CHAPTER xc.

An Act for further improving the Drainage by the River Witham in the county of Lincoln and for amending the Acts relating thereto; and for other purposes. A.D. 1881.

[27th June 1881.]

WHEREAS by and under the Witham General Drainage Acts (which include the Acts enumerated in the first schedule to this Act) the low lands and grounds therein described adjoining the River Witham in the county of Lincoln are divided into six districts called the first second third fourth fifth and sixth district and General Commissioners for Drainage (in this Act referred to as the General Commissioners) are constituted and are empowered to tax those low lands and grounds for drainage purposes and to borrow money and to execute drainage works:

And whereas further provision is required for the more rapid and effectual discharge of flood waters by the River Witham and this object will be promoted by an enlargement of the Grand Sluice on that river near the town of Boston and by the widening and deepening of that river between the Grand Sluice and Tattershall Bridge:

And whereas by the Witham Drainage Act 1865 works for the improvement of the River Witham were authorised and required to be executed by the Great Northern Railway Company and they were empowered to raise additional capital for the purposes of those works: 28 & 29 Vict. c. cxxiv.

And whereas it is expedient that the Witham General Drainage Acts be in various particulars extended and 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 containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerks of the peace for the parts of Lindsey the parts of

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Kesteven and the parts of Holland respectively all in the county of Lincoln which respective plans sections and book of reference are in this Act referred to as the deposited plans sections and book 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 1881.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 are hereby incorporated with this Act.

Interpretation of terms.

3. In this Act and in any Act herewith incorporated the term "quarter sessions" means the court of general or quarter sessions of the peace for the parts of Lindsey or for the parts of Kesteven or for the parts of Holland aforesaid.

In this Act and in any Act herewith incorporated the term "superior courts" or "court of competent jurisdiction" or any other like term shall be read and 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.

In this Act the term "district commissioners" means the several bodies of district commissioners for drainage purposes acting under the Witham General Drainage Acts.

In this Act the term "person" includes a corporation.

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 is repugnant to or inconsistent with such construction or other meanings are assigned to them by this Act.

Power to execute principal works.

4. Subject to the provisions of this Act the General Commissioners are hereby authorised in 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 principal works (that is to say):—

(1.) To enlarge the Grand Sluice on the River Witham by the construction of an additional outlet or waterway immediately to the eastward of the existing navigation lock of the Grand Sluice and in connexion with such enlargement to alter the

road carried over the Grand Sluice and the approaches to that road; A.D. 1881.

(2.) To widen deepen scour and otherwise improve or alter the River Witham and to strengthen raise enlarge or otherwise improve or alter both banks and the haling paths thereof between the Grand Sluice and Tattershall Bridge.

Power to deviate.

5. In the execution of the principal works by this Act authorised the General Commissioners may make lateral deviations from the lines thereof to any extent within the limits of lateral deviation shown on the deposited plans and to any greater extent with the consent of the owner of the land in which the deviation is intended to be made and vertical deviations from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards.

Period for completion of works.

6. If the principal works authorised by this Act are not completed within five years after the passing of this Act then on the expiration of that period the powers by this Act granted to the General Commissioners for making the same shall cease.

Power to execute subsidiary works.

7. Subject to the provisions of this Act the General Commissioners are hereby authorised to execute the following subsidiary works (that is to say):—

(1.) To deepen widen alter remove and rebuild all locks bridges sluices mill dams staunches flood-gates tunnels haling paths works and conveniences on the River Witham between the Grand Sluice and Tattershall Bridge;

(2.) To alter the level of and to stop up alter or divert or otherwise interfere with temporarily all turnpike roads public carriage roads or other roads or ways haling paths drains streams or canals which it may be necessary to interfere with for the purposes of the principal works by this Act authorised and to deposit soil earth and other things on the same and the banks slopes and sides thereof but not so as to authorise the depositing by the Commissioners of any soil earth or thing on the line of any railway: Provided that during the construction of the works for the enlargement of the Grand Sluice the General Commissioners shall provide reasonable accommodation for the public vehicle and passenger traffic over the River Witham at the said sluice;

(3.) To alter raise or lower or remove and rebuild the bridges culverts arches openings flood ways and other works over or in the River Witham and the tributary streams drains and watercourses thereof in or near the lines of the prin-

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cipal works by this Act authorised 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 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 Car Dyke Digby Dam Stainfield Beck and Drury Dyke and of the drains and streams running into the same;

But nothing in this section shall be deemed to authorise the making extension or enlargement of any cut for drainage being more than eleven feet wide at the bottom.

