



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 116.

An Act for altering and enlarging the Powers of an Act, passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for the more effectual draining the Lands lying in the Level of Ancholme in the County of Lincoln, and making the River Ancholme navigable from the River Humber, at or near a Place called Ferraby Sluice, in the County of Lincoln, to the Town of Glamford Briggs, and for continuing the said Navigation, up or near to the said River, from thence to Bishop Briggs in the said County of Lincoln.*

[26th June 1802.]

[Loc. & Per.]

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WHEREAS

7 Geo. 3.

WHEREAS by an Act, passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for the more effectual draining the Lands lying in the Level of Ancholme in the County of Lincoln, and making the River Ancholme navigable from the River Humber, at or near a Place called Ferraby Sluice, in the County of Lincoln, to the Town of Glamford Briggs, and for continuing the said Navigation, up or near to the said River, from thence to Bishop Briggs in the said County of Lincoln*; after reciting that the Level of *Ancholme* in the County of *Lincoln*, extending from the River *Humber* to *Bishop Briggs*, containing many Thousand Acres of Land, had been for several Years drowned with Water, to the great Damage and Loss of the Inhabitants and Owners of Lands within the said Level, and that the draining of the Lands lying in the said Level, and making the River *Ancholme* navigable, as therein mentioned, would be of great Utility to the Publick, and tend to the considerable Benefit and Advantage of the Owners of Lands within the said Level; it was enacted, that the several Persons therein named, and their Successors, to be elected as therein mentioned, should be and they were thereby appointed Commissioners for draining the said Lands lying in the said Level of *Ancholme*, and for making the said River *Ancholme* navigable, as therein mentioned, and for putting the several Powers contained in the said Act into Execution; and it was (amongst divers other Powers and Provisions therein contained), further enacted, that the said Commissioners, or any Five or more of them, should have the Direction and Survey of all the private Works of Drainage within the said Level of *Ancholme*; and that for the better draining, preserving, and keeping dry the Low Grounds and Carrs in the said Level, the said Commissioners, or any Five or more of them, should and might, and were thereby fully empowered to order, and cause to be made and maintained, all such Works as are in the said Act mentioned, within, upon, or through any of the Lands or Grounds within the said Level, or any Part thereof, and as should be thought necessary for accomplishing the Drainage, and other Purposes by the said Act intended; and that it should and might be lawful to and for the said Commissioners, or any Seven or more of them, and they were thereby authorized and required to assess, tax, and charge all and every the respective Owners and Occupiers of, and also all and singular the Carrs and Low Grounds within the Limits of the said Level of *Ancholme*, which were liable to be flooded and overflown with Water (except as therein-after excepted), with such equal yearly Rates and Taxes as to them should seem requisite and necessary for the Purposes of perfecting such Drainage, pursuant to the Powers and Authorities in the said Act, so as the same did not exceed the Sum of Two Shillings and Sixpence an Acre for every Acre, and in such Proportion for any less Quantity than an Acre; and that a true and distinct Survey should be made of all the several Lands and Grounds liable to be rated and taxed by virtue of and within the Meaning of the said Act, and such Survey should be reduced into Writing, and the Number of Acres, Roods, and Perches belonging to each Proprietor within the said Level, should be therein specified and described; and that the said Commissioners, or any Seven or more of them, should, in the First Place, and before any Works were made for draining and improving the Lands thereby intended to be drained and improved, cause the following Works to be done and performed;

