ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxxxviii.

An Act to provide additional Means for draining the Fourth District of the *Witham* Drainage in the County of *Lincoln*; and for other Purposes relating to the *Witham* Drainage.

[15th *July* 1867.]

Witham Act, 2 G. 3. c. xxxii. (1762), referred to.

WHEREAS by the Act of the Second Year of the Reign of King *George* the Third, "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," (hereafter in this Act referred to as "the Act of 1762,") the Low Lands and Grounds in that Act comprised were divided into Six Districts, called the First, Second, Third, Fourth, Fifth, and Sixth Districts, and General Commissioners for the Purposes of Drainage (hereafter in this Act referred to as "the General Commissioners for Drainage") were constituted, and were empowered to tax and charge all the Low Lands and Grounds within the several Districts with such equal yearly Rates and Taxes as to them should seem requisite for the 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 under the Act of 1762 the General Commissioners for Drainage taxed and charged the Lands and Grounds within the said Fourth District with an annual Rate or Tax of One Shilling for every Acre of private Property, Eightpence an Acre for every Acre of Half Year's Land, and Fourpence an Acre for every Acre of Common Land, and borrowed 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 an Act of the Forty-first Year of the Reign of King *George* the Third, "for "the better and more effectually draining certain Tracts of Land "called *Wildmore Fen* and the *West* and *East Fens* in the County "of *Lincoln*, and also the Low Lands and Grounds in the several "Parishes, Townships, and Places having Right of Common on the "said Fens and other Low Lands and Grounds lying contiguous or "adjoining thereto," (hereafter in this Act referred to as "the Act of 1801,") Special Commissioners were constituted and empowered to execute certain Works of Drainage for the Benefit of the Fourth District: And whereas by the Act of 1801 the General Commissioners for Drainage were authorized to tax and charge the Lands within the said *Wildmore* and *West Fens* then forming Part of the said Fourth District with a further equal yearly Rate or Tax not exceeding One Shilling an Acre over and above the Rate or Tax of the like Amount then already charged upon the same Lands under the Act of 1762, and the said General Commissioners were also authorized to tax and charge the Lands within the said *East Fen* and the Low Lands and Grounds lying contiguous or adjoining thereto, then incorporated into and made Part of the Fourth District, with an equal yearly Rate or Tax not exceeding One Shilling an Acre for the Purposes of General Drainage, and the same Taxes were to be by the said General Commissioners applied and disposed of in the Execution of general Works of Drainage within the said Fourth District: And whereas by an Act of the Forty-third Year of the Reign of King *George* the Third (hereafter in this Act referred to as "the Act of 1803") for amending the Act of 1801 the Special Commissioners acting under the Act of 1801 were empowered (among other Works of Drainage) to make or cause to be made a new Cut or Drain to communicate at *Freiston Common* with the Main Drain called *Hobhole* Drain, and at *Luke's Corner* with *Newdike* Drain, and also to scour out, cleanse, widen, deepen, and enlarge *Newdike* Drain from *Luke's Corner* to or near *Cowbridge* for the Purpose of conveying the Downfall and Soakage Waters of the said *West* and *Wildmore Fens* from the Junction of Two Cuts or Drains (then made or intended to be made in the *West Fen* and on the South Side of *Frith Bank* Inclosures by virtue of the Act of 1801) at or near *Cowbridge* by

41 G. 3. c. cxxxv.

43 G. 3. c. cxviii.

Junction Drain from Hobhole Drain at Freiston Doors to Luke's Corner made.