Commissioners may contract for works.

8. The General Commissioners may from time to time contract with any person for the execution of any of the principal or subsidiary works by this Act authorised.

Any contract so entered into shall be in writing and shall be signed by at least five of the Commissioners and by the other contracting party 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.

The Commissioners may take such bond or other security from every contractor for the due performance of his contract as they think sufficient and may from time to time (if occasion so requires) compound with any contractor for any penalty in or liability under any such contract bond or security for a pecuniary or other recompense or may otherwise proceed in relation thereto as they think fit.

Progressive execution of principal works.

9. In executing the principal works by this Act authorised the General Commissioners shall proceed with the same from the Grand Sluice upwards progressively unless in any case for the better execution thereof the General Commissioners otherwise determine.

Commissioners may maintain works and cleanse and maintain channel.

10. The General Commissioners may from time to time maintain the principal and subsidiary works by this Act authorised so far as any persons other than the Commissioners are not liable to maintain the same and may from time to time cleanse and maintain the channel of the River Witham between the Grand Sluice and Horsley Deeps Lock and may from time to time enter on any lands within the parishes townships or places within which the principal works or any part thereof are or is by this Act authorised to be executed and may from time to time make and maintain in under through or over those lands any culverts ditches drains sluices staunches walls banks arches or other works and may from time to time for those purposes occupy those lands either tempo-

rarily or permanently: Provided that the General Commissioners shall not except by agreement with the owners thereof enter upon or occupy any lands as aforesaid which are not shown on the deposited plans.

Power to take lands and period for compulsory purchase.

11. The General Commissioners may from time to time enter on take and use such of the lands delineated and described in the deposited plans and book of reference as they require for the purposes of the principal or subsidiary works by this Act authorised but their powers of compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Correction of errors in deposited plans, &c.

12. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or book of reference the General Commissioners may apply to any two justices of the peace for the parts of Holland or Kesteven or Lindsey aforesaid as the case may require for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to such justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for the respective parts aforesaid and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the General Commissioners may enter on take hold and use those lands accordingly.

Power to acquire lands by agreement.

13. In addition to the lands which the General Commissioners are by this Act authorised to acquire compulsorily they may for the purposes of this Act from time to time purchase by agreement and hold any lands not exceeding ten acres.

Power to take easements, &c. by agreement.

14. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the General Commissioners any easement right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to

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such grants and to such easements rights and privileges as aforesaid respectively.

Additional acre taxes.

15. The lands in the first third and fifth districts shall be and are hereby made liable to be further charged with additional acre taxes (over and above all taxes at the passing of this Act charged thereon by or under the Witham General Drainage Acts or the Witham Outfall Act 1880) as follows (that is to say) :—

43 & 44 Vict. c. cliii.

(1.) With such an additional annual acre tax not exceeding one shilling and sixpence per statute acre as the General Commissioners from time to time think requisite for the execution of the principal and subsidiary works by this Act authorised (which tax is in this Act and may for all purposes be referred to as the works acre tax of 1881) and

(2.) With such an additional acre tax not exceeding sixpence per statute acre as the General Commissioners from time to time think requisite for the maintenance of the principal and subsidiary works by this Act authorised and for the cleansing and maintenance of the channel of the River Witham between the Grand Sluice and Horsley Deeps Lock (which last-mentioned tax is in this Act and may for all purposes be referred to as the maintenance acre tax of 1881) ;

And the Commissioners are hereby authorised and required to charge all the lands in the first third and fifth districts accordingly.

Power to borrow.

16. The General Commissioners may from time to time borrow at interest on the security of the works acre tax of 1881 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 forty thousand pounds and may mortgage that tax to secure the repayment of the money so borrowed with interest accordingly.

Application of money.

17. The General Commissioners shall apply all money borrowed by them under this Act 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 of and applying for and the obtaining and passing of this Act and the borrowing of such moneys and in the next place in the purchase of lands necessary to be purchased for the purposes of this Act and in executing the principal and subsidiary works by this Act authorised and in paying off money borrowed by them under this Act.

Mortgage to be by deed duly stamped.

18. Every mortgage under this Act shall be by deed duly stamped and truly stating the consideration and executed by seven or more of the General Commissioners.