formed; that is to say, they should erect or cause to be erected a new Sluice in the River *Ancholme*, at or near *Ferraby Sluice*, for stemming the Tides, and its neat Capacity or Waterway should not be less than Forty Feet wide, and of sufficient Height, with double pointing Doors towards the *Humber*, to shut out the Flow of the Tides, and should erect or cause to be erected a proper Staunch or Staunches, not being in the main Drain, commonly called or known by the Name of *The New River Ancholme*, below or within Twenty Yards of the North Corner of a certain Carr in the Lordship of *Horkstow*, known by the Name of *Ancholme Carr*, which should be shut occasionally as the Commissioners, or any Five or more of them, their Surveyors, or any Person or Persons to be appointed by them, should direct, for the Purpose of Navigation, and retaining fresh Water in dry Seasons for the Use of Cattle, and for scouring out the Outfall of the River *Ancholme* into the River *Humber*, and should proceed to cause the River *Ancholme* to be widened and deepened from the said Sluice upwards, in such Manner and according to such Dimensions as the said Commissioners, or any Five or more of them, or their Surveyors, or any Person or Persons to be appointed by them, should think proper and convenient; and it was also provided, that no Works should be done for effecting or perfecting the Navigation of the said River *Ancholme*, in pursuance of the Powers and Authorities in the said Act contained, which should be the Means or Occasion of Detriment, Prejudice; or Hindrance to the draining of the aforesaid Level of *Ancholme*, or to the Works to be made for such Drainage, or to the conveying or discharging the Water and Floods from any of the Lands lying within the said Level, which should be rated or taxed for the Purposes of the said Act: And whereas the Commissioners acting under and by virtue of the said Act proceeded in the Execution thereof by first erecting or causing to be erected a new Sluice and Staunch, and afterwards made great Progress in other Works thereby directed to be done; and the said Commissioners did also cause a Survey to be made, according to the Directions of the said Act, of all the Lands and Grounds liable to be rated and taxed by virtue of and within the Meaning of the said Act, and did assess, tax, and charge the same with an equal yearly Rate or Tax of Two Shillings and Sixpence an Acre for every Acre, and in such Proportion for any less Quantity than an Acre, and did appoint certain Days for the Payment thereof: And whereas the Lands lying in the said Level, and which, under and by virtue of the said Act, were adjudged liable to be flooded and overflown with Water, do contain Seventeen thousand one hundred and ninety-seven Acres Three Roods and Ten Perches, according to such Survey thereof so made as aforesaid by virtue of the said Act, and the yearly Tax of Two Shillings and Sixpence an Acre charged thereon by virtue of the said Act, amounts to the Sum of Two thousand one hundred and forty-nine Pounds Fourteen Shillings and Four-pence, or thereabouts: And whereas the Tolls taken by virtue of the said Act on Goods conveyed up or down the said River, have, for some Years last past, amounted to the Average yearly Sum of Seven hundred Pounds, or thereabouts: And whereas the Commissioners acting under and by virtue of the said Act, in order to execute the Works, and for other Purposes thereby directed, have at different Times, by virtue and under Authority of the said Act, borrowed on Mortgages of the said Taxes and Tolls several Sums of Money, amounting together to the Sum of Thirty-nine thousand Pounds, the Whole of which Money yet re-
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mains due and owing on such Securities : And whereas the several Sums of Money so borrowed as aforesaid, have been applied in the Execution of the Works, and for other Purposes directed by the said Act, and after Payment of the annual Interest due on the said Mortgage Debts, the Surplus Fund arising from the Taxes and Tolls raised by virtue of the said Act, is become very insufficient for the Purpose of completing the Works intended, and of repairing, supporting, and preserving the Sluice, Locks, Bridges, and several other Works of Drainage already executed by virtue and under Authority of the said Act, whereby several of the said Works have become, and are now, very defective : And whereas in Times of Rain, the River *Ancholme* and other Works of Drainage already executed, are in their present State insufficient to contain and convey away the Flood Waters thereof, by reason whereof the Lands lying in the said Level, or most Part thereof, are yet subject to be frequently overflowed and otherwise injured, and additional Outlets and other Works, as well as the Improvement of the said River, are necessary for rendering the said Drainage effectual ; for which Purposes it is expedient that an additional Sum of Money should be raised, and that the Powers of the said Act should be altered and enlarged ; May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for carrying into Execution the Purposes of the said recited Act and of this Act, all and singular the Lands and Grounds lying within the said Level of *Ancholme*, and which are now rated by virtue of the said recited Act, shall from Time to Time be and the same are hereby charged with such additional or further Sum or Sums of Money *per Acre*, according to the Quantity ascertained by the Surveys already made pursuant to the said recited Act (over and above the said Rate of Two Shillings and Sixpence *per Acre* charged thereon by virtue of the said recited Act), as shall be assessed thereon by the Commissioners acting under and by virtue of the said recited Act, or any Seven or more of them, in Manner as herein-after directed, subject to such Restrictions and Limitations as are herein-after provided concerning the same ; all which said additional or further Sum or Sums of Money hereby charged and to be raised by virtue of this Act, shall become due and payable at such Time and Times as the said Commissioners shall in that Behalf direct and appoint ; and the same shall be from Time to Time paid, collected, levied, recovered, and accounted for, by virtue of this Act, by and from the Owners of the said Lands and Grounds, by such Ways and Means, and in the same Manner as the Rates made by the said recited Act are directed to be paid, collected, levied, recovered, and accounted for.

Lands rated under former Act to be charged with further Assessments.

Engineer to execute Works.

II. And be it further enacted, That such additional Outlets and other Works belonging thereto, and also the Improvement of the said River, as the Commissioners acting under the said recited Act, or any Seven or more of them, shall order and direct to be done under the Powers and Provisions of the said Act, shall be made and executed according to such Dimensions and Capacity as shall be set out by a Plan or Scale thereof respectively, drawn and made for that Purpose by *John Rennie*, or such other Engineer as the said Commissioners shall think proper to appoint ; and all

all such Works respectively shall be executed under the immediate Direction of such Engineer, and of such other fit and proper Person as shall be deputed by him, with the Approbation of the said Commissioners, to attend the Execution of such Works.

III. Provided always, and be it enacted, That all Rights, Powers, and Privileges reserved to the Right Honourable *John Lord Monson*, and his Heirs, by the said recited Act, in, over, and upon a certain Beck called *Owersby Beck*, shall be and continue reserved to and vested in him and them, as if this Act had not been made.

Owersby Beck not to be under the Direction of the Commissioners.

IV. Provided always, and be it enacted, That nothing in the said recited Act or this Act contained shall extend, or be construed to extend, so as to restrain or prevent any Owner or Owners, Proprietor or Proprietors, of any of the Lands or Grounds situate within the said Level South of *Glamford Briggs*, from making, maintaining, and supporting, at his, her, or their own Expence, any interior or private Works of Drainage or Embankment on such his, her, or their Lands and Grounds, or from making, maintaining, and supporting any Work or Works thereon, to communicate by any Tunnel or Tunnels, or otherwise, with any of the Works of Drainage made by virtue of the said recited Act or this Act, within such Part of the said Level; or with the said River *Ancholme*; but no such Work or Works so to be made by such Owner or Owners, Proprietor or Proprietors, shall be so made, so as to damage or prejudice the Drainage or Navigation made by virtue of the said recited Act or of this Act.