Works of Drainage executed under the Control of

by the said *New Dike* Drain and new Cut respectively into the said *Hobhole* Drain when and so often as *Maud Foster's* Drain should be incapable of discharging the same by being over-ridden by the Flood Waters of the River *Witham*; and the same Works were to be executed under the Direction and Control, and when completed were vested in and placed under the Power, Jurisdiction, and sole Control, of the General Commissioners for Drainage: And whereas several Acts of Parliament have been since passed for amending and improving the State of the *Witham* Drainage, and by One of those Acts, 58 *George* 3., Chapter 60, (hereafter in this Act called "the Act of 1818,") the Low Lands and Grounds in the several Parishes of *Great Steeping*, *Thorpe*, *Irby*, *Firsby*, *Bratoft*, *Croft*, and *Wainfleet All Saints*, all in the said County of *Lincoln*, (and which Low Lands and Grounds are now known as and are in this Act called "the Five thousand Acre District,") were incorporated with and made Part of the said Fourth District: And whereas by another of those Acts ("The *Witham* Drainage Act, 1865," Sections 50 and 51 and 52,) Provision was made for facilitating the Collection and Recovery of the several Acre Taxes imposed on Lands by the *Witham* General Drainage Acts and by that Act: And whereas the Sea Sluices at the Mouths of *Maud Foster* and *Hobhole* Drains continue to be the Outfalls of the Drainage of the said Fourth District, but by means of the over-riding of the Waters of the River *Witham* in Time of Rains or Flood Seasons the Drainage of the Downfall and Soakage Waters of the Low Lands and Grounds in the said *West* and *Wildmore Fens* and in the said *East Fen* is still impeded or rendered uncertain and ineffectual, and for Remedy thereof it is expedient that the General Commissioners for Drainage be empowered to widen Part of the said *Hobhole* Drain, and to erect Steam Engines on or near the same, and to adjust the opening of the Sluices, Locks, or Stop-gates between the said Two Drains on the West Side of *Cowbridge* and *New Dike* Drain and in the *West Fen* Drain, for the Conveyance of the Downfall and Soakage Waters of the said *West* and *Wildmore Fens* to *Hobhole* uninterruptedly (except only in case of Accident or Injury to the said Steam Engines to be erected on *Hobhole* Drain as herein-after provided), and to acquire Lands for the Erection of such Steam Engines and Purposes connected therewith, and to raise additional Funds beyond what are provided by the existing *Witham* Drainage Acts: And whereas the Execution of the Works proposed for the Purposes aforesaid will benefit the Lands within the said Fourth District (except the Five thousand Acre District): And whereas for the Purposes of this Act Plans and Sections showing the Line and Level of the Works proposed to be executed and the Lands proposed to be taken for the Purposes of this Act, with a Book of Reference to those Plans, have been deposited with the Clerk of the Peace for the Parts of *Holland* in the County of *Lincoln*: And whereas the Objects

the General Commissioners and afterwards vested in them.

Several further Acts of improving the Witham Drainage.

28 & 29 Vict. c. cxxiv.

aforesaid cannot be attained 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:

Short Title.

1. This Act may be cited for all Purposes as "The *Witham* Drainage (Fourth District) Act, 1867."

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

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," (except where expressly varied by this Act,) are incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Term "Quarter Sessions," shall mean the Court of General or Quarter Sessions of the Peace for the Parts of *Lindsey* and *Holland*, the Term "*Witham* General Drainage Acts" shall mean the Acts herein-before recited or referred to, and the other Local and Personal Acts relating to the Drainage by the River *Witham* or to the General Commissioners for Drainage, and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Power to widen Hobhole Drain, &c.

4. Subject to the Provisions of this Act, the General Commissioners for Drainage may in the Line and according to the Level shown on the Plans deposited for the Purposes of this Act execute the widening of the said *Hobhole* Drain, and may also from Time to Time make, maintain, alter, or remove on or near the said *Hobhole* Drain as intended to be widened, and the Lands shown on the said Plans, such Banks, Haling-paths, Locks, Bridges, Sluices, Gates, Buildings, Works, and Conveniences as they from Time to Time think fit, and may enter upon, take, and use for those Purposes all or any Part of the Lands delineated on the Plans and described in the Book of Reference deposited for the Purposes of this Act as aforesaid.

Limits of Deviation.

5. In the Execution of the Widening by this Act authorized the General Commissioners for Drainage may make Deviations from the Line of such Work to any Extent within the Limits of Deviation shown on the deposited Plans, and vertical Deviations from the Level of

of such Work shown on the deposited Sections to any Extent not exceeding Five Feet upwards and Five Feet downwards, but not in either Case to any greater Extent without the Consent of the Owners of the Land in which the Deviation is intended to be made.

Power to erect Steam Engines, &c.

6. The General Commissioners for Drainage may from Time to Time make and erect Steam Engines for Drainage on or near *Hobhole* Drain, and may for that Purpose and for securing Access to such Steam Engines enter upon, take, and use all or any Part of the Lands delineated on the Plans and described in the Book of Reference deposited for the Purposes of this Act as aforesaid, and (subject to the other Provisions of this Act) shall at all Times maintain and keep in working Order the said Steam Engines as permanent Works of Drainage.

Commissioners may put Drawdoors to Tunnels.

7. The General Commissioners for Drainage may from Time to Time, if they think fit, on Application in Writing being made to them so to do, put down and maintain Drawdoors across the Entrances of any of the Tunnels through both Banks or either Bank of *Hobhole* Drain, if and whenever in their Judgment it shall appear necessary so to do, and may from Time to Time remove or alter the same as they think fit.

Powers for compulsory Purchases limited.

8. The Powers by this Act given for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Further Tax on Wildmore, West, and East Fens for general Works of Drainage.

