CHAPTER civ.

An Act to authorise the General Commissioners for Drainage by the River Witham to widen and improve Hobhole Sluice and to confer further powers upon those Commissioners and upon the District Commissioners under the Witham Drainage Acts and for other purposes. A.D. 1887.

[12th July 1887.]

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" (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 (hereinafter in this Act referred to as "the General Commissioners") 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: Witham Act 2 Geo. 3. c. xxxii. (1762).

And whereas under the Act of 1762 the General Commissioners taxed and charged the lands and grounds within the 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 for the execution of works of drainage within all the said six districts of the Witham drainage the sum of fifty-three thousand six hundred and fifty pounds and applied the same in or towards the purposes of the said Act:

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Wildmore West and East Fens Drainage Act 41 Geo. 3. c. cxxxv. (1801).

And whereas by an Act of the forty-first year of the reign of King George the Third "for the better and more effectually drain- " ing 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" (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 particularly a new gowt to be made and erected at or near a place called Hobhole in the River Witham about eight hundred yards below Fishtoft Gowt with three arches or openings of fifteen feet clear waterway each and the sill or floor thereof to be laid not less than four feet lower than the sill of the then present Maud Foster's Gowt in the reciting Act described and to be of such headway as the said Special Commissioners should think proper and it was provided that the said Special Commissioners should make or cause to be made a new cut or main drain to communicate with the River Witham at the place where the said last-mentioned new gowt should be erected and to be continued in manner and to be of the dimensions specified in the same Act:

And whereas by an Act of the forty-third year of the reign of King George the Third for amending the Act of 1801 the Special Commissioners 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 or near a certain place called Luke's Corner with Newdike Drain and also to scour out cleanse widen deepen and enlarge Newdike Drain from the said place called 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 Enclosures by virtue of the Act of 1801 at or near Cowbridge by the said Newdike Drain and new cut respectively into the said Hobhole Drain when and so often as Maud Foster's Drain should be incapable of discharg- ing the same by being overridden 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 powers jurisdiction and sole control of the General Commissioners:

And whereas several Acts of Parliament have been since passed for improving the Witham Drainage and by one of those Acts 58 George the Third chapter LX (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:

28 Vict. c. cxxiv.

And whereas by the Witham Drainage Act 1865 (in this Act called "the Act of 1865") provisions were made (sections 50 51 and 52) for facilitating the collection and recovery of the several acre taxes imposed by the Witham General Drainage Acts and by that Act:

30 & 31 Vict. c. cxxxviii.

And whereas by the Witham Drainage (Fourth District) Act 1867 (in this Act called "the Act of 1867") the General Commissioners were authorised and empowered to widen Hobhole Drain and to make and erect steam engines for drainage on or near Hobhole Drain for the better drainage of the said fourth district and those works and powers have been executed and carried into effect:

43 & 44 Vict. c. civ.

And whereas by the River Witham Outfall Improvement Act 1880 (hereinafter called "the Act of 1880") a new cut and other works for improving the outfall of the River Witham were authorised and a joint board (in this Act called "the outfall board") was constituted for effecting such works and by the River Witham Outfall Improvement (Extension of Time) Act 1885 the period of five years prescribed by the Act of 1880 for completing the works thereby authorised was extended for the further period of two years:

44 & 45 Vict. c. xc.

And whereas by the Witham Drainage Act 1881 the lands in the first third and fifth districts were further charged with additional acre taxes for the purposes of the enlargement of the grand sluice on the River Witham at Boston and of widening and deepening the river between the Grand Sluice and Tattershall Bridge and (section 25) the General Commissioners were empowered from time to time to make regulations for facilitating the collection of the several acre taxes for the time being collected by and for the use of the General Commissioners which regulations after confirmation as therein provided were to have effect in lieu of the provisions in that behalf contained in section 50 of the Act of 1865 and (sections 26 and 33) further provision was made as to the collection and recovery of the taxes under the reciting Act and the other Witham Drainage Acts:

48 & 49 Vict c. clviii.