Proprietors not restrained from doing certain Works on their own Lands.

V. And be it further enacted, That for the more effectual carrying the said recited Act and this Act into Execution, the Commissioners acting under the said recited Act, or any Seven or more of them, may, at any Meeting to be held by them pursuant to the said Act, appoint Five of the said Commissioners to be a Committee for the Upper District of the said Level South of *Glamford Briggs*, and Five other of the said Commissioners to be a Committee for the Lower District of the said Level North of *Glamford Briggs*, and such Committees respectively shall and they are hereby authorized from Time to Time to view and examine the Progress of the several Works to be executed, and to examine and settle all Accounts relating thereto, and to do all or any Matters and Things relating to the Superintendance and Support of the said Drainage within such Districts respectively, and for that Purpose from Time to Time to give Directions for cleansing, maintaining, and keeping in Repair the respective Works of the said Drainage; and the said Committees shall from Time to Time make Reports of their Proceedings at the Meetings of the said Commissioners, and execute all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Commissioners, or any Seven or more of them, at such Meetings as aforesaid, and that the Expences of the said Committees at any of their Meetings, not exceeding Ten Shillings and Sixpence each, shall be paid by the Treasurer of the said Commissioners out of the Monies he shall receive by virtue of this Act.

Commissioners may appoint Committees.

VI. And whereas, in Consideration of the further Expences that will necessarily be incurred in carrying the Purposes of the said recited Act and

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Present Tolls discontinued, and new ones granted,

this Act into Execution, by which the Navigation of the said River will be rendered more commodious and certain, it is reasonable that the Tolls or Rates of Tonnage should be increased; be it therefore further enacted, That, from and after the First Day of *July* One thousand eight hundred and two, the several Tolls now payable under and by virtue of the said recited Act on Goods conveyed up or down the said River *Ancholme*, shall cease and determine, and be no longer paid or payable; and that in lieu thereof the following Tolls shall from thenceforth be paid and payable, by virtue of the said recited Act and this Act, by all and every Person or Persons who shall carry or convey any Goods, Wares, Merchandizes, or Commodities whatsoever, up or down the said River; (*videlicet*),

For every Quarter of Wheat, Rye, Beans, Peas, and Lentils, passing or repassing through the Lock at *Ferriby*, the Sum of One Penny; and above the said Lock, for the Liberty of Passage through the Navigation, the further Sum of One Farthing for every Mile; and through each other Lock to be made by virtue of the said recited Act, the further Sum of One Halfpenny; and so in Proportion for any greater or less Quantity:

For every Quarter of Barley, Malt, Oats, and other Grain, not before enumerated, passing or repassing through the Lock at *Ferriby*, the Sum of One Penny; and above the said Lock, for the Liberty of Passage through the Navigation, the further Sum of One Farthing for every Two Miles; and through each other Lock to be made by virtue of the said recited Act, the further Sum of One Halfpenny; and so in Proportion for any greater or less Quantity.

For every Chaldron of Coals passing or repassing through the Lock at *Ferriby*, the Sum of Three-pence; and above the said Lock, for the Liberty of Passage through the Navigation, the further Sum of One Penny for every Mile; and through each other Lock to be made by virtue of the said recited Act, the further Sum of Two-pence; and so in Proportion for any greater or less Quantity:

For every Chaldron of Lime passing or repassing through the Lock at *Ferriby*, the Sum of Three-pence, and above the said Lock, for the Liberty of Passage through the Navigation, the further Sum of One Penny for every Mile; and through each other Lock, to be made by virtue of the said recited Act, the further Sum of One Halfpenny; and so in Proportion for any greater or less Quantity:

For every Thousand of Bricks and Tiles passing or repassing through the Lock at *Ferriby*, the Sum of Four-pence, and above the said Lock, for the Liberty of Passage through the Navigation, the further Sum of One Penny for every Mile; and through each other Lock to be made by virtue of the said recited Act, the further Sum of Two-pence; and so in Proportion for any greater or less Number:

For every Ton of Timber, Iron, Lead, Slate, and Plaister, passing or repassing through the Lock at *Ferriby*, the Sum of Four-pence, and above the said Lock, for the Liberty of Passage through the Navigation, the further Sum of One Penny for every Mile; and through each other Lock to be made by virtue of the said recited Act, the further Sum of Two-pence; and so in Proportion for any greater or less Weight:

For every Ton of Stone passing or repassing through the Lock at *Ferriby*, the Sum of Three-pence, and above the said Lock, for the Liberty of Passage through the Navigation, the further Sum of One Farthing for every Mile; and through each other Lock to be made by virtue of the said recited Act, the further Sum of One Halfpenny; and so in Proportion for any greater or less Weight:

For every Ton of Sand passing or repassing through the said Navigation, the Sum of One Halfpenny for every Mile; and so in Proportion for any greater or less Weight:

For every Ton of Groceries, and all other Goods, Wares, and Merchandizes not before enumerated, passing or repassing through the Lock at *Ferriby*, the Sum of Eight-pence, and above the said Lock, for the Liberty of Passage through the Navigation, the further Sum of One Penny Halfpenny for every Mile; and through each other Lock to be made by virtue of the said recited Act, the further Sum of Four-pence; and so in Proportion for any greater or less Weight:

For every Ton of Manure (when exported only), passing through the Lock at *Ferriby*, the Sum of Two Shillings; and so in Proportion for any greater or less Weight:

All which said respective Sum and Sums of Money shall be demanded and taken in the Name of and as a Toll, and the same and every Part thereof shall be and are hereby vested in the Commissioners acting under the said recited Act; and the same and every Part thereof shall and may be demanded, collected, and recovered, charged, mortgaged, and assigned in such Manner as are directed by the said recited Act with respect to the Tolls thereby directed to be taken; and the same Tolls and every Part thereof, shall be chargeable and subject to the like Application, as the present Tolls are now chargeable and subject to under and by virtue of the said recited Act.

VII. Provided always, and be it further enacted, That nothing herein contained shall extend to the taking Tonnage of any Boats out upon Pleasure, or laden with Fish to be brought to Market, or with Materials for the Purposes of any Works respecting the said Drainage or Navigation.

Exemptions
from Toll.

VIII. And be it further enacted, That the Commissioners acting under the said recited Act, shall and they are hereby authorized, as soon as conveniently may be, to borrow and take up the further Sum of Five thousand Pounds on the Security of the Tolls arising from the said Navigation, by the Ways and Means directed by the said recited Act in that Behalf, or some of them; which said Sum of Five thousand Pounds so to be raised, shall be applied for or towards the Execution of the Works to be done in and upon the River *Ancholme*, and for the Purpose of completing the Navigation to *Bishop Briggs*, as intended by the said recited Act: Provided always, that no such Works shall be done in and upon the said River South of a Place called *Pool's End*, until the said Sum of Five thousand Pounds, or some Part thereof, shall be raised as aforesaid, for the Purpose of carrying on the same Works.

Further Sum
of 5,000 £ . to
be raised on
Security of the
Tolls, and
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plied.

IX. And

Commissioners to make Assessments for paying the Expences of the Act, and carrying on the Works.

IX. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the said recited Act, or any Seven or more of them, and they are hereby authorized and required from Time to Time to assess and charge all and every the respective Owners of, and also all and singular the Lands within the said Level of *Ancholme*, which are now rated by virtue of the said recited Act, or any Part or Parts thereof, with such additional or further Sum or Sums of Money (not exceeding in the Whole the Sum of Twelve thousand Pounds, without the Consent of the Majority in Value of the Proprietors present at any Meeting to be called and held for that Purpose), as to the said Commissioners shall seem requisite and necessary, over and above the Five thousand Pounds to be raised on Security of the Tolls as by this Act directed for defraying the Charges and Expences incurred in the obtaining and passing this Act, and carrying on and effecting the Purposes hereby intended, by a Rate upon the same Lands, in such Shares and Proportions, with respect thereto in each separate Parish, Township, or Place, as shall be ascertained by the Award of the Assessor or Assessors to be made as herein-after mentioned, and the respective parochial Proportions of such Assessments shall be assessed and charged equally on the Lands now rated, by virtue of the said recited Act, within each respective Parish, Township, or Place; and the said Commissioners shall and may, by any Writing under their Hands, limit and appoint such certain Days and Places for the respective Payments thereof to their Collector or Collectors, Receiver or Receivers for the Time being, as they the said Commissioners, or any Seven or more of them, shall think proper; and they the said Commissioners shall cause a Copy of the Rate respecting such Lands in each Parish, Township, and Place respectively, together with a Copy of the Award of the said Assessor or Assessors, to be affixed on the Church Doors of the respective Parishes, Twenty-one Days previous to the Day appointed for Payment thereof; and in regard that some Persons may be dissatisfied with the Adjustment made by the said Assessor or Assessors of the Proportions of the said Assessments, with respect to such Lands in some of the Parishes, Townships, or Places, the said Commissioners shall give Notice of One Meeting at the least for receiving Complaints and Objections in respect thereof, and for hearing and determining the same; and their Determination in the Premises, being reduced into Writing, and signed by them, shall be binding and conclusive upon all Parties, subject only to an Appeal at the Quarter Sessions, as herein-after mentioned.

Assessors to be appointed.

X. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the said recited Act, or any Seven or more of them, and they are hereby required, at any Meeting to be held by them in pursuance of the said Act (whereof Fourteen Days Notice at the least of a Meeting for such Purpose shall be given in some Newspaper circulating in the said County of *Lincoln*), and with the Consent of the Majority in Value of the Proprietors or their Agents present at such Meeting, to elect and appoint One or more Person or Persons to be an Assessor or Assessors for ascertaining the Proportions of the Assessments raised under this Act, to be charged on such Lands within each Parish, Township, or Place respectively; and such Assessor or Assessors so to be appointed,

appointed, shall be paid out of the Monies to be raised by virtue of this Act, such Salary or Allowance as the said Commissioners, or any Seven or more of them, shall think reasonable.

XI. Provided always, and be it enacted, That no Person who shall be interested in the Drainage to be made by virtue of the said recited Act and this Act, or the Agent ordinarily intrusted with the Care, Superintendance, or Management of the Estate of any Person so interested, shall be capable of acting as an Assessor or Assessors for the Purposes aforesaid.