9. The General Commissioners for Drainage shall and may from Time to Time assess, rate, tax, and charge the Lands within the said *Wildmore*, *West*, and *East Fens*, and other Lands now constituting the said Fourth District (except only the Five thousand Acre District), with such further equal yearly Rates and Taxes, over and above the Rates and Taxes raised and to be raised under the Act of 1762 and the Act of 1801, as to them shall seem requisite and necessary for the Purposes of this Act and for the Purposes of general Drainage within the Fourth District (except the Five thousand Acre District), so as the same do not exceed Sixpence *per* Statute Acre for every Acre of the said Fens and Lands respectively.

Taxes vested in General Commissioners, and all Sums to be raised on Mortgage.

10. The Taxes to be raised by virtue of this Act shall be and the same are hereby vested in the General Commissioners for Drainage, and the same and all Taxes raised and to be raised by virtue of the Act of 1801, and all Sums raised upon or by way of Mortgage as herein-after mentioned, shall be by them applied and disposed of in Payment of the Costs, Charges, and Expenses preliminary to and of and incidental to the passing of this Act, and in carrying into execution the Purposes of this Act and of the *Witham* Drainage Acts with respect

respect to the said Fourth District (except the Five thousand Acre District), provided that Money raised by Mortgage shall not be applied to the Maintenance of Works.

Commencement of further Acre Tax.

11. The Lands forming the said Fourth District (excepting only the Five thousand Acre District) shall be deemed to have been charged with and to have become liable to the Payment of the further Acre Tax by this Act imposed on and from the Sixth Day of *April* One thousand eight hundred and sixty-seven, and the first annual Payment of the further 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 further Acre Tax; to form One Tax with the previously existing Taxes.

12. Subject to the Provisions of the *Witham* Drainage Acts, and especially of "The *Witham* Drainage Act, 1865," and of this Act, the said further Acre Tax shall be added to the said Tax of One Shilling an Acre imposed and from Time to Time to be imposed and levied under the Powers and Provisions of the Act of 1801, and shall form therewith One Tax, and the entire 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 under the Act of 1801 shall and may under that Act and "The *Witham* Drainage Act, 1865," be collected, levied, and recovered, and especially with, under, and subject to the Provisions contained in Sections 50 and 51 and 52 of "The *Witham* Drainage Act, 1865."

Penalty on Nonpayment of Taxes.

13. In case any Tax levied by virtue of this Act or of the *Witham* Drainage Acts in any of the Six Districts be not paid within Forty-two Days after the Date specified in the Advertisement inserted in accordance with "The *Witham* Drainage Act, 1865," fixing Times and Places for Payment of the *Witham* Drainage Taxes, every Person failing to pay the same shall forfeit to the General Commissioners the Sum of Two Shillings for every Twenty Shillings of the Tax not paid, and so in proportion for any greater or less Sum than Twenty Shillings, which Penalties may be recovered in like Manner as the Taxes.

Power to General Commissioners to borrow on Mortgage.

14. The General Commissioners for Drainage may from Time to Time borrow at Interest on the Security of the Acre Taxes levied under the Provisions of the Act of 1801 and of the further Acre Tax to be levied under this Act, or any Part or Parts thereof, such Sums of Money as they from Time to Time think requisite for the Execution of this Act and of the recited Acts, not exceeding in the whole

whole the Sum of Twenty thousand Pounds, the Principal and Interest to be repaid within the Period of Thirty-five Years after the passing of this Act, and may mortgage the same Taxes, or Part or Parts of them, to secure the Repayment of the Money so borrowed, with Interest accordingly.

Form of Mortgage.

15. 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 General Commissioners.

Instalments or Sinking Fund.

16. 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.

Power to appoint Receiver.

17. 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 said Acre Taxes, or Part or Parts of them, 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 Taxes on Failure of General Commissioners to do so.

18. 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, levying, or recovering the Acre Taxes on or against the Lands liable thereto under the Provisions of the said Act of 1801 and of this Act and of the said *Witham* Drainage Acts, 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 the 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 said Acre Taxes on all or any of the Lands liable thereto, and for collecting, receiving, and enforcing Payment of the Taxes so charged and assessed, as are for the Time being, by or under the said several Acts or any of them, or this Act, or otherwise, vested in or exerciseable by the said General Commissioners for Drainage for the like Purposes.

Power to reborrow Money.

