Tax so charged and assessed, as are for the Time being by or under this Act or otherwise vested in or exerciseable by the General Commissioners for Drainage for the like Purposes.

Power to reborrow Money.

29. If the General Commissioners for Drainage at any Time pay off otherwise than by Instalments or a Sinking Fund any Money borrowed by them under this Act, they may from Time to Time reborrow the same or any less Amount in manner aforesaid, and

so

so *toties quoties*, but so that the total Amount at any One Time borrowed by them under this Act and remaining unpaid shall not exceed the Sum of Fifty-five thousand Pounds.

Application of Receipts from additional Acre Tax.

30. All Money received by the General Commissioners for Drainage in respect of the additional Acre Tax (not being Money borrowed on the Security of that Acre Tax) shall be applied by them in the Manner and in the Order following, and not otherwise; (namely,)

(1.) In paying the Interest from Time to Time accruing due in respect of the Money charged on the additional Acre Tax by way of Mortgage:

(2.) In providing the Instalments or the yearly Amount of the Sinking Fund required by this Act:

(3.) In maintaining the Works by this Act authorized to be executed by the Commissioners, and in carrying into execution the Purposes of this Act.

Application of Money borrowed.

31. All Money borrowed by the General Commissioners for Drainage under this Act shall be applied as follows, and not otherwise; (namely,) in the first place in paying the Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, and the borrowing of such Monies, and in the next place in the Purchase of Lands necessary to be purchased for the Purposes of this Act, and in executing the Works by this Act authorized to be executed by the Commissioners, and in paying off Money borrowed by them under this Act.

Redemption of additional Acre Tax in small Cases.

32. The General Commissioners for Drainage may, with the Consent of the Mortgagees under this Act, agree with the Owner of any Land for the Time being charged with the additional Acre Tax to an Amount not exceeding Five Pounds *per Annum* for the Redemption of the additional Acre Tax to which the Land is liable, on Payment of such Sum, not being less than Twenty-eight Years Purchase of the Tax, as may be agreed on between the Commissioners and such Owner.

Discharge of Land from Tax redeemed.

33. On receipt of the Money agreed to be paid as Consideration for such Redemption in respect of any Land, the General Commissioners for Drainage shall execute and deliver to the Owner of the Land a Certificate, under the Hands of Seven or more of them, describing the Land and acknowledging the Receipt of the Consideration Money, and thereupon and thenceforth in perpetuity such Land shall be exonerated from Liability to the additional Acre Tax; and every such Certificate shall be registered, under the Direction of the Commissioners, in a Book to be kept for that Purpose, and to be intituled "The Additional Acre Tax, 1865, Redemption Book."

34. All

Application of Redemption Money.

34. All Money received as Consideration for such Redemption shall be applied towards the Discharge of the Debt (if any) for the Time being due on Mortgage under this Act, or if there is no such Debt, then in the Manner in which Money borrowed by the Commissioners under this Act is by this Act directed to be applied; and the Commissioners Powers of borrowing and reborrowing Money under this Act shall be reduced by the Amount from Time to Time received by them as the Consideration for such Redemption as aforesaid.

Power to Owner redeeming to recover Tax from Occupier if liable.

35. If the Owner of Land liable to the additional Acre Tax, not being in Occupation thereof, redeems such Tax, and the Occupier of the Land is by Lease or Agreement bound to pay all Drainage Taxes (either specifically or as comprised under any general Description of Rates and Taxes), then the Owner may recover from the Occupier the Amount of the Tax redeemed at the Time, in the Manner, and by the Means at, in, and by which he is entitled to recover from such Occupier the Rent of such Land.

Power to Great Northern Company to raise additional Capital for this Act.

36. The *Great Northern* Railway Company for the Purposes of the Works by this Act authorized to be executed by them may from Time to Time (in addition to any Money which they are for the Time being, independently of this Act, authorized to raise) raise as Capital any Sums not exceeding in the whole Ten thousand Pounds.

Mode of raising additional Capital.

37. The additional Capital so raised shall be raised by the Creation and Issue of new Shares or Stock, ordinary or preference, at the Option of the *Great Northern* Railway Company.

Power to Company to redeem Preference Shares.

38. The *Great Northern* Railway Company may attach to any Preference Shares or Stock so issued by them a Condition that the same shall be redeemed on Terms to be stated in the Resolutions creating the same, and to be notified on the Certificates thereof, and for the Purpose of redeeming the same, or any Part thereof, may create and issue from Time to Time fresh Shares or Stock not exceeding in nominal Amount the Shares or Stock redeemed, with or without any special Advantage to be stated and notified as aforesaid.