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Payment off of money borrowed.

19. The General Commissioners shall pay off any money borrowed by them under this Act within thirty-five years after the same is borrowed either by equal annual instalments of principal and interest or by means of a sinking fund invested in securities in which trustees are for the time being authorised by law to invest.

Annual return to Local Government Board with respect to sinking fund.

20. The clerk to the General Commissioners shall within thirty days after the first day of July of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such sinking fund or paid as an instalment during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or the interest thereon has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds.

If it appears to the said board by such return that the General Commissioners have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set aside for that fund or any interest thereof to any purposes other than those authorised by this Act the said board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested by the General Commissioners as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the said board out of the High Court of Justice.

Appointment of a receiver.

21. The General Commissioners may from time to time by deed executed by seven or more of them appoint or authorise the appointment of a receiver of the works acre tax of 1881 on behalf of any mortgagee thereof on such terms as may be agreed on between the Commissioners and such mortgagee.

Mortgagees may levy works acre tax of 1881 on failure of Commissioners to do so.

22. If the General Commissioners at any time while any money remains due on any mortgage under this Act refuse or neglect to exercise the powers or any of the powers vested in them for charging assessing or recovering the works acre tax of 1881 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

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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 that acre tax on all or any of the lands liable thereto and for collecting receiving and enforcing 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 the like purpose.

Power to re-borrow.

23. If the General Commissioners 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 from time to time as often as the same happens but so that no money be borrowed for a period longer than the unexpired portion of the aforesaid term of thirty-five years.

Commencement of acre taxes.

24. The lands liable to the works acre tax of 1881 and to the maintenance acre tax of 1881 shall be deemed to have been charged therewith respectively on and from the sixth day of April one thousand eight hundred and eighty-one and the first annual payment of the respective 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.

General Commissioners may make regulations for collection of acre taxes.

25. The General Commissioners may from time to time make such regulations as they think fit for facilitating the collection of the several acre taxes for the time being collected by and for the use of the General Commissioners and reduce those regulations into writing under the hands of the General Commissioners or of any five or more of them and those regulations shall after confirmation by the quarter sessions in manner provided by section 53 of the Witham Drainage Act 1865 have effect in lieu of the provisions in that behalf contained in section 50 of the Witham Drainage Act 1865.

Collection, &c. of acre taxes of 1881.

26. Subject to the express provisions of this Act and to any regulations as aforesaid the works acre tax of 1881 and the maintenance acre tax of 1881 shall be collected levied and recovered by the General Commissioners their collectors agents and officers and paid from and by the like persons in the like manner at the like times and by the like ways and means and with the like rights and obligations as between tenant and landlord as the taxes at the passing of this Act imposed on the same lands respectively by or under the Witham General Drainage Acts or by or under this Act may be collected levied and recovered and are required to be paid.

Redemption of works acre tax in certain cases.

27. The General Commissioners may with the consent of the mortgagees under this Act agree with the owner of any land liable to the works acre tax of 1881 to an amount not exceeding five pounds a year for the redemption thereof on payment of such sum not being less than twenty-eight years purchase thereof as may be agreed on between the Commissioners and such owner and on receipt of that sum the Commissioners shall execute and deliver to the owner a certificate under the hands of seven or more of them describing the land and acknowledging that receipt and thereupon and thenceforth in perpetuity the land shall be exonerated from that liability and every such certificate shall be registered under the direction of the Commissioners in a book to be kept for that purpose intituled the works acre tax of 1881 redemption book.

Application of redemption money.

28. All money so received on redemption shall be applied towards discharge of the debt (if any) for the time being due on mortgage under this Act or if there is no such debt then as money borrowed by the Commissioners under this Act is applicable and the Commissioners powers of borrowing and reborrowing under this Act shall be reduced by the amount so received.

Owner redeeming may recover tax from occupier if liable.

29. If an owner of land not being in occupation thereof so redeems and the occupier of the land is by contract 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.

Application of works acre tax.

30. The General Commissioners shall apply all money received by them in respect of the works acre tax 1881 (not being money borrowed on the security thereof) 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 money so borrowed ;

(2.) In providing the instalments or sinking fund required for payment off of that money ;

(3.) In maintaining the principal and subsidiary works by this Act authorised ;

(4.) In otherwise carrying this Act into execution.

Application of maintenance acre tax.