And whereas by the Witham Drainage (Steeping River) Act 1885 the lands situate within that part of the fourth district forming portion of the East Fen and of the low lands and grounds adjoining or contiguous thereto lying and being in the several parishes townships or places in the same Act named (and which lands are shown on duplicate maps or plans authenticated as in

A.D. 1887. the reciting Act mentioned) were charged with an additional uniform acre tax (over and above all taxes charged thereon respectively by or under the Witham Drainage Acts) not exceeding sixpence per statute acre for the purposes of improving the stream called Steeping River under and below and to seaward of Salem Bridge in the parish of Wainfleet All Saints and the works authorised by the reciting Act have been executed and carried into effect:

And whereas the works of excavating and otherwise forming a new cut or channel for the improvement of the outfall of the River Witham under the powers and provisions of the Act of 1880 to seaward of Hobhole Sluice in the parish of Fishtoft from the same sluice as in the same Act mentioned to the sea or estuary of the Wash at or in a place called or known as Clayhole in the parish of Freiston or extra-parochial place adjoining were on the thirteenth day of January one thousand eight hundred and eighty-six declared by the outfall board to be completed:

And whereas under and by virtue of several precepts from time to time issued by the said Witham Outfall Board the General Commissioners acting for the fourth district have contributed and paid towards the execution of the new cut sums of money amounting altogether to the sum of forty-eight thousand eight hundred and eighty pounds fifteen shillings and four pence and a balance or surplus of five thousand eight hundred pounds and upwards remains in the hands of the treasurer of the said General Commissioners acting for the fourth district under the control and direction of the said General Commissioners:

And whereas in order to take advantage of the improved outfall of the said River Witham and for the better and more effectually conveying the waters of Wildmore West and East Fens and of the lands within the parishes townships and places adjoining or contiguous to the said fens and other lands draining by the said River Witham to the sea it is expedient that Hobhole Sluice be widened and improved by the construction of an additional outlet or opening having its sill at a lower level than the sills of the existing sluice:

And whereas by section 52 of the Act of 1880 it was provided that all money received respectively by the General Commissioners and the General Commissioners acting for the fourth district in respect of the outfall tax therein mentioned (not being money borrowed on the security of that tax) should be applied by them respectively in the manner and in the order therein prescribed and not otherwise including (iv) the formation of a reserve or contingent fund not exceeding ten thousand pounds to meet any contributions that might be required by the outfall board for extraordinary contingencies but the outfall board have no power under that Act or

otherwise to require any such contributions for extraordinary contingencies nor is there any provision in the said Act or in any other Act with respect to any such matter and the formation of a reserve or contingent fund is therefore wholly without an object and it is expedient that so much of the said fifty-second section as requires the formation of such reserve or contingent fund should be repealed and that the balance or surplus of five thousand eight hundred pounds and upwards now in the hands of the treasurer of the General Commissioners acting for the fourth district as aforesaid be made applicable for the purpose of the widening and improvement of Hobhole Sluice under the powers of this Act:

And whereas certain lands in the parishes of Langriville and Coningsby in the parts of Holland in the county of Lincoln containing together two hundred and seventy-six acres and twenty-two perches or thereabouts (which lands are shown by the colours green and pink upon a plan signed in duplicate by Leonard Henry Courtney the chairman of the Committee of the House of Commons to whom the Bill for this Act was in its passage through Parliament referred and which plan has been deposited in the Private Bill Office of the said Honourable House and with the clerk of the peace of the said parts of Holland and which lands are commonly known and hereinafter referred to as "the severed lands") were by the alteration of the course of the River Witham authorised by the Act of 1762 severed from the West and Wildmore Fens constituting part of the fourth district:

And whereas the severed lands are now liable or alleged to be liable to be taxed as follows viz.:—

One shilling per acre under the Act of 1762:

One shilling per acre under the Act of 1801:

Sixpence per acre under the Act of 1867:

One shilling per acre under the River Witham Outfall Improvement Act 1880:

One shilling and three pence halfpenny per acre under the Black Sluice Drainage Acts 1765 1770 1846 and 1849: and

One shilling per acre under the Black Sluice Drainage Act 1880:

And whereas the taxes to which the severed lands are so liable are out of proportion to the benefit which those lands receive or can receive from the works executed under the said Acts and it is expedient that the General Commissioners be empowered to remit in whole or in part as regards those lands the taxes to which they are liable under the Acts of 1801 and 1867 as aforesaid:

And whereas it is expedient that further provision be made with respect to the collection and recovering of taxes by the General

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Commissioners and District Commissioners and that the Witham General Drainage Acts be in other respects amended as in this Act provided:

And whereas plans and sections showing the lines and levels of the works authorised by this Act the plans also showing the lands required 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 clerk of the peace for the parts of Holland in the county of Lincoln and 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 (Hobhole Sluice) Act 1887.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 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 in the county of Lincoln as the case may be:

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 were a simple contract debt and not a debt or demand created by statute:

In this Act the term "Witham General Drainage Acts" means and includes the several Acts recited or referred to in the preamble to this Act (other than the Black Sluice Drainage Acts 1765 1770 1846 1849 and 1880) and every or any Act amending any of those 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 widen and improve Hobhole Sluice and deepen sluice outfall.