Persons interested not to act as Assessors.

XII. Provided always, and be it enacted, That no Person shall be capable of acting as an Assessor in the Execution of this Act, until he shall have taken the Oath or (being One of the People called *Quakers*), Affirmation following; (*videlicet*);

Assessors to take an Oath;

I do swear [*or, being One of the People called Quakers,*
I do solemnly affirm, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the Trusts reposed in me as an Assessor by virtue of an Act, passed in the Forty-second Year of the Reign of King *George* the Third, intituled, *An Act, &c.* [*here set forth the Title of the Act*] without Favour or Affection to any Person whomsoever. So help me GOD.

Which Oath or Affirmation any One of the Commissioners acting under the said recited Act is hereby authorized and required to administer.

XIII. And be it further enacted, That the said Assessor or Assessors to be appointed as aforesaid, shall and he or they is or are hereby authorized, by such Ways and Means as he or they shall think most expedient, to ascertain, and by some Instrument or Instruments in Writing under his or their Hands, award the Proportions of the Assessments raised under this Act, to be charged with respect to the Lands now rated in each separate Parish, Township, or Place, as well for defraying the Expences of obtaining this Act, as for and towards the Execution of the said additional Outlets and other Works and Improvements before mentioned, and also the future Repairs and Support thereof, and other Expences incident to the Superintendance and Support of the said Drainage respectively, such Assessor or Assessors having Regard in so doing to the further Degree of Benefit or Improvement which the said Lands in each such Parish, Township, or Place respectively, will be likely to receive by Means of the said Works above the present State of Drainage; and that two Parts of such Award or Instrument in Writing shall be made, and signed by the said Assessor or Assessors, One Part whereof shall be delivered to the Clerk of the Peace for the Division of *Lindsey* in the County of *Lincoln*, and filed by him amongst the Records of the Quarter Sessions for the said Division, and the other Part thereof shall be kept by the Clerk to the Commissioners acting under the said recited Act; and either Part of such Award, or a true Copy thereof, or of any Part thereof, attested by the said Clerk of the Peace, or his Deputy, or by the Clerk to the said Commissioners (for which Copy no more than Two-pence shall be paid for each Sheet thereof, containing Seventy-two
[*Loc. & Per.*] 24 A Words),

Assessors to ascertain Proportions of Assessments to be charged on the Lands in each Parish.

Words), shall from Time to Time, and at all Times thereafter be admitted and allowed as legal Evidence thereof.

Affessors to have Regard to Expenses incurred by Owners of Lands for Works already made under any private Act of Parliament.

XIV. Provided always, and be it further enacted, That the said Assessor or Assessors shall have Regard also to such of the respective Owners of the said Lands situate in any of the Parishes or Places within the said Level of *Ancholme*, as within Ten Years last past have been at any Expence under the Authority of any private Act of Parliament in making Drains, Embankments, or other Works of Security upon their said Lands lying within the said Level, for guarding the same from Injury by Floods of the said River *Ancholme*; and shall make such Diminution in the Proportion of such Assessment, within any such Parish or Place, as taking the above Circumstances into Consideration, shall in the Judgement of the said Assessor or Assessors appear just and equitable, according to the increased or additional Improvement which such Lands in any such Parish or Place shall receive by Means of the new Works intended to be executed as aforesaid.

Commissioners may give Relief to any Owner aggrieved by the Average Rate on Lands.

XV. Provided always, and be it further enacted, That in case the Owner of any Lands to be rated as aforesaid, shall think himself or herself aggrieved and over-rated by the General Average of the Proportion of the Assessment made on the said Lands in any Parish, Township, or Place, and such Owner shall apply by Petition in Writing, signed by him or her, to the said Commissioners, they the said Commissioners shall and they are hereby authorized and required to hear the Matter of Complaint stated in such Petition, and to give such Relief in respect thereof as to them shall seem just and reasonable.

Assessments vested in Commissioners.

XVI. And be it further enacted, That the Assessments to be raised on the Lands lying in the Level of *Ancholme* by virtue of this Act, shall be and the same are hereby vested in the Commissioners acting under the said recited Act, and shall be applied and disposed of for the Purposes of this Act, and to no other Use or Purpose whatsoever.

Commissioners to determine what additional Rent shall be paid by Lessees in certain Cases.

XVII. Provided always, and be it further enacted, That on all Leases at Rack Rent of any of the said Lands, upon the taking or granting whereof no Fine or Foregift shall have been paid, the Lessees or Tenants thereof, from and after the Expiration of the current Year in which any Improvements in the said Lands shall (in the Judgement of the said Commissioners), have taken Place, in pursuance of the further Works intended to be executed, shall, during the Remainder of such Leases respectively, pay to their respective Lessors or Landlords such additional Rent for the Lands so improved, as the said Commissioners shall think just and reasonable.

Commissioners to make further Assessments towards defraying the Expence of Repairs.