31. The General Commissioners shall apply all money received by them in respect of the maintenance acre tax of 1881 as follows and not otherwise (namely) in the maintenance of the principal and subsidiary works by this Act authorised and in the cleansing and maintenance of the channel of the River Witham between the Grand Sluice and Horsley Deeps Lock.

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Separate accounts of taxes under this Act.

32. The General Commissioners shall keep accounts of their rcceipts payments credits and liabilities in respect of the works acre tax of 1881 and of the maintenance acre tax of 1881 respectively separate from all their other accounts.

Warrant of distress on several persons.

33. A warrant of distress for the recovery from several persons of any taxes leviable on them respectively under this Act or the Witham General Drainage Acts or the Witham Outfall Act 1880 may if at any time the General Commissioners think fit be in the form in the second schedule to this Act annexed or to the like effect and no summons or demand to or on any person shall be necessary before executing the warrant in relation to him and any distress levied under any warrant purporting to be made under 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 proceeding relative thereto nor shall any such person be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him.

Power to pay off and re-borrow under former Acts.

34. The General Commissioners may from time to time if they think fit pay off any money borrowed by them under the Witham General Drainage Acts anterior to the Witham Drainage Act 1865 and may from time to time if they think fit re-borrow the amount so paid off or any less amount and so from time to time as often as the same happens but so that the total amount at any one time borrowed by them under the Witham General Drainage Acts anterior to the Witham Drainage Act 1865 shall not exceed the amount borrowed thereunder before and remaining unpaid at the passing of this Act.

Application of money hereafter borrowed under 28 & 29 Vict. c. cxxiv.

35. Any money after the passing of this Act borrowed by the General Commissioners under the Witham Drainage Act 1865 and not required for purposes of that Act may if they think fit notwithstanding anything in that Act be applied by them as money borrowed by them under this Act is authorised to be applied.

Allowance for attending meetings.

36. Each of the General Commissioners shall be allowed for every attendance at a meeting of the General Commissioners the sum of ten shillings and sixpence and for every attendance at a meeting of a committee of the General Commissioners the sum of one guinea those respective sums to be paid as part of the expenses of the execution of the Witham General Drainage Acts, one half to be paid out of the funds of the General Commissioners under the Witham General Drainage Act of 1762 and the other half out of the funds of the General Commissioners acting for the fourth district.

2 Geo. 3. c. 32.

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District commissioners may execute consequential works.

37. (1.) The several bodies of district commissioners 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 on or connected with the principal or subsidiary works by this Act authorised or any of them making compensation for all damage that may be caused thereby and may from time to time maintain alter enlarge or improve the same.

(2.) Any two or more bodies of district commissioners may combine together for the purpose of executing or of executing maintaining altering enlarging or improving any such consequential works as aforesaid that may be for the benefit of their respective districts or any part thereof on such terms as to payment or otherwise as may be agreed and any body of district commissioners may with the consent of the district commissioners of any adjoining district execute maintain alter enlarge or improve and do in any such adjoining district all or any of such consequential works.

(3.) The several bodies of district commissioners may for the aforesaid purposes with the consent of owners in each district of not less than three fourths of the lands affected from time to time apply or contribute any money for the time being under the control of them as such district commissioners and not otherwise appropriated by law and may from time to time borrow at interest on the security of the rates taxes or property leviable by or belonging to them as such district commissioners such sums of money as they think requisite not exceeding in the case of any one such body of commissioners the sum of five thousand pounds.

(4.) The said several bodies of district commissioners or any two or more of such bodies of district commissioners are hereby authorised and empowered with the consent in writing of the owners in each district of not less than three fourths of the lands affected to agree with the commissioners or trustees having jurisdiction for drainage purposes over lands lying contiguous or near to the said several districts respectively in respect of lands heretofore not included within the limits of any of the districts of the Witham Drainage but liable to be assessed rated or taxed for purposes of drainage under the powers and provisions of any local Act or Acts or under any Provisional Order under the Land Drainage Act 1861 or any Act amending or supplemental to the same or under any order of court of sewers or otherwise with the consent of the owners of not less than three fourths of the lands affected that any such lands may and shall become contributory as additional lands in and towards the executing and maintaining of any work or works to be undertaken under this section and the necessary funds shall be provided by an equal yearly acre tax and the same is hereby charged

24 & 25 Vict. c. 133.