4. Subject to the provisions of this Act the General Commissioners shall and they are hereby authorised and empowered 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 works (that is to say) :—

To alter and improve the sluice across a certain drain called or known as Hobhole Drain falling into the River Witham or Boston Haven in the parish of Fishtoft in the parts of Holland in the county of Lincoln by the construction of an additional outlet or opening on the west side of the existing sluice having its sill at a lower level than the sills of the existing sluice and to deepen and improve the sluice outfall in connection therewith :

To dredge scour and deepen the bed and shores of the River Witham or Boston Haven at or near the junction therewith of Hobhole Drain aforesaid :

Together with all necessary and convenient embankments banks walls bridges arches culverts tunnels drains dykes cuts outfalls sluices staunches roads approaches fences and other works.

Power to deviate.

5. In the execution of the works by this Act authorised the General Commissioners may make lateral deviation from the lines thereof to any extent within the limits of lateral deviation shown on the deposited plans and vertical deviations from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards Provided that no such lateral deviation shall be made even within the limits of lateral deviation shown on the deposited plans in such manner as to diminish the navigable space of any public navigable tidal river or channel without the previous consent of the Board of Trade and of the Corporation of Boston or otherwise than in such manner as shall be expressly authorised by that Board and by the said Corporation.

Period for completion of works.

6. If the works authorised by this Act are not completed within three 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 connect the embankments banks drains dykes tunnels outfalls bridges roads fences works and approaches to be constructed under the powers of this Act with any existing

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public or private embankments banks drains dykes tunnels outfalls bridges roads fences works and approaches.

Lights on works.

8. The General Commissioners shall on or near the works below high-water mark hereby authorised during the whole time of the construction thereof exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves:

If the General Commissioners fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Board of Trade.

9. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the General Commissioners on in over through or across tidal lands or tidal water or of the intended site of any such work the General Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the General Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the General Commissioners.

Abatement of work abandoned or decayed.

10. If a work constructed by the General Commissioners under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the General Commissioners and the amount of such expense shall be a debt due from the General Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the General Commissioners.

Commissioners may contract for works.

11. The General Commissioners may from time to time contract with any person for the execution of any of the 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.

Commissioners to maintain works.

12. The General Commissioners shall from time to time maintain the works by this Act authorised and may from time to time enter on any lands within the parish or place within which the works by this Act specifically authorised 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 outfalls bridges sluices staunches walls banks arches or other works and may from time to time for those purposes occupy those lands either temporarily or permanently Provided that the General Commissioners shall not except by agreement with the owners lessees and occupiers thereof enter upon or occupy any lands as aforesaid which are not shown on the deposited plans and described in the deposited book of reference and shall make full compensation to all persons injuriously affected by or in consequence of any such entry or occupation.

Power to take lands and period for compulsory purchase.

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

Correction of errors in deposited plans, &c.

14. If any omission misstatement 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 aforesaid 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 misstatement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission misstatement or erroneous description and such certificate shall be deposited with the clerk of the peace for the 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.

15. 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 one acre.

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Power to take easements &c. by agreement.

16. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or to 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 (not being an easement of water) right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts and of this Act with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Repeal of sub-section (iv.) of section 52 of Act of 1880.

17. So much of section 52 of the Act of 1880 as relates to the formation of a reserve or contingent fund to meet any contributions that might be required by the outfall board for extraordinary contingencies (being sub-section (iv) of the said section) is hereby repealed.

Application of moneys raised under powers of Act of 1880.

18. The General Commissioners may notwithstanding anything contained in the Act of 1880 apply for the purposes of the widening and improvement by this Act authorised of Hobhole Sluice or other the purposes of this Act and subject thereto for the general purposes of the drainage of the fourth district any monies (other than monies levied and raised by them for the purpose of the maintenance of the works authorised by the Act of 1880) which the Commissioners acting for the fourth district may have raised or received or may raise or receive under the powers of the Act of 1880.

Power to free severed lands from taxes under Acts of 1801 and 1867.