Dividends on ordinary Shares, &c. for First Half Year.

39. If in the First Half of any Year, commencing on the First Day of *January*, there are Profits applicable to the Purposes of Dividend upon the ordinary Shares or Stock of the *Great Northern* Railway Company, after satisfying the Dividend and Arrears of Dividend (if any) due upon any Preference Shares or Stock of that Company previously created and issued under any Act other than this Act, and also the Dividend for such Half Year on any Preference Shares or Stock to be created by that Company under this Act, they may declare a Dividend for such Half Year on such ordinary Shares or Stock.

40. Part

Part of 26 & 27 Vict. c. 118. incorporated.

40. Part II. (additional Capital) of the Companies Clauses Act, 1863, is incorporated with this Act with reference to the *Great Northern* Railway Company, and the Powers of raising Money by this Act given to them.

New Capital subject to same Rules as old.

41. Except as by or under Authority of this Act, or Part II. of the Companies Clauses Act, 1863, is otherwise provided, there shall be attached to the additional Capital created by the *Great Northern* Railway Company under this Act the same Powers, Provisions, Forfeitures, Liabilities, Rights, Privileges, and Incidents whatsoever in all respects as if that Capital were Part of the ordinary Capital of the *Great Northern* Railway Company existing at the passing of this Act.

Application of new Capital.

42. The additional Capital raised by the *Great Northern* Railway Company under this Act shall be applied for the Purposes of the Works by this Act authorized to be executed by them, and not otherwise.

Power to District Commissioners to execute consequential Works.

43. The several Bodies of District Commissioners for Drainage Purposes acting under Acts affecting Places within the Limits of the *Witham* General Drainage Acts (to which several Bodies the Term "District Commissioners," hereafter used in this Act, refers,) may from Time to Time, as and when they think fit, within and for the Benefit of their several Districts, execute any Works or do any other Things consequent upon or connected with the Works authorized by this Act, or any of them, and may from Time to Time maintain, alter, enlarge, or improve the same, and may for the Purposes aforesaid from Time to Time apply any Money now being in or hereafter coming to their respective Hands under the said Acts respectively, and not required for the Purposes of the said Acts respectively, and may from Time to Time borrow at Interest, on the Security of the Rates, Taxes, or Property leviable by or belonging to them respectively by virtue of the said Acts, such Sums of Money as they respectively think requisite, not exceeding in the Case of any such Body of Commissioners the Sum of Five thousand Pounds: Provided that this Section shall not give to any such Body of District Commissioners any other Power than under the said Acts they now possess to execute, alter, enlarge, or improve any Work of the Second Class specified in the Standing Orders of either House of Parliament, or to take otherwise than by Agreement any Lands.

Property in Rivers, Banks, Materials, &c. vested in General and District Commissioners.

44. For preventing Questions with respect to the Property in Rivers, Lands, Works, and Things under the Jurisdiction and Control of or provided by the General Commissioners for Drainage, or of or by District Commissioners, the following Provisions shall have effect; (namely,)

(1.) Except

(1.) Except as regards any Land or Hereditaments belonging to Her Majesty in right of Her Crown, and subject to any Estate, Right, or Interest of the *Great Northern* Railway Company in any Part thereof, the Channels and Beds of all Rivers, Streams, Drains, and Watercourses for the Time being under the Jurisdiction and Control of the General Commissioners and of District Commissioners respectively, and the Forelands, Slopes, and Banks of the same, and all Sluices, Bridges, Locks, Milldams, Staunches, Floodgates, Tunnels, Works, and Conveniences under such Jurisdiction and Control, and all Lands, Erections, Works, and other Things for the Time being purchased, erected, and made by or by Order of the General Commissioners and District Commissioners respectively, or under their respective Management, with the Conveniences and Appurtenances to any of them belonging, and with the Herbage of such Forelands, Slopes, and Banks, and all Goods, Tools, Utensils, Materials, and Things provided by or by Order of those Commissioners respectively, or under their respective Management, are hereby vested in those Commissioners respectively, but not so as to prejudicially affect any Right or Title of any Owner of Lands adjoining any Lands hereby vested in those Commissioners respectively :

(2.) The General Commissioners and District Commissioners respectively may bring Actions and prefer Indictments as Occasion may require in respect of wrongful Acts or Omissions affecting any Hereditaments or Things by this Act vested in them respectively ; and in every such Action or Indictment any such Hereditament or Thing shall be laid or described to be the Property of those Commissioners respectively, without their Names or the Names of any of them being stated :

(3.) The General Commissioners and District Commissioners respectively may from Time to Time put up, and may maintain or alter or remove, such Rails and other Fences on the Forelands, Slopes, and Banks aforesaid as they respectively from Time to Time think fit :

(4.) The General Commissioners and District Commissioners respectively may from Time to Time let to any Persons from Year to Year, or for any shorter Period, the Herbage aforesaid, and may recover the Rent made payable on any such letting by Action, Distress, or otherwise, according to the ordinary Course of Law between Landlord and Tenant.

