

than Three years, the annual rent reserved by such lease or agreement shall be increased after the rate of Five Pounds per centum on the gross amount of such limited tax charged and chargeable on the same Lands or Grounds, and become payable from and after such day or days as the said Trustees shall in that behalf declare and appoint.

And be it further Enacted, That it shall and may be lawful to and for the husbands, guardians, trustees, committees or attornies, for the owners or proprietors of any part or parts of the Lands and Grounds so charged and chargeable with the said limited tax as aforesaid, being under coverture, minors, lunatics, or beyond the seas, or otherwise incapable of acting for themselves, and to and for every of them for the time being, and to and for the said owners or proprietors being tenants in tail or for life, or tenants in tail after possibility of issue extinct, or tenants in dower, or being seised or entitled in fee simple, and to and for every of them respectively for the time being, by indenture or indentures under their respective hands and seals, from time to time to charge the said Lands or Grounds belonging to such owners or proprietors respectively, with any sum or sums of money which shall or may be advanced or applied by him her or them respectively, in or towards payment of the said limited tax, and for securing the repayment of such sum or sums of money with interest, to grant, mortgage, lease or demise, or otherwise subject the said Lands and Grounds of any such owner or proprietor respectively, unto any person or persons who shall advance and lend such sum or sums of money respectively, either in fee or for any number of years, so as every such grant, mortgage, lease or demise be made with a proviso or condition to cease and be void, or under an express trust to be surrendered, in case and when the sum or sums of money thereby to be secured with lawful interest for the same, shall be fully paid and satisfied, at a time or times to be appointed in that behalf, and also with a covenant to pay and keep down the interest thereof, and so as every such grant, mortgage, lease or demise, not being made by tenant or tenants in fee simple, do also contain a proviso that the person or persons entitled in remainder or reversion to the Lands or Grounds therein comprized, shall not be liable upon his her or their becoming possessed thereof, to the payment of any further or larger arrear of interest, than for Six months preceding the time that his her or their title to such possession shall have commenced, and every such charge, grant, mortgage, lease or demise as aforesaid, shall be good valid and effectual in the law for the purposes hereby intended.

Power to
Proprietors
to charge the
new limited
Tax on their
Estates.

p: 13

Proprietors
of other
Lands may
have benefit
of Drainage
on petition.

And be it further Enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required on the petition in writing signed by the proprietors of Three parts in Five in quantity of certain Lands lying between the river Glen and the late Westlode Drain, and also of certain Lands lying between the counter Drain and the said river Glen, and certain Lands now draining exclusively by a certain drain called the Gravel Drain and the said counter Drain, to take comprize and include such Lands, or any part or parts thereof respectively, within the Drainage intended to be provided by this Act, upon the payment of such sum or sums of money either in gross or annually, or both, and upon conformity with and to such regulations gauges and restrictions, as the said Trustees and the said parties petitioning shall agree upon as just and reasonable, so as such petition be presented to the said Trustees or their Clerk, within Four calendar months from the time of passing this Act, and on such agreement being so made, such proprietors shall have the benefit of the said works so directed to be made as aforesaid, in common with the other proprietors of Lands within the said Drainage, and subject to such regulations gauges and restrictions aforesaid; and such sum or sums of money as shall be so adjudged and agreed to be paid shall be received, and in default of payment thereof, recovered in the same manner and by the like ways and means as the limited tax hereby imposed, or the said annual rate tax or assessment, imposed or authorized by the said recited Act, are respectively directed to be received and recovered, and the tenants of the Lands and Grounds so taken into the said Drainage on petition as aforesaid, shall be liable to the same increase of rent in case of leases or agreements for more than Three years, as herein before mentioned; and such proprietors so petitioning and agreeing as aforesaid, shall have the like power of raising and borrowing money to defray such sum or sums as may be agreed to be paid (except such annual tax) and by the same ways and means, and subject to the like powers conditions and restrictions as are herein before mentioned, and such Lands and Grounds as may be admitted to the benefit of Drainage by this Act on petition as aforesaid; and the owners thereof, and all works of drainage already erected or to be erected thereon, shall from and after such admission be and continue for ever afterwards subject to the order controul and jurisdiction of the said Trustees, and their successors, and shall for ever afterwards be totally exempted from the authority of the court of Sewers as fully as the lands within the said recited Act; and the same are hereby made subject to the order controul and jurisdiction

jurisdiction of the said Trustees, and exempted from the authority of the court of Sewers as aforesaid.