19. The General Commissioners may at a meeting or meetings of the Commissioners duly convened with notice of this object from time to time resolve and declare that the severed lands or such of them as shall be specified in any such resolution shall thenceforth be wholly or in part relieved from payment of the taxes to which but for such resolution and this Act the severed lands or such of them as are specified in the resolution would be liable under the Acts of 1801 and 1867 or either of those Acts and in accordance with the terms of any such resolution the severed lands or as the case may be such of them as are specified in the resolution shall thenceforth be by this Act freed and discharged in whole or in part as may be declared by the resolution from payment of the tax or taxes specified in the resolution.

As to payment of fourth district interior taxes.

20. As regards the payment of the several acre taxes (hereinafter referred to as "the fourth district interior taxes") imposed by or under the Witham General Drainage Acts or any of them

on lands situate within the limits of the fourth district or incorporated therewith for purposes of drainage the following provisions shall have effect viz. :—

(1.) The Commissioners for the fourth district of the Witham Drainage shall from time to time by advertisement in some newspaper circulating in their district give notice of the time when in accordance with the provisions of this Act the fourth district interior taxes are to be paid :

(2.) All such 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 Monday in the month of May at Spilsby :

On one of the usual fair days in the month of June at Horncastle :

On one Saturday in the month of May at Wainfleet :

Or at the office of the collector in Boston on any Wednesday during the said period of forty-two days : and

(3.) Such Monday fair day and Saturday as aforesaid shall be designated in the said advertisement :

Nothing in this section shall be deemed to repeal or affect the provisions of section 25 of the Act of 1881.

Repealing part of section 51 of Act of 1865 and amending section 33 of Act of 1881.

21. From and after the passing of this Act so much of section 51 of the Act of 1865 as provides that no summons or demand shall be necessary before executing the warrant mentioned in that section is hereby repealed and section 33 of the Act of 1881 shall be read and have effect as if :—

(A) The words "and no summons or demand to or on any person shall be necessary before executing the warrant in relation to him" were omitted from the said section : and

(B) The words "provided always that no warrant shall be executed on or as against any person to whom it relates unless twenty-one days' previous demand in writing by the collector for payment of the taxes leviable under such warrant shall have been made on such person either personally or by leaving the same at his usual place of abode" were added at the end of the said section.

Extending section 33 of Act of 1881 to interior taxes leviable by fourth

22. Section 33 of the Act of 1881 as amended by this Act shall apply for the recovery of taxes leviable by the Commissioners for the fourth district of the Witham Drainage within their district but for any such purpose shall be read and have effect in each case as if

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District Commissioners and substituting as regards those taxes other provisions for those of section 13 of the Act of 1867.

those Commissioners were named therein instead of the General Commissioners and as regards those taxes the following provisions shall apply in lieu of the provisions of section 13 of the Act of 1867 that is to say That in case any of such taxes be not paid within forty-two days after the date specified in the advertisement inserted in accordance with this Act or with the Act of 1865 fixing times and places for payment of such tax every person failing to pay the same shall forfeit to the Commissioners levying the same:—

(A) If the tax or taxes in arrear amount to ten shillings or under the fixed sum of one shilling: and

(B) If the tax or taxes in arrear amount to more than ten shillings 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 being first demanded as by this Act provided with respect to taxes may be recovered in like manner as the taxes.

Extending purposes for which bye-laws may be made &c. under Act of 1865.

23. The General Commissioners and District Commissioners respectively may from time to time make and enforce bye-laws and impose penalties under the provisions of sections 45 46 53 and 54 of the Act of 1865 for the following purposes or any of them which shall be in addition to and not in substitution for all or any of the purposes mentioned in those sections respectively viz.:—

(A) For prohibiting persons from throwing into or allowing to remain in any of the several interior drains ditches or watercourses within the limits of the several districts of the Witham drainage any hedge trimmings or cuttings or any like matters or substances or making or causing to be made any other obstructions in any such drains ditches or watercourses and for requiring the removal of any such hedge trimmings or cuttings matters or substances or other obstructions from such drains ditches or watercourses after such notice in writing from the surveyor of interior drainage to remove the same as shall be specified in the bye-law:

(B) For prohibiting persons from allowing or suffering to remain in any of the interior drains ditches or watercourses within the limits of the several districts of the Witham drainage any weeds or rushes or other matter or soil resulting from cutting or dressing out any of such drains ditches or watercourses and for requiring the removal by the owner or occupier of adjoining lands of any such weeds rushes or other matter or soil after such notice in writing from the surveyor of such interior drainage to remove the same as shall be specified in the bye-law: and