19. If the General Commissioners for Drainage at any Time pay off otherwise than by Instalments or by means of the Sinking Fund any Money borrowed by them under this Act, they may from Time to

to Time reborrow the same or any less Amount in manner aforesaid, and so *toties quoties* as often as they shall find to be necessary for carrying into execution the Purposes of the *Witham* Drainage Acts and of this Act, but so that the total Amount borrowed by them under this Act and remaining unpaid at any one Time shall not exceed the said Sum of Twenty thousand Pounds.

Fourth District Commissioners elected by Subdivisions, and they elect Eight General Commissioners.

20. And whereas under the Act of 1818 there are Twenty-six District Commissioners for the said Fourth District elected in Four separate Portions by Four Subdivisions of that District, and under the Act of 1762 those District Commissioners elect Eight Persons to be General Commissioners, but under that Act the General Commissioners so elected are not necessarily Fourth District Commissioners: And whereas the Level of the lowest Lands in the *East Fen* is considerably lower than the Level of the lowest Lands in the *West* and *Wildmore Fens*, and it is expedient in order to ensure the Safety of the Lands in the *East Fen* that the working of the said Steam Engines when erected shall be under the Care and Management of General Commissioners who are also Fourth District Commissioners elected and chosen by the Owners and Occupiers of Land in the *East Fen* (including the Five thousand Acre District) and the Low Lands and Grounds adjoining or contiguous to the *East Fen*, and in the Parishes of *Wrangle*, *Friskney*, and *Wainfleet Saint Mary's*; and in order to afford the utmost practicable Relief in running the Downfall and Soakage Waters of the *West* and *Wildmore Fens* through *Hobhole* Drain it is also expedient that the Sluice Locks or Stop-gates at *Cowbridge* shall be under the Care and Management of General Commissioners who are also Fourth District Commissioners elected and chosen by the Owners and Occupiers of Land in the *West* and *Wildmore Fens* and the Low Lands and Grounds adjoining or contiguous thereto (but subject to the Provisions herein-after contained for the Case of Accident or Injury to the Steam Engines, and giving ulterior Control to the General Commissioners): Therefore at and at all Times after the First Election of General Commissioners after the passing of this Act Four of the Eight Persons to be elected from Time to Time General Commissioners for Drainage by the District Commissioners for the Fourth District under the Provisions of the Act of 1762 shall be Persons from Time to Time elected under the Provisions of the Act of 1818 by the Owners and Occupiers of Lands in the *East Fen* (including the Five thousand Acre District) and the Low Lands and Grounds adjoining or contiguous to the *East Fen*, and in the Parishes of *Wrangle*, *Friskney*, and *Wainfleet Saint Mary's*, to be District Commissioners for the said Fourth District (and which Four Persons are hereafter in this Act called *East Fen* General Commissioners), Two other of such Eight Persons shall be Persons from Time to Time elected by the Owners and Occupiers of Lands in the *West*

Level of the East Fen lower than the Level of the West and Wildmore Fens.

Steam Engines to be under the Care of East Fen General Commissioners.

Cowbridge Doors to be under the Care of West and Wildmore Fens General Commissioners.

As to future Elections of General Commissioners by Fourth District Commissioners.

Four for the East Fen.

Two for the West Fen, and

West Fen and the Low Lands and Grounds adjoining or contiguous thereto to be District Commissioners for the said Fourth District (and which Two Persons are hereafter in this Act called *West Fen* General Commissioners), and the remaining Two of such Eight Persons shall be Persons from Time to Time elected by the Owners and Occupiers of Lands in the said *Wildmore Fen* and the Low Lands adjoining or contiguous thereto to be District Commissioners for the said Fourth District (and which Two Persons are hereafter in this Act called *Wildmore Fen* General Commissioners). Two for the Wildmore Fen.

21. Subject to the other Provisions of this Act, the said *Hobhole* Drain when widened, and the said Steam Engines and Works when constructed, and the working thereof, shall from and after the Completion of the widening, and the Erection of any such Steam Engine, or the said First Election of General Commissioners (whichever shall last happen), be and remain under the Care and Management of the said Four *East Fen* General Commissioners as Committee-men, and they for that Purpose shall have the Control and Direction of the Servants and Officers of the General Commissioners for Drainage. Steam Engines to be under the Care of the East Fen General Commissioners.

22. From and after the Completion of the widening of *Hobhole* Drain and the Erection of any Steam Engine by this Act authorized, or the said First Election of General Commissioners (whichever shall last happen), the Sluices, Locks, or Stop-gates in the said Junction Drain and *Cowbridge* Drain and in the *West Fen* Drain shall (subject to the other Provisions of this Act) be under the Care and Management of the Two *West Fen* and Two *Wildmore Fen* General Commissioners as Committee-men, and they for that Purpose shall have the Control and Direction of the Servants and Officers of the General Commissioners for Drainage. Sluices, &c. under Care of the other Commissioners.