20. Provided always, and be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to render liable to the said limited taxes hereby authorized to be imposed, the several Lands and Grounds lying between the counter Drain and the river Glen, and the Lands and Grounds draining exclusively by the said drain called the Gravel Drain, into the said counter Drain.

Certain Lands to be exempted from limited Taxes.

21. And be it further Enacted, That the Trustees for the time being shall pay and apply the limited taxes to be assessed by them under the power hereinbefore in that behalf contained; in the first place in paying satisfying and discharging all and every the expences incurred in applying for preparing and passing this Act, and then of making erecting and building the said engine or engines, and other works connected therewith, or which may become necessary in consequence thereof, and in deepening and otherwise improving the several drains called the North Drove Drain, the South Drove Drain and Cross Drain, and in heightening and strengthening the banks of the said Vernatt's Drain, as hereinbefore directed; and the expence attending the reference and superintendence hereby required, and the salary to the said civil Engineer, and other expences incident to the execution of this Act, and shall lay out the surplus thereof (if any) in further repairing the said works of Drainage, or for any other of the general purposes of the said recited Act or of this Act.

Trustees to pay the Expences of this Act and the Works Drainage.

22. And be it further Enacted, That in case the limited tax of Fifteen Shillings per acre, hereinbefore directed to be raised, shall prove insufficient for the purposes to which the same is to be applied, as hereinbefore is mentioned, it shall be lawful for the said Trustees for the time being, and they are hereby required to call a special meeting of the owners and proprietors of Lands charged and chargeable with the said limited tax, under this Act, by advertizing the same in the *Lincoln, Rutland and Stamford Mercury*, and *Stamford News* newspapers, or some other newspapers usually circulated in the said county of Lincoln, Once a week for at least Three successive weeks immediately previous to the day appointed for such meeting, in order to take into consideration the propriety and expediency of raising a further sum of money for the purposes aforesaid; and if at such meeting it shall be agreed by the owners and proprietors of three parts in

Power to raise further Monies.

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five

five of the number of acres then present in person, or belonging to such as shall be represented by their known agents, or by their proxy or deputies, appointed in writing under their hands, to invest the said Trustees with the power to charge the said Lands and Grounds with a further tax, it shall be lawful for the said Trustees for the time being, and they are hereby required to assess and tax the Lands and Grounds hereinbefore made liable to be charged with the said limited tax of Fifteen Shillings an acre, with such further tax not exceeding the sum of Five Shillings an acre, as shall or may be agreed upon at such special meeting to be called as aforesaid, the same to be raised by such annual instalments, and payable to the said Trustees for the time being, their Receiver, Collector or Collectors, at such times as the said Trustees shall appoint and direct for that purpose; and that the Trustees for the time being shall apply the money so to be assessed and taxed as last aforesaid, for the same purposes and in the same manner as is hereinbefore expressed with respect to the said limited tax of Fifteen Shillings an acre.

Notice of such additional Tax.

And be it further Enacted, That the said Trustees shall and they are hereby required to give or cause to be given notice in writing, of their having assessed the said Lands and Grounds with the said additional tax, by advertizing the same in the said newspapers, or some other newspapers usually circulating in the county of Lincoln Once a week for Three successive weeks, previous to the time appointed for payment of the first instalment thereof.

Power for Trustees to borrow Money on credit of the Taxes and Rates.

23. AND whereas the said Trustees may find it expedient to anticipate the payments of the said limited tax hereinbefore directed and authorized to be raised, for the purpose of more expeditiously making the several works of Drainage hereinbefore provided for, or any of them; BE it therefore Enacted, That it shall be lawful for the said Trustees for the time being, to borrow and take up at interest upon the credit of the said limited tax or assessment, such sum or sums of money as they shall in their judgment deem necessary and requisite for the purposes aforesaid; which money so borrowed, shall be repaid to the person or persons lending the same, with such interest not exceeding the rate of Five Pounds per centum per annum, as may be agreed upon, out of the monies that shall afterwards be received by the said Trustees for the time being, under the authority of this Act, in respect of the tax or assessment so to be pledged as aforesaid.