(c) For providing for the proper cutting or training by the owner or occupier of the lands immediately adjoining to the reasonable satisfaction of the surveyor for the time being of the interior district of the Witham drainage or any subdivision or part of any such district within the limits whereof the same is situate of any hedge adjoining any outring or division drain ditch or watercourse in any of the districts of the Witham drainage which may attain a growth prejudical to the cleansing or roding thereof or to the free passage of water through the same:

If any person do anything prohibited by any bye-law made under this section or shall for the space of fourteen days after receiving notice in writing signed by two of the General Commissioners or of the District Commissioners as the case may be requiring him to do anything which he may be bound to do under any such bye-law neglect or refuse to comply with such notice the penalty attaching in such case under any such bye-law may be recovered by the General Commissioners or the District Commissioners as the case may be with full costs of suit in any court of competent jurisdiction or by the levying the same upon a warrant under the hands and seals of two of the General Commissioners or of the District Commissioners as the case may be by distress and sale of the goods and chattels of the offender or person in default the overplus (if any) being returned when demanded to the person or persons whose goods and chattels shall be so distrained and sold.

Protecting works and saving taxing powers of Black Sluice Commissioners.

24. Nothing in this Act shall apply to or interfere with any drain ditch watercourse or works under the jurisdiction and control of the Black Sluice Commissioners within the second and sixth districts of the Witham drainage or prejudice the Black Sluice Commissioners in raising any taxes within those districts.

Amending Act of 1762 as to place of meeting of fourth district commissioners for election of General Commissioners.

25. With reference to the provision contained in the Act of 1762 "That the commissioners for the fourth district or any five "or more of them shall meet at a publick house known by the sign of "the 'White Hart' in Spilsby" at the respective times in the said Act mentioned and there elect eight persons to be part of the General Commissioners for drainage it is hereby enacted that from and after the passing of this Act the said provision of the Act of 1762 shall be read and have effect as if the words "a publick "house known by the sign of the 'White Hart' in Spilsby" were omitted therefrom and the words "the Witham Office, Boston" were substituted in the said provision for the words so omitted.

Continuance of provisions for protection of

26. 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

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Witham 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 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.

Certain lands in parish of Croft declared to form part of fourth district for purposes of taxation under Witham Drainage (Steeping River) Act 1885.

27. The lands situate in the parish of Croft in the parts of Lindsey in the county of Lincoln (which lands contain one hundred and thirty-seven acres three roods and thirteen perches or thereabouts and are shown and coloured red on duplicate maps or plans signed by Leonard Henry Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was in its passage through Parliament referred one of which plans is deposited in the Private Bill Office of the said Honourable House and the other of which plans is deposited in the Witham Office in the borough of Boston) are hereby declared to form part of the fourth district for the purposes but only for the purposes of the Witham Drainage (Steeping River) Act 1885 and to be liable as the other lands forming portion of the said fourth district under and by virtue of the said Act are liable to the additional tax leviable by the General Commissioners under the said Act and the provisions of the said Act and of the Witham General Drainage Acts as amended by this Act shall apply to the charging payment levying and recovering of the said additional tax accordingly.

Saving rights of Crown under Crown Lands Act 1866.

28. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty Her heirs or successors.

Saving rights of the Witham outfall board.

29. Save as is by this Act expressly provided nothing in this Act shall prejudice or defeat any works made or executed or to be made or executed by the Witham Outfall Board in pursuance of the River Witham Outfall Improvement Act 1880 or lessen take away or interfere with any of the powers rights interests privileges and authorities in and by the same Act vested in the Witham Outfall Board.

Works on shore &c. not to be constructed without consent of Board of Trade.

30. The General Commissioners shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of

the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the General Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the General Commissioners and the amount of such costs and charges shall be a debt due from the General Commissioners to the Crown and shall be recoverable accordingly with costs.

Saving rights of the Crown in the foreshore.

31. Nothing contained in this Act shall authorise any person or body to take use or in any manner interfere with any portion of the shore or bed of the sea or of any channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Costs of Act.

32. All the costs charges and expenses of and incidental to the preparing applying for obtaining and passing this Act shall be paid by the General Commissioners out of the moneys by this Act made applicable for the purposes of this Act.

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