XVIII. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the said recited Act, or any Seven or more of them, and they are hereby authorized and required from Time to Time, annually or otherwise, further to assess and charge all and every the Owners of, and also all and singular the said Lands, proportionably, according to the Award of the Assessor or Assessors to be made

made as aforesaid, and in Manner as herein-before directed, with such further Sum and Sums of Money as to them the said Commissioners shall seem requisite and necessary, for defraying the Charges and Expences of maintaining and repairing the Works of the said Drainage, and for Payment of Salaries to such Person or Persons as may be necessary for the due Execution thereof, and all other Charges and Expences incident unto, or attending the said Drainage; and if any of the said Owners shall refuse or neglect to pay such Assessment for the Space of Twenty-one Days next after Notice thereof, upon the most publick Door of the Church of the Parish wherein the Lands in respect whereof the Assessment shall be laid are situate, then and in every such Case it shall and may be lawful for the said Commissioners to cause the same to be recovered by such and the like Ways and Means as they are empowered to recover and raise any of the Assessments before mentioned.

XIX. And be it further enacted, That it shall and may be lawful to and for the Commissioners acting under the said recited Act, or any Seven or more of them, from Time to Time, to ascertain, order, and direct what interior Drains or other Works within the said Level shall belong to the adjoining Lands, and be from Time to Time supported and kept in Repair by the Owners or Occupiers of such Lands within the said Level to which such interior Drains or other Works shall so adjoin and belong.

Commissioners to direct what interior Works belong to the adjoining Lands.

XX. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any Part of the Lands and Grounds to be drained by virtue of the said recited Act and this Act, to which any Ditch or Ditches, Drain or Drains, shall belong, shall neglect or refuse sufficiently to scour, cleanse, open, or repair any such Ditch or Drain, or to make the same of a sufficient Depth and Width, after Ten Days Notice in Writing given to him, her, or them, or left at his, her, or their usual Place or Places of Abode from Time to Time for that Purpose, by the Surveyor or other Officer appointed under and by virtue of the said recited Act (such Surveyor or other Officer having an Order in Writing for that Purpose, under the Hands of Two or more of the Commissioners acting under the said recited Act), every such Owner or Owners shall, for every such Neglect or Refusal, forfeit and pay the Sum of Two Shillings for every Rod of the Ditch or Drain so neglected to be scoured, cleansed, opened, repaired, deepened, or widened; and it shall and may be lawful, from Time to Time, for such Surveyor or other Officer to cause such Ditches and Drains, at the Charge and Expence of such Owners or Occupiers, to be scoured, cleansed, opened, repaired, and deepened in a sufficient Manner; and where a Way shall have been made over any Ditch or Drain without a sufficient Tunnel, to cause such Way to be taken up, and such Ditch or Drain to be made of a proper Width and Depth, and by a Warrant or Precept under the Hands of any Three or more of the said Commissioners (which Warrant they hereby have full Power to grant, although they shall not be assembled at any Meeting under the said recited Act), to levy such Penalty, and also such Charges and Expences, upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels;

Penalty on Neglect to cleanse Ditches or Drains,

Chattels; and such Penalties shall be applied for the Purposes of this Act.

To prevent
ploughing
Banks, etc.

XXI. And be it further enacted, That it shall not be lawful for any Person or Persons to plough or trench any of the Banks, Forelands, or Embankments of the said River or Drains, lying within the Lands hereby intended to be drained, or any Lands within Six Feet from the Foot of such Embankments; and that no Ditch or Drain shall be made, cut, or continued nearer than Six Feet from the Foot of any Embankment within or belonging to the said Lands; and that it shall not be lawful for any Person or Persons to plough or trench any Lands within Six Feet of any such Ditch or Drain, or to dig or make any Pond or Watering Place in any of the Lands intended to be drained by virtue of this Act, within the Space of Six Feet from the Bank of any Drain already made or to be made, and used for the draining and improving any of the said Lands; and that if any Person or Persons shall plough or trench any of the said Banks, Forelands, or Embankments or Lands as aforesaid, every such Person shall forfeit, for every such Offence, any Sum not exceeding Twenty Pounds nor less than Five Pounds, to be recovered and applied as other Penalties are by the said recited Act directed to be recovered and applied; and if any Ditch or Drain, or Pond or Watering Place, be made, cut, or continued, within the respective Distances aforesaid, then it shall and may be lawful for the said Commissioners to cause the same to be filled up, and the Expences attending the same shall be paid or reimbursed to the said Commissioners by the Person or Persons so offending; and if not paid upon Demand, it shall then be lawful for the said Commissioners to cause the same to be recovered by such and the like Ways and Means as they are hereby empowered to raise and recover any of the Assessments before mentioned.

Watering
Places not to
be made near
the Banks.

Application
of Compen-
sation Money
where
amounting to
200l. or up-
wards.

XXII. And be it further enacted, That if any Money shall be agreed or settled to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Commissioners for executing the said recited Act, and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or other Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands or other Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, or where such Money shall not be so applied,
then

then the same shall be laid out and invested, under the like Direction and Approbation of the said Court; in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXIII. Provided always, and be it further enacted, That if any Money so agreed or settled to be paid for any Lands or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners acting under the said recited Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money; and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Compensation Money is less than 200 l. and above 20 l.

XXIV. Provided also, and be it further enacted, That where such Money so agreed or settled to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of the said recited

Application where the Money is less than 20 l.

ed Act and this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees; to and for the Use and Benefit of such Person or Persons so entitled respectively.

Power for Proprietors of Lands to redeem the old Tax.

Redemption Monies to be applied in Discharge of the 20,000 l.