And

And be it further Enacted, That it shall and may be lawful to and for the said Trustees for the time being, to rate tax and assess the annual rate tax or assessment authorized by the said recited Act and this Act, on the Lands chargeable therewith, instead of the occupiers of such Lands, and to require payment of the same from the occupier or occupiers of the Lands and Grounds charged and chargeable with the same annual rate tax or assessment altogether, and at a stated period in the year, instead of half-yearly as directed by the said Act; and to apply the same annual rate tax or assessment, as well for the purposes to which it is made applicable by the said recited Act, as also for defraying the expences incident to the supporting using and managing of the said engine or engines directed to be erected by this Act, and in supporting and keeping the said North and South Drove Drains and the said Cross Drain, of such increased dimensions as the same shall be made by virtue of this Act.

AND whereas it is necessary and expedient that the amount of the annual rate tax or assessment authorized by the said recited Act to be made by the said Trustees, should so far as the same affects the Lands and Grounds lying between the said counter Drain and the river Glen, and the Lands and Grounds draining exclusively by the said drain called the Gravel Drain into the said Counter Drain, be fixed and determined, inasmuch as such Lands will not be benefitted by the using and supporting of the said engine or engines hereinbefore directed to be made; BE it therefore Enacted, That the said Lands and Grounds lying between the said counter Drain and the river Glen, and the said Lands and Grounds draining exclusively by the said drain called the Gravel Drain, shall be annually charged and chargeable only by the said Trustees for the time being, with the rate or sum of Sixpence an acre, for and in respect of the said annual rate tax or assessment, authorized by the said recited Act, and so in proportion for any lesser quantity than an acre.

And be it further Enacted, That if any instalment of any tax or assessment charged or to be charged by virtue of this Act, or the said annual taxes or rates or any of them, shall not be paid and discharged at the time appointed for payment thereof respectively, it shall and may be lawful for the said Trustees for the time being, or any person or persons appointed by them, in writing, and they and he are and is hereby empowered to enter into and upon the Lands or Grounds so charged as aforesaid, of any person or persons refusing or neglecting to pay his her or their share or proportion of such

Annual Rate
to be made
on the Lands.

The annual
Rate on
Lands
exempted
from the
limited
Tax ascer-
tained.

Powers of
Distress and
Sale for
Taxes and
Rates.

such taxes rates or assessments respectively, or into and upon any part or parts of such Lands or Grounds, in the name of the whole, and to levy the amount of the share or proportion of such person or persons so neglecting or refusing, by distress and sale of the goods and chattels which shall be found thereon, together with all costs occasioned by such nonpayment, and attending such entry distress and sale, and otherwise to act therein, according to the laws now in being for distraining in cases of nonpayment of rent reserved on common demises.

How De-
fendants in
Replevin
may avow or
make cogni-
zance.

And be it further Enacted, That in case and when and so often as any distress which shall be made by the said Trustees for the time being, or by any person or persons to be appointed by them as aforesaid, under any of the powers of this Act, shall be replevied, it shall be sufficient for the defendant or defendants in any action of replevin to be thereupon commenced, to avow or make cognizance (as the case may be) that such distress was made to recover a sum to be specified (as the case may be) in respect of a certain tax or taxes, rate or rates, assessment or assessments, before the time of making such distress assessed or charged under and by virtue of the said recited Act and this Act, or one of them, or in respect of rent payable under and by virtue of the said recited Act and this Act, or one of them.

Power to let
Lands for
payment of
Taxes and
Rates.

Provided always, and be it further Enacted, That if at any time or times no sufficient distress can be found on any of the Lands and Grounds charged, or to be charged as aforesaid, by reason of their being untenanted or unoccupied, or otherwise, for levying any tax rate or assessment so charged, or to be charged as aforesaid, or any share or proportion thereof, then and in every such case the Lands and Grounds charged with such tax rate or assessment shall be and remain a security for payment thereof; and the said Trustees for the time being are hereby authorized and empowered to enter into and upon, and let the said lands and premises from year to year, at the best rent that can be got for the same, and to take the rents and profits thereof, until the said tax rate or assessment, and all arrears thereof; and all expences occasioned by the nonpayment thereof shall be fully satisfied and paid, and the residue (if any) shall be paid into the hands of the Treasurer of the said Trustees, and shall be by him paid to the owner or owners of such lands, or his her or their agent or agents when demanded.

Taxes and
Rates re-
coverable
by Action of
Debt.