Power to General and District

45. The General Commissioners for Drainage and District Commissioners respectively may from Time to Time, but subject to the Provisions

Provisions of this Act, make Byelaws for all or any of the following Purposes; (namely,) Commissioners to make Byelaws as to Sewerage, &c.

For prohibiting Persons from discharging Sewerage into any of the Rivers, Drains, or Watercourses under their respective Jurisdiction and Control (except through ancient prescriptive Drains, Tunnels, or Culverts):

For prohibiting Persons from throwing or causing or suffering to fall or run any Refuse or other offensive Matter into any of those Rivers, Drains, or Watercourses, or otherwise fouling the Water thereof, or throwing or casting or suffering to fall any Earth, Stones, or Soil into any of the same Rivers, Drains, or Watercourses:

For prohibiting Persons from cutting Tunnels or Drains into or through or otherwise injuring the Banks, Forelands, or Slopes of those Rivers, Drains, or Watercourses:

For prohibiting Persons from defacing Marks on the Bridges, Sluices, Locks, or other Works under the Jurisdiction and Control of the General Commissioners and District Commissioners respectively:

For prohibiting Persons from injuring the Stone, Brick, Wood, or Iron Work of those Bridges, Sluices, Locks, or other Works, or creating any Nuisance at or near the same respectively:

For prohibiting Persons from leaving Boats sunken or unattended, or other Obstructions in those Rivers, Drains, or Watercourses:

For prohibiting Persons from trespassing on any Lands or Works under the Jurisdiction and Control of the General Commissioners and District Commissioners respectively:

For prohibiting Persons from injuring, defacing, or removing Notices, Placards, and Bills put up by the General Commissioners and District Commissioners respectively, and the Posts, Railings, and Fences connected with the Works of those Commissioners respectively.

46. The General Commissioners for Drainage and District Commissioners respectively may from Time to Time, but subject to the Provisions of this Act, make Byelaws for all or any of the following Purposes; (namely,) Byelaws for Regulation of Fishing Boats, Nets, Seasons, &c.

For the protecting, preserving, and regulating of the Fisheries in the Rivers and Streams under their respective Jurisdiction and Control, and the Preservation of the Fish therein:

For the registering and regulating of Boats or Vessels on those Rivers and Streams used for fishing by Persons following the Business of Fishermen, or kept to be let to Hire for fishing, and the governing of Persons following the Business of Fishermen, and using or working such Boats or Vessels for fishing, and of Persons keeping such Boats or Vessels for letting to Hire for fishing:

For the Prohibition of the Use of Nets and Apparatus improper to be used for taking Fish:

For determining the Times during which the taking of any particular or specified Kinds of Fish shall not be practised:

For determining and regulating the Duties of Water Bailiffs, or other proper Officers to be appointed by those Commissioners respectively, to carry such Byelaws into execution.

Power to Water Bailiffs and other Officers to enter Fishing Boats, &c.

47. Any Water Bailiff or other Officer appointed by the General Commissioners for Drainage or District Commissioners to carry into execution any Byelaws of these Commissioners respectively relating to Fisheries, and also any other Person specially authorized in this Behalf, by Writing under the Hands of those Commissioners respectively, or any Five of them respectively, may enter into any Fishing Boat or other Vessel employed or about to be or having been employed in fishing or taking Fish or endeavouring to take Fish on any River or Stream under the Jurisdiction and Control of those Commissioners respectively, and may therein search for Fish unlawfully taken, and any unlawful or prohibited Net or Apparatus for taking or destroying Fish, and may seize any such Fish, Net, or Apparatus found therein, and may also seize on the Bank of any such River or Stream any Fish unlawfully taken, or any unlawful or prohibited Net or Apparatus for taking or destroying Fish.

Net, &c. to be taken before Justice.