XXV. And whereas it would tend to the Benefit and Advantage of the Owners and Proprietors of Lands within the said Level, if Provision was made for the Discharge of the said Debt of Thirty-nine thousand Pounds, and for annihilating the said Tax of Two Shillings and Sixpence *per* Acre charged on the said Lands by virtue of the said recited Act, and thereby to exonerate the Tolls of the said Navigation from the Securities for the said Debt, in order that the said Tolls may be applicable to the immediate Purposes of the said recited Act and this Act; be it therefore further enacted, That it shall and may be lawful to and for the several and respective Owners and Proprietors of Lands within the said Level, now charged with and liable to the said Tax of Two Shillings and Sixpence *per* Acre, by virtue of the said recited Act, at any Time or Times hereafter to purchase and redeem such Tax charged on their respective Lands, at and after the Rate of Eighteen Years Purchase, and to pay and apply the Consideration or Purchase Money for the same, with the Consent, and by and under the Direction of the said Commissioners for the Time being acting under the said recited Act, or any Seven of them, in paying off and discharging, so far as the same will extend, of the said Debt of Thirty-nine thousand Pounds; and that upon Payment and Application by such Owners or Proprietors so respectively redeeming of their respective Purchase Monies, to any Person or Persons to whom any Part or Parts of the said Debt of Thirty-nine thousand Pounds may be due and owing, and having the Receipt of such Person or Persons for the same, and his, her, or their Security or Securities upon the said Tax and Tolls surrendered or delivered up to the said Commissioners, or their Clerk or Treasurer for the Time being, to be cancelled, or the said Tax and Tolls discharged from so much of the said Debt where the Purchase Money shall be less than the Debt comprized in any One Security, by an Indorsement thereon, or otherwise, and having a Copy of such Entry or Memorial as herein after mentioned, then and in such Case the said Lands, the Tax upon which shall be so purchased and redeemed as aforesaid, shall be and are hereby, from and after the Twenty-fifth Day of *March* or Twenty-ninth Day of *September*, then next following, absolutely exonerated and discharged of and from the same Tax, and every Part thereof, and also of and from the said Debt of Thirty-nine thousand Pounds, or so much thereof as shall then remain due and undischarged, and all Interest for the same, and all Claims and Demands on Account thereof.

Entries to be made of such Redemptions, and a Copy delivered to each Purchaser.

XXVI. Provided also, and it is hereby further enacted and declared, That an Entry or Memorial shall be made in a proper Book, to be kept for that Purpose by the Clerk or Treasurer of the Commissioners acting under the said recited Act, of the Names of the respective Owners and Proprietors so redeeming and purchasing their respective Tax, and of the Lands exonerated therefrom, and the Price or Consideration Money

Money for the same, and to whom paid and applied, and the Number, Date, and Amount of the Debt and Security surrendered, released, and discharged, and signed by the said Commissioners, or any Seven of them, and witnessed by such Clerk or Treasurer; and that a Copy of such Entry or Memorial, certified by such Clerk or Treasurer, shall be delivered to the Owners or Proprietors so respectively redeeming, without Fee or Reward, and who shall at any Time or Times afterwards have Liberty to inspect and examine such Book or Books, and have any other Copy of such Entry or Memorial, upon paying One Shilling for every such Inspection, and after the Rate of Two-pence for every Sheet containing Seventy-two Words of such future Copy.

XXVII. And be it further enacted, That it shall be lawful for any of the Owners of the Lands lying within the said Level, and liable to be rated by virtue of this Act, being Tenants in Tail, or Tenants for Life or Tenants *pour autre Vie*, or for Years determinable on Lives, and also for the Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies of, or any Person or Persons acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies for any Charity or Charities, or of or for such of the said Owners as shall be under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, and also to or for all and every other Person or Persons, being the Owners and Proprietors for the Time being of any of the said Lands liable to be rated by virtue of this Act, from Time to Time, by Writing under their Hands and Seals, with the Consent and Approbation of the Commissioners acting under the said recited Act, or any Seven or more of them, testified by Writing under their Hands and Seals, to charge such Part or Parts of the said Lands as he, she, or they shall respectively be entitled to as aforesaid, with such Sum or Sums of Money as shall be by him, her, or them respectively paid, either in respect of the Assessments to be made on the said Lands as aforesaid, or in respect of the Redemption of the Tax charged thereon by virtue of the said recited Act, under the Powers hereby given, not exceeding Forty Shillings *per* Acre, in respect of the said Assessments, and such further Sum as may be necessary for the Redemption of the said Tax, and with Interest for the same from the Time or respective Times of Payment thereof; and for securing the Repayment of such Sum and Sums of Money, with Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands, or any Part or Parcel thereof, unto such Person or Persons as shall advance and lend the same respectively, his, her, or their respective Executors, Administrators, or Assigns, for any Term or Number of Years (but no Person lending such Money shall be obliged to see to the Application or be answerable for the Misapplication thereof); and so that every such Grant, Charge, Mortgage, Lease, Surrender, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so that every such Grant, Charge, Mortgage, Lease, Surrender, or Demise, so to be made by any such Tenant for Life or in Tail, or his or her Husband, Guardian, Trustee, Feoffee, Governor, Committee, or Attorney, shall

Empowering
Tenants for
Life, etc. to
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ney.

contain a Proviso that the Person or Persons entitled to the Remainder or Reversion, or future Possession of the Lands so to be mortgaged, shall not, nor shall any Person or Persons be liable upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and every Grant, Charge, Mortgage, Lease, Surrender, or Demise, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Tenants in Tail or Tenants for Life, Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, or in the said Persons acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, and notwithstanding any Settlement, Will, Trust, Use, Remainder, Limitation, Law, or Usage, or other prior or former Incumbrances, of or concerning the same Lands, or any Part or Parts thereof, then in being or capable of taking Effect to the contrary.

