sioner for the general purposes of the Reclamation and allotment and the matters so to be vested in the Trustees shall be set forth by the Commissioner in his said award and plan and there shall be also vested in them the portion of the Marshes allotted to them as aforesaid by the Commissioner and the Trustees shall for ever after maintain repair and renew the said embankments and works.

Power to levy rates.

31. The Trustees may from time to time assess and levy an acre tax to be fixed by them upon the marshes and the said assessment may be in the form contained in the Schedule to this Act and notice signed by the clerk to the Trustees of the times and places appointed for the payment of the said tax shall be given by advertisement in a newspaper published in Spalding or some other newspaper published in the county of Lincoln and the said tax may be collected by such persons as the Trustees shall from time to time appoint.

Occupier to deduct from rent.

32. Every occupier of allotted lands shall pay the acre tax assessed thereon and may deduct the amount paid by him for acre tax out of the rent payable by him and he shall be discharged from so much money as the acre tax paid by him amounts to as if the same were actually paid to the person entitled to receive the rent of the land in his occupation.

Lessee for lives, &c. not to deduct.

33. Provided That any occupier of lands being lessee thereof under a beneficial lease for lives or under any lease or agreement of the term whereof at the time appointed by the Trustees for the payment of any acre tax five years or more are unexpired shall not be entitled to deduct the amount of the acre-tax paid by him out of the rent reserved by his lease or agreement.

Owner to pay where no occupiers.

34. Where any lands assessed to the acre-tax are unoccupied at the time of assessment the owner thereof shall pay the acre-tax thereon.

Distress for acre-tax.

35. Where any person liable to pay any acre-tax fails for twenty-one days to pay the same a justice on the application of the Trustees and after summons served on the person so failing may issue his warrant of distress and the bailiff or other person to whom

the warrant is addressed shall seize and distrain any goods or chattels of the person so failing.

Sale of distress, &c.

36. All such distresses may be impounded sold replevied and dealt with as in case of distress for rent in arrear on lease for years.

Return of surplus.

37. The surplus (if any) arising from the sale of any such goods and chattels (after payment thereout of the acre-tax and the expenses of the distress and sale) with the unsold goods and chattels (if any) shall be returned on demand to the person whose goods and chattels are distrained.

Distress on goods at any time on lands.

38. Where sufficient distress for levying the acre-tax and expenses is not found on the lands assessed then those lands shall stand charged with payment thereof and all goods and chattels from time to time thereafter found thereon may be distrained dealt with and sold as by this Act provided with respect to the original distress until all arrears of acre-tax and expenses and the expenses of every further distress and all other costs and charges incurred by reason of the non-payment of the acre-tax are fully paid and satisfied.

Several names in one warrant.

39. Any number of names or sums may be expressed in any warrant for the purposes of this Act and either in the body of the warrant or in a schedule thereto.

Rules as to distress.

40. A distress levied under this Act shall not be unlawful nor shall any person making it be a trespasser on account of any defect or want of form in the warrant or in any other proceeding relative to the distress nor shall any such person be a trespasser ab initio on account of any irregularity afterwards committed by him but all persons aggrieved by any defect want of form or irregularity may recover by proceedings in any court of competent jurisdiction full satisfaction for the special damage.

Recovery of acre-tax.

41. The Trustees may recover any acre-tax with costs by proceedings in any court of competent jurisdiction.

Power to borrow on mortgage of acre taxes.

42. The Trustees may from time to time borrow at interest on the security of the acre taxes leviable under this Act or any part thereof such sums of money as they think requisite for the execution of this Act not exceeding in the whole the sum of six thousand pounds and may mortgage the acre taxes leviable under this Act or any part thereof to secure the repayment of the money so borrowed with interest accordingly.

Power to re-borrow.

43. If the Trustees at any time pay off otherwise than by instalments or a sinking fund any money borrowed by them they may from time to time re-borrow the same or any less amount in manner aforesaid and so toties quoties but so that the total amount at any one time borrowed by them and remaining unpaid shall not exceed the sum of six thousand pounds.

Application of capital.

44. All money received by the Trustees from borrowing shall be applied by them in the manner and in the order following and not otherwise namely :—

(1) In discharging any debts or liabilities incurred by the Commissioner and left unpaid by him as aforesaid ;

(2) In purchasing lands necessary to be purchased for the purposes of this Act and in executing the works by this Act authorised and in paying off money borrowed by them under this Act.

Application of revenue.

45. All money received by the Trustees not being money received from borrowing shall be applied by them in the manner and in the order following and not otherwise (namely) :

(1) In paying their necessary and proper establishment working expenses and the expenses of maintenance of their works ;

(2) In paying the interest from time to time accruing due in respect of their mortgage debt and in setting aside such sum as may be from time to time required for the purposes of the sinking fund ;

(3) In carrying into execution the purposes of this Act.

Incorporating Commissioners Clauses Act as to mortgages.