And be it further Enacted, That if any tax rate or assessment so charged, or to be charged as aforesaid, or any share or proportion

tion thereof, shall not be paid within Thirty days after the time when the same respectively shall be payable, then and in every such case, and whenever it shall so happen, the same shall be recoverable, with costs of suit, by the said Trustees for the time being, by action of debt in any of His Majesty's courts of record at Westminster, against the owner or owners, or occupier or occupiers of the Lands or Grounds charged with the same tax rate or assessment, in which action it shall be sufficient for the plaintiffs to declare that the defendant or defendants, at the time of the commencement thereof, was or were indebted to such plaintiffs in a sum of money to be specified in respect of a certain tax or taxes, rate or rates, assessment or assessments (as the case may be) assessed or charged, or payable under the said recited Act or this Act, or some or one of them, and in which action no essoin protection or wager of law or more than one imparlance, shall be allowed.

And be it further Enacted, That the annual meeting of the Trustees appointed to be held on the day next after the last Thursday in April, by the said recited Act, shall from and after the passing of this Act, be held on the second Wednesday in April, and at such annual Meeting the said Trustees for the time being shall produce to the owners and proprietors of One hundred acres each, of the said Lands and Grounds charged with the said annual tax, and to their deputies or agents present at such meeting, an account in writing for the year preceding, of the several sums received and paid by them, under or by virtue of any of the provisions or directions in the said recited Act or this Act contained, and the vouchers for the same account; and that it shall be lawful for the said owners and proprietors then present, or their deputies or agents, and they are hereby required to examine settle and allow the same account, the balance whereof shall be ascertained by the Chairman of every such annual meeting.

And be it further Enacted, That the said Trustees for the time being, shall give notice of every annual meeting of the Trustees to be held in pursuance of this Act, in the said newspapers, or if those newspapers shall not then be published, then in some other newspapers circulating in the county of Lincoln, once a week, for Three successive weeks, immediately previous to the day of meeting, in which advertisement it shall be expressly stated, that the accounts of the said Trustees for the year preceding, will be then audited and settled.

69.

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And

At the
annual Meeting
of Trustees
Proprietors to
settle
Accounts of
Trustees.

Notice of
annual
Meetings to
be published.

Entries of
Proceedings
and Ac-
counts to be
kept open for
Inspection,
and to be
Evidence.

And be it further Enacted, That from and after the passing of this Act, fair and regular entries shall be made in a book or books to be kept for that purpose, of all the acts, orders, rules, regulations, directions and proceedings of the said Trustees for the time being, under the said recited Act or this Act, relative to the execution of the said recited Act and this Act, and of the names of the persons who shall be present at the respective meetings; and that fair and regular entries shall also be made in a book or books to be kept for that purpose, of all sums of money received, paid, laid out and expended, in or about the execution of the said recited Act and this Act, and of the several articles matters and things for which such sums of money shall have been disbursed laid out and paid; and the entries which shall from time to time be made in such book or books as aforesaid, shall be signed by the Chairman present at such meeting of the said Trustees, and that all such entries being so signed, shall be deemed originals, and shall be allowed to be read in evidence in all courts and on all occasions whatsoever; and all and every such book and books as aforesaid, shall at all seasonable times be open to the inspection of the said Trustees, and to the said owners and proprietors for the time being of the said Lands and Grounds, or their agents, and every or any of them, upon payment for every such inspection of the sum of One Shilling, and the said Trustees and the said owners and proprietors, and their agents, and every or any of them, shall and may take copies of or extracts from such book or books, or any part or parts thereof, without paying any thing for the same; and in case the person or persons who shall have the care and custody of the said book or books, shall refuse to permit or shall not permit the said Trustees, or the said owners or proprietors, or their agents, or any of them, to inspect the same, or to take such copies or extracts as aforesaid, the person or persons so refusing or neglecting, shall forfeit and pay for every such offence any sum of money not exceeding Five Pounds.

Any Seven
of the Trus-
tees may
act.

And be it further Enacted, That all acts matters and things, hereby or by the said recited Act directed and authorized to be done by the said Trustees for the time being, may be done and executed by the majority of the Trustees present at any meeting to be held under the authority of the said recited Act and this Act, the whole number present not being less than Seven and that the same shall be as valid and effectual as if done and executed by all the said Trustees for the time being.