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upon such additional lands with powers to the said several commissioners or trustees or bodies respectively from time to time to borrow on security of the taxes on those lands and if needful from time to time to pay off and discharge any security or securities for sums raised and to re-borrow upon the security of the same taxes or any of them.

(5.) Provided that this section shall not give to any district commissioners any power which they would not have had if this section had not been enacted 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.

Places of meeting of district commissioners.

38. The several bodies of district commissioners may hold their meetings at such places as they or the major part of them respectively shall from time to time appoint.

Continuance of provisions for protection of Witham Drainage.

39. 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 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 control of the General Commissioners and shall continue to extend and apply to those works after and notwithstanding any such alterations and in their altered state.

Protection of Great Northern Company.

40. Nothing in this Act shall authorise or empower the General Commissioners to enter upon take use or interfere with the railway of the Great Northern Railway Company or any works connected therewith without the consent in writing of that company under their common seal and if by reason of the exercise of the powers of this Act the use of the said railway or the traffic thereupon shall be impeded or interfered with the General Commissioners shall make full compensation to the said company for any loss or damage thereby occasioned.

Protection of commissioners of sewers for Lincolnshire.

41. The General Commissioners shall not interfere with any bank sewer watercourse sluice or other work or defence belonging to or within the jurisdiction of Her Majesty's Commissioners of Sewers in and for the county of Lincoln without first obtaining the consent of the said commissioners of sewers which consent shall be given subject to such terms for the protection of the interests under their charge as the said commissioners of sewers and the General Commissioners shall agree upon or as failing such agreement shall be settled by an engineer to be appointed by the Board of Trade.

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Saving rights of the Crown.

42. Nothing in this Act shall be deemed to authorise any body or person to take use or in any manner interfere with any land soil tenements or hereditaments or any rights of whatever 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 authorised to give) nor 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 and successors.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Witham General Drainage Acts.

2 George III. c. xxxii.—An Act for draining and preserving certain low lands called the Fens lying on both sides of the River Witham in the county of Lincoln and for restoring and maintaining the navigation of the said river from the High Bridge in the city of Lincoln through the borough of Boston to the sea.

52 George III. c. cviii.—An Act for rendering more effectual an Act of His present Majesty for draining lands lying on both sides the River Witham in the county of Lincoln and restoring the navigation of the said river and for repealing another Act of His present Majesty in relation to the said drainage and navigation.

58 George III. c. lx.—An Act for rendering more effectual several Acts of His present Majesty for draining certain low lands on both sides of the River Witham and in Wildmore Fen and in the West and East Fens and other low lands adjoining or contiguous thereto in the county of Lincoln.

2 & 3 Vict. c. xxxiv.—An Act to enable the General Commissioners for Drainage by the River Witham in the county of Lincoln to sue and be sued in the name or names of any one of the said Commissioners or of their clerk or clerks for the time being.

28 & 29 Vict. c. cxxiv.—The Witham Drainage Act 1865.

THE SECOND SCHEDULE.

Form of Warrant of Distress on Several Persons.

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) the Witham Outfall Act 1880 and the Witham Drainage Act 1881 do hereby under the powers of those Acts authorise and require you and any and every of you to enter into and upon the several and respective lands in the occupation of the several persons in the schedule to this warrant named as tenants thereof to the several and respective persons in the same schedule named the owners thereof situate in the several and respective parishes [*or* townships] in the same schedule named all in the county of Lincoln containing the several and respective quantities in the same schedule mentioned (be the same respectively 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 several and respective

sums of money in the same schedule specified being sums respectively payable at a time or times more than twenty-one days past for one year's acre taxes [*or* additional acre tax *or* works acre tax under the Witham Drainage Act 1881 *or* maintenance acre tax under the Witham Drainage Act 1881] assessed by us on those several and respective lands and now in arrear and unpaid by distress of the respective goods and chattels which you shall find on the respective premises and the goods and chattels so distrained you are to impound on the respective premises or to take lead drive carry away and keep at the costs and charges of the respective owners thereof and to sell and after such several and respective sums and all charges of such distress and sale shall have been fully paid and satisfied to pay the overplus of the respective money if any happen to be to the respective owners of such goods and chattels or their respective 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

The Schedule to which the foregoing Warrant refers.

Names of Tenants.	Names of Owners.	Names of Parishes or Townships.	Quantity of Land. A. R. P.	Amounts to be levied. £ *s.* *d.*

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1881.