46. The provisions of the Commissioners Clauses Act 1847 "with respect to the mortgages to be executed by the Commissioners" shall apply to all moneys borrowed either by the Trustees or Commissioners under the powers of this Act.

As to neighbouring Marshes.

47. The Trustees may contract with the owners of any lands in the neighbourhood of the said Marshes for the use of any works of the Trustees or of any Sea Banks or other defences vested in them for the purpose of aiding in the reclamation of any adjoining Marshes.

Providing for bye-laws.

48. The Trustees may from time to time but subject to the provisions of this Act make bye-laws for all or any of the following purposes :—

For prohibiting any person from throwing or wilfully causing to fall into any sewer or drain cut or watercourse of the Trustees any earth stones or soil or other matter which may cause the filling up or the obstruction thereof ;

For prohibiting persons from cutting tunnels or drains or otherwise injuring the banks and drainage works of the Trustees ;

For prohibiting persons from trespassing on the lands or works of the Trustees.

And the provisions with respect to the making of bye-laws contained in "The Commissioners Clauses Act 1847" shall apply to such bye-laws Provided that no such bye-laws shall have effect until they are allowed by the justices at quarter sessions for the said parts of Holland held at Spalding after notice published in a Lincolnshire Newspaper of the intention to apply for such allowance such notice being published at least one month before the application for such allowance.

Reservation in favour of Mr. Jackson and Mr. Garland.

49. If within six months after the passing of this Act the said Richard Jackson or the said Edgar Walter Garland (in which names are included their respective successors in title) shall

declare in writing to the Commissioner his desire that the portion of open Salt Marshes possessed by him shall be exempt from the operation of this Act the Commissioner shall not exercise any power or authority over the said portions of Salt Marsh and those portions shall be deemed to be in all respects exempt from the operation of this Act Provided that if at any time thereafter the said Richard Jackson and the said Edgar Walter Garland or either of them shall give notice in writing to the Commissioner or the trustees (as the case may be) of his desire that the portions of Salt Marshes belonging to them respectively shall be included within the operation of this Act it shall be lawful for the Commissioner or the trustees if they think fit to include the said portions or either of them upon such terms and conditions as may be mutually agreed upon.

Roads to be Public Highways.

50. All roads to be formed by the Commissioner other than private roads shall after they have been opened for public use be deemed to be public highways and shall thenceforth be maintained by the Trustees who shall be repaid by the surveyors of highways of the several parishes of Moulton Fosdyke and Holbeach for the expense of maintaining the said public highways in proportion to the number of acres of Salt Marshes reclaimed and enclosed under the powers of this Act which may be declared by the said award to be in each of those parishes respectively and the said Trustees may issue their precept to the surveyors of highways of each parish for the amount from time to time due from that parish for the repair of the said public highways and the amount declared in the said precept shall be a debt due from the surveyor of that parish to the Trustees and may be recovered by them in any court of competent jurisdiction.

Providing for deposit of plan of part of works with Board of Trade.

51. One month previous to the commencement of any work intended to be constructed under the authority of this Act in over through or across any land which is covered and uncovered by the flow and ebb of the tide at ordinary spring tides the Commissioner shall deposit at the Board of Trade a plan of the intended work and if within the space of one month after such deposit the Board of Trade give notice in writing to the Commissioner stating that they consider such work likely to interfere with navigation then

such work shall only be made according to such plans as the Board of Trade may approve.

Saving rights of the Crown.

52. Nothing contained in this Act or in any of the Acts incorporated herewith shall authorise the Trustees to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's Most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues without the consent in writing of the Commissioners for the time being of Her Majesty's Woods Forests and Land Revenues or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give) neither shall anything in the said Act or Acts contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Saving rights of the Crown in the foreshore.

53. Nothing contained in this Act or in any of the Acts incorporated herewith shall authorise the said Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's Most Excellent Majesty in right of Her Crown the management of which is vested in 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 the said Act or Acts contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

SCHEDULE.

FORM OF ASSESSMENT.

THE MOULTON, &c. SALT MARSHES ACT 1873.

We the Moulton, &c. Salt Marshes Enclosure Trustees do by virtue of the above-mentioned Act hereby assess and charge the lands specified in the Schedule hereto with the several sums and at the rate for every acre of the lands set forth in the same Schedule and so in proportion for any quantity greater or less than an acre and we order and direct that the rates hereby assessed shall be paid to the collector appointed by us to receive the same at his dwelling-house situate in the of on the day of 18 between the hours of ten in the forenoon and four in the afternoon of that day.

SCHEDULE ABOVE REFERRED TO.

Parish.	Occupier.	Owner.	Quantity.	Rate by the Acre.	Amount.

MOULTON &c. SALT MARSHES ACT 1873.

AN ACT

For the Reclamation of Open Salt Marshes in the Parish of MOULTON and elsewhere in LINCOLNSHIRE.

[ROYAL ASSENT 21ST JULY 1873.]

36 & 37 VICT.—SESSION 1873.

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