Trustees not
to act but at
a Meeting

And be it further Enacted, That no Trustee or Trustees under the said recited Act or this Act, shall act or be empowered to do any

any act in the execution of the powers hereby given to them, except at the respective meetings to be held in pursuance of the said recited Act and this Act, and attended by such number as aforesaid.

held in pursuance of this Act.

35 And be it further Enacted, That a chairman shall and may in the first place be appointed at every meeting to be held by virtue and for the purposes of the said recited Act and this Act, who, in case of an equal number of votes (including the chairman's vote) shall have the casting or decisive vote.

Chairman to be appointed.

36 And be it further Enacted, That if at any time it shall be thought necessary for the better execution of the said recited Act and this Act, that the said Trustees should meet before the time to which any meeting may be adjourned, it shall and may be lawful for any Five or more of the said Trustees (or for the Clerk to the said Trustees) by an order in writing signed by any Five or more of them, to give notice of such earlier meeting by advertisement in some newspaper circulated in the said county of Lincoln, in which notice shall be expressed the time place and purpose of such earlier meeting (such time not being less than Three days after publication of the said notice) and all the orders and determinations of the said Trustees at all such meetings, shall be as valid as if the same had been done at any other meeting of Trustees held by virtue of the said recited Act or this Act: Provided always, That no other business than what shall be specified in such notice, shall be transacted at any such meeting: Provided also, That the said Trustees shall at all their meetings defray their own expenses.

Meetings may be held on emergencies.

Trustees to pay their own Expenses.

37 And be it further Enacted, That no order which shall be made by a majority of the said Trustees for the time being at any of their meetings, shall be altered, reversed, annulled or made void at any subsequent meeting, unless Seven or more of the said Trustees be present at such meeting, and a majority of the Trustees then present be consenting thereto, and unless Twenty-one days notice in writing be given to each of the said Trustees, in which said notice shall be expressed, what order or orders are intended to be reversed or altered.

No Orders to be altered unless by Trustees.

38 And be it further Enacted, That a majority of the said Trustees assembled at their annual Meeting to be held in pursuance of the said recited Act, notice being first given of the intention and special object of such meeting, by advertisement in the newspapers aforesaid, or some other newspapers usually circulated in the said county of

Trustees may make Bye Laws.

of Lincoln Fourteen days before such meeting, shall from time to time have full power and authority, by virtue of this Act, to make bye-laws orders and constitutions for the purpose of preserving using or well governing the said joint and general works of Drainage executed under the said recited Act, or to be executed under this Act, and to impose and inflict such reasonable fines and forfeitures for the breach of such bye-laws orders or constitutions as the said Trustees, or a majority of them, shall think fit, so as no such fines or forfeitures shall exceed the sum of Twenty pounds on any one person for any one offence, which said bye-laws orders and constitutions being reduced into writing under the hands of a majority of the said Trustees, and copies thereof in legible characters shall be painted on boards, and affixed in some conspicuous place and places at Pore Hole aforesaid, and renewed from time to time whenever the same shall be defaced obliterated or altered, shall be binding upon and be observed by all parties, and shall be sufficient in any court of law or equity to justify all persons who shall act under the same, either in punishing such persons as shall disobey the same, or in levying any penalty or forfeiture thereby incurred, so that such bye-laws orders and constitutions be not repugnant to the laws of that part of the United Kingdom called England, or to any provision contained in the said recited Act or this Act, and subject to appeal in manner hereinafter mentioned.

Power to remove Obstructions.

And be it further Enacted, That it shall be lawful for the said Trustees for the time being, and they are hereby authorized from time to time to remove or cause to be removed all impediments annoyances and obstructions whatsoever from time to time in the main drains and other works vested in them by the said recited Act or this Act; and the said Trustees, their agents officers or workmen, shall and may, and they are hereby authorized and empowered from time to time to remove and destroy, or cause to be removed and destroyed, any nets fishing-wears or fish-garths put down in the said drains and other works; and in case the person or persons who shall occasion any such impediment annoyance or obstruction, shall refuse or neglect to remove the same in such manner as the said Trustees or their agents officers or workmen shall require, by the space of Seven days after notice in writing given for that purpose, or shall again put down any nets fishing-wears or fish-garths, every such person or persons so neglecting or offending, on conviction before Two or more Justices of the peace for the division of *Kesteven* or *Holland*, in the said county of Lincoln, by the oath or oaths of one or more credible witness or witnesses, shall for every such offence