48. Any such Water Bailiff, Officer, or Person shall, with all practicable Speed, after so seizing any Fish or Net or Apparatus, bring the same before a Justice of the Peace to be dealt with in pursuance of the Byelaws, or otherwise according to Law.

Penalty for assaulting Water Bailiff, &c.

49. If any Person assaults or resists or aids or incites any Person to assault or resist any Water Bailiff or other Officer or Person in the Execution of his Duty or the lawful Exercise of any Authority under this Act, or any Byelaw made thereunder, he shall for every such Offence, on summary Conviction for the same before a Justice or Justices of the Peace, be liable to a Penalty not exceeding Five Pounds.

Mode of Collection of Acre Taxes.

50. For facilitating the Collection of the several Acre Taxes imposed on Lands by the *Witham* General Drainage Acts for the Purposes of the general Works of Drainage, and of the additional Acre Tax, the following Provisions shall have effect; (namely,)

(1.) The General Commissioners for Drainage shall from Time to Time, by Advertisement inserted by their Clerk in the *Stamford Mercury* or some other Newspaper circulating in the County of *Lincoln*, give Notice of the Time when, in accordance with the Provisions of the said Acts and this Act, the Acre Taxes aforesaid are to be paid:

(2.) All

(2.) All such Acre Taxes shall be paid within Forty-two Days after the Date specified in such Advertisement, and shall be paid to the Collector or his Representative at the Times and Places following; (that is to say,)

During the first Twenty-eight Days of that Period as follows; (namely,)

On One of Two *Fridays* at *Lincoln*;
On One of Two *Mondays* at *Sleaford*;
On One of Two other *Mondays* at *Spilsby*;
On One of Two *Saturdays* at *Horncastle*;
On One of Two other *Saturdays* at *Wainfleet*;
Or at the *Witham* Office, *Boston*, on any *Wednesday* during the said Period of Forty-two Days:

(3.) Such *Fridays*, *Mondays*, and *Saturdays* as aforesaid shall be designated in the said Advertisement.

Form of Warrant of Distress for Rates.

51. The Warrant of Distress for the Recovery of any Tax under this Act, or the *Witham* General Drainage Acts, may be in the Form in the Schedule to this Act annexed, or to the like Effect, and no Summons or Demand shall be necessary before executing the Warrant.

Distress not unlawful for Want of Form, &c.

52. Any Distress levied by virtue of this Act shall not be deemed unlawful, nor shall any Person making the same be deemed a Trespasser, on account of any Defect or Want of Form in any Summons, Warrant, or other Proceedings relative thereto, nor shall any such Person be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him.

Rules as to making Allowance, &c. of Bye-laws.

53. With respect to Byelaws to be made by the General Commissioners for Drainage and District Commissioners respectively under this Act the following Provisions shall have effect; (namely,)

(1.) Nothing in this Act shall authorize any Commissioners to make any Byelaw repugnant to Law, or to the Provisions of the *Witham* General Drainage Acts or any of them, or to this Act:

(2.) All such Byelaws shall be reduced into Writing under the Hands of the Commissioners by whom the same are made, or of any Five or more of them:

(3.) Any such Byelaws may impose reasonable Penalties for Offences against the same, not exceeding Five Pounds for each Offence, with or without further Penalties for continuing Offences, not exceeding for any continuing Offence Forty Shillings for every Day during which the Offence continues, so that all Byelaws be so framed as to allow of any Justice before whom any Penalty imposed thereby is sought to be recovered ordering Part only of the maximum Penalty to be paid:

(4.) Any Penalty under any such Byelaws shall be recoverable on summary Conviction of the Offender before a Justice or Justices of the Peace, after summoning the Offender:

(5.) Any such Byelaws shall not have effect until they are allowed by the Justices at Quarter Sessions, and such Justices shall, on the Request of the Commissioners making the Byelaws, inquire into any Byelaws tendered to them for Allowance, and allow or disallow the same, as they think meet:

(6.) Any such Byelaws shall not be allowed unless Notice of Intention to apply for the Allowance thereof has been given by Advertisement inserted by the Clerk to the General Commissioners, or, as the Case may be, by the Clerk to the respective District Commissioners by whom the Byelaws are made, in the *Stamford Mercury*, or some other Newspaper circulating in the County of *Lincoln*, One Month at least before the Application for Allowance is made:

(7.) Any Person desiring to object to any such Byelaws, on giving to the Commissioners making the same Notice of the Nature of his Objection not less than Ten Days before the Hearing of the Application for Allowance, may, by himself or his Counsel, Attorney, or Agent, be heard thereon:

(8.) For One Month at least before the Hearing of any such Application a Copy of the proposed Byelaws shall be kept as follows; (that is to say,) in the Case of Byelaws made by the General Commissioners, at the *Witham* Office, *Boston*, and in the Case of Byelaws made by any Body of District Commissioners, then at the Office of those Commissioners, and all Persons may at all reasonable Times inspect the Copy so kept without Payment, and the Clerk to the Commissioners by whom the Byelaws are made shall furnish every Person applying for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words copied:

(9.) All Byelaws when allowed shall be printed, and the Clerk to the Commissioners by whom the same are made shall deliver a printed Copy thereof to every Person applying for the same, on Payment of such reasonable Price as those Commissioners from Time to Time direct, not exceeding Sixpence for each Copy:

(10.) A printed Copy, signed by the Clerk to the Commissioners by whom any Byelaws are made, of Byelaws purporting to be under the Hands of those Commissioners, or of any Five or more of them, and to be allowed at Quarter Sessions, shall be conclusive Evidence of the Existence and due making and Allowance of such Byelaws, without the Proof of the Signature of such Clerk.

Application of Penalties.

54. All Penalties under this Act, or any Byelaw made under the Authority of this Act, shall be awarded and paid to the General Commissioners for Drainage, or to the District Commissioners, as the Case may be.

Continuance of Application of Provisions for Protection of Witham Drainage.

55. All the Provisions for the Protection of the Drainage by the River *Witham*, and the Rivers, Drains, and Watercourses connected therewith, and all Rights and Powers of the General Commissioners for Drainage, and all Obligations and Liabilities of any Corporation, Company, or Person in relation to such Drainage, shall remain in full Force, notwithstanding any Alteration made by virtue of this Act in the Works under the Jurisdiction and Control of the General Commissioners, and shall continue to extend and apply to those Works after and notwithstanding any such Alteration, and in their altered State.

Saving Rights of Corporation of Boston.

56. Provided always, That nothing herein contained shall prejudice or defeat any Works made or executed, or to be made or executed, by the Mayor, Aldermen, and Burgesses of the Borough of *Boston* in the County of *Lincoln* in pursuance of any Act or Acts now in force relating to the Port and Harbour of *Boston*, or lessen or take away any of the Powers, Rights, and Privileges which by the said Acts were vested in the said Mayor, Aldermen, and Burgesses, or alter or take away any of the Rights, Tolls, Emoluments, Liberties, Franchises, or any Jurisdiction which the said Mayor, Aldermen, and Burgesses were possessed of or had a Right unto by Charter, Prescription, Custom, or otherwise before the passing of this Act.

Saving Rights of the Crown.

57. Nothing in this Act shall authorize the General Commissioners for Drainage, or the *Great Northern* Railway Company, or any District Commissioners, to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, (which Consent such Commissioners are hereby respectively authorized to give,) neither shall anything in this Act divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

SCHE-

SCHEDULE to which the foregoing Act refers.

Form of Warrant of Distress.

We, the General Commissioners for Drainage by the River Witham, acting under the Witham Drainage Act, 1865, and the Witham General Drainage Acts (in that Act defined), do hereby, under the Powers of those Acts, authorize and require you and any and every of you to enter into and upon the several Lands in the Occupation of (*A.B.*) as Tenant to (*C.D.*), the Owner thereof, situate in the Parish (*or* Township) of in the County of Lincoln, containing Acres, Roods, and Perches (be the same more or less), and into and upon all Messuages and Tenements standing on or belonging to those Lands respectively, with the Appurtenances, and to levy the Sum of Pounds Shillings and pence, being a Sum payable at a Time more than Twenty-one Days past for One Year's Acre Taxes (*or* additional Acre Tax) assessed by us on those Lands, and now in arrear and unpaid, by Distress of the Goods and Chattels which you shall find on the Premises, and the Goods and Chattels so distrained you are to impound on the Premises, or to take, lead, drive, carry away, and keep at the Costs and Charges of the Owner or Owners thereof, and to sell, and after such Taxes and all Charges of Distress and Sale shall have been fully paid and satisfied to pay the Overplus of the Money, if any happen to be, to the Owner or Owners of such Goods and Chattels, or his or their Agents (when demanded).

Given under the Hands and Seals of Five of the General Commissioners for Drainage assembled at our Meeting held at the Witham Office in Boston this Day of in the Year of our Lord 18 .

To *E.F.*, Collector, *&c.*,
and every of them.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1865.