Allowing Exchanges to be made.

XXVIII. And whereas, by Means of the River *Ancholme*, and also by the making any new publick Cuts or Drains, the Lands of several of the Proprietors are and may be severed and divided, so as to render the Occupation thereof very inconvenient, unless Bridges of Communication are made and supported over such new River, Cuts, or Drains, which Bridges cannot be erected and supported but at a very considerable Expence, which may be avoided by Exchanges of the same Lands so severed and divided; be it therefore further enacted; That it shall be lawful for any of the Proprietors or Owners of any Lands within the Level of *Ancholme* aforesaid, or for the Guardians of Infants, Husbands, or Trustees of Femes Covert, Committees or Trustees of Idiots, Lunaticks, and Persons beyond the Sea, or the Attornies of any Persons beyond Sea respectively, and for all Trustees for any charitable Use or Purpose, and all Tenants for Life or Lives, or in Tail, of any such Lands, or the Guardians, Husbands, Trustees, or Committees of such Tenants for Life or Lives, or in Tail respectively, who shall be incapacitated to act for themselves, to exchange all or any such Lands so severed or divided as aforesaid, for any other Lands or Hereditaments of equal Value within any of the Parishes, Townships, or Places within or adjoining to the Level of *Ancholme* aforesaid, and to convey the Fee Simple of the Lands so to be granted by them on such Exchanges, in such Manner as if the Grantor or Grantors was or were absolutely entitled thereto in his, her, or their own Right or Rights, and under no Incapacity to convey; so that all such Exchanges be made by and with the Consent and Approbation of the Commissioners acting under the said recited Act, or any Seven or more of them, and be ascertained and declared in some Instrument in Writing under their Hands and Seals; and that the Lands or other Hereditaments so to be taken in Exchange, shall enure to such and the like Uses, and be subject to such and the like Tenures, Trusts, Rents, Payments, Conditions, and Charges, as the Lands or other Hereditaments for which the same shall be so taken in Exchange shall be limited, subject or liable to, at or immediately before the Time of making such Exchanges respectively; and every such Exchange so to be made as aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, notwithstanding any legal

legal or natural Incapacity of any Proprietor or Owner respectively making any such Exchange; provided that no Exchange shall be made of any Lands or other Hereditaments held under the King's Majesty, or the Bishop of *Lincoln* as Lessor, without the Consent of the King's Majesty, signified by Writing under the Hand and Seal of the Surveyor General of His Majesty's Land Revenue for the Time being, or of the said Bishop, signified by Writing under his Hand and Seal; nor shall any Exchange be made of any Lands or other Hereditaments held in Right of any Church or Chapel, without the Consent of the said Bishop, and the Patron of such Church or Chapel for the Time being, signified in Manner as last aforesaid: Provided also, that all Costs, Charges, and Expences attending the making and completing any such Exchange, shall be paid and borne by the Persons respectively making the same.

XXIX. And be it further enacted, That if any of the Proprietors or Persons interested in the said Lands directed to be drained, or the Person or Persons by them employed to solicit and obtain this Act, shall *bonâ fide* advance any Money for or towards defraying the Charges and Expences thereof, or preparatory and incident thereto, and of carrying the same into Execution, or shall have already advanced any Money for those Purposes, such Person or Persons shall, out of the First Monies which shall be raised by virtue of this Act, be repaid the same, with lawful Interest, from the respective Times of advancing thereof.

Persons advancing Money towards the Expences of this Act, to be repaid with Interest.

XXX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, with respect to any of the Assessments to be made on their Lands within the said Level, under and by virtue of this Act, or any Proportion thereof, such Person or Persons may appeal to the Justices at any General Quarter Sessions of the Peace to be holden for the Division of *Lindsey*, in the County of *Lincoln*, within Six Calendar Months next after such Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk, Treasurer, or Receiver of the said Commissioners, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Division, with Two sufficient Sureties conditioned to try such Appeal, and abide by the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they the said Justices shall think proper; and the Determination of the Justices at such Quarter Sessions shall be binding, final, and conclusive to all Intents and Purposes.

Persons aggrieved by the Assessments, may appeal to the Quarter Sessions.

XXXI. And be it further enacted, That all and every the Clauses, Powers, Provisions, Matters, and Things contained in the said recited Act of the Seventh Year of the Reign of His present Majesty, (except such Part or Parts of them or any of them as are by this Act varied or

Provisions of former Act to extend to this Act.

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altered,

altered, and also such as relate to Exemption from Stamp Duties), shall extend and be applicable to this present Act, and the Powers, Provisions, and Directions thereof, so far as the same are compatible therewith, and not contrary or repugnant thereto, in as full and ample Manner, to all Intents and Purposes, as if the same were herein repeated and re-enacted.

Publick Act.

XXXII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and all Judges, Justices, and other Persons whomsoever, are hereby required to take Notice thereof as such, without specially pleading the same.

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