23. From and after the Completion of the widening and the Erection of any Steam Engine by this Act authorized, or the said First Election of General Commissioners (whichever shall last happen), the Eighth Section of the Act of 1803 regarding the opening of any Communication by the Sluice Lock or Stop-gate between the Two Drains on the West Side of *Cowbridge* and *Newdike* Drain is hereby repealed, and (instead thereof) all the Sluices, Locks, or Stop-gates in the said Junction Drain and *Cowbridge* Drain and in the *West Fen* Drain shall at all Times (except when the said Two *West Fen* and Two *Wildmore Fen* General Commissioners shall deem it necessary or expedient that Flood Waters shall have free Egress, or when the General Commissioners shall deem it necessary or expedient that the Waters be run lower for the Purposes of executing or repairing, scouring out, or cleansing any Works of Drainage,) between the Thirtieth Day of *April* and the First Day of *October* in each Year be regulated Regulation of such Sluices, &c.

regulated so as to keep the Water as far as practicable Three Feet below the medium Level of the lowest Lands in the *West* and *Wildmore Fens*, and, if and whenever the General Commissioners think it necessary, they may provide and set up additional Sluices, Locks, or Stop-gates in the said Drains so as to reduce the Water to such Level as far as practicable, and at all Times between each Thirtieth Day of *September* and the First Day of *May* then next succeeding the Waters of the said *West* and *Wildmore Fens* shall have free Egress, except solely when the Water outside all the said Doors may be higher than the Water in the *West* and *Wildmore Fens*.

Provisions in case of Accident or Injury to the Steam Engines.

Notice to be given.

Engines to be repaired.

On Receipt of Notice Doors to be closed during Repair of Engines, and afterwards reopened.

24. Provided, That if and whenever any Accident or Injury impeding or interfering with the efficient State or working of the said Steam Engines or Works, or any of them, shall from Time to Time happen, the said *East Fen* General Commissioners shall immediately authorize the Clerk to the General Commissioners to give Notice to the said *West* and *Wildmore Fen* General Commissioners thereof, and shall with all due Diligence proceed to repair and amend the same, and immediately on Receipt of such Notice the Sluices, Locks, or Stop-gates in the said Junction Drain and *Cowbridge* Drain and *West Fen* Drain shall (but subject to the Provisions of the *Witham* General Drainage Acts applicable in Times of Flood) be closed and remain closed until further Notice from the Clerk to the General Commissioners that the said Drain, Steam Engine, or Work has been again put into working Order shall be received by the said *West* and *Wildmore Fen* General Commissioners, who shall then be at liberty again to open the said Sluices, Locks, or Stop-gates.

Ulterior Power over Works to the General Commissioners.

25. Provided also, That if and whenever the said *East Fen* General Commissioners or the said *West* and *Wildmore Fens* General Commissioners fail to exercise any Power or to fulfil any Duty by this Act committed to them respectively to the Satisfaction of the General Commissioners for Drainage, then the General Commissioners for Drainage, if they so think fit, shall have and may exercise the Power and fulfil the Duty in respect of which the Failure shall have occurred, and so as often as in their Judgment Need shall require.

Allowing Mileage Costs on Distresses.

26. And whereas in many Cases in which it is necessary to execute Distress Warrants under the "*Witham* General Drainage Acts" the Person liable to the Distress resides at a considerable Distance from the Residence of any Bailiff or Broker, and there is no available public Conveyance, and the Costs allowed by the Public General Acts, 57 *George* 3., Chapter 93, and 7 and 8 *George* 4., Chapter 17, are inadequate to induce Bailiffs or Brokers to execute the Warrant, and the Remedy by Distress given by those Acts is in danger of being rendered nugatory: Therefore in all Cases where it shall be necessary to

to execute any Distress Warrant under the "*Witham* General Drainage Acts" or this Act, or any of them, and the Distance by the nearest public Road between the Place at which it is to be executed and the Residence of the nearest residing Bailiff or Broker exceeds Seven Miles, it shall be lawful for such Bailiff or Broker (although the Sum demanded and due shall not exceed Twenty Pounds) to levy, take, and retain as Part of the Costs and Charges for and in respect of such Distress the Sum of One Shilling for every Mile or Fraction of a Mile by which such Distance (measured along the nearest public Road) exceeds Seven Miles, in addition to the Costs and Charges allowed by the aforesaid Public General Acts, and he shall not be deemed thereby to transgress the Regulations of those Acts or either of them, or be liable by reason thereof to any Proceeding or Penalty under those Acts or either of them.

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