

rized to be taken; any Thing herein-before mentioned to the contrary thereof in anywise notwithstanding.

Nothing herein contained to prevent the Corporation from repairing the said Bank.

XXVII. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder the said Corporation, or their Agents, Servants, or Workmen, from maintaining, supporting, and elevating of the said Bank so belonging to the said Corporation, from Time to Time and at all Times hereafter, when they shall deem it necessary, in the same and like Manner as the said Corporation had and now have at the Time of the Passing of this Act a Right to do, any Thing herein contained to the contrary thereof in anywise notwithstanding; provided due Care be had to the Preservation of the said Road along the said Bank, except so far as relates to the Prevention of Carriages from passing thereon in Times of Flood, as herein-after provided for.

Carriages may be prevented passing on the Bank belonging to the Corporation during the Times of High Water.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Corporation of *Bedford Level* or their Servants or Labourers, and they are hereby severally authorized and empowered, if they shall think proper, to hinder and prevent, at any Time or Times, and at all Times during the Continuance of High Water, the Passage of any Carriage or Carriages on such Part of the said Bank so belonging to the said Corporation; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Obstructions and Annoyances to be removed.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, until the Execution of the said Award, and at all subsequent Times for the said Trustees, or any Three or more of them, or the said Surveyor or Surveyors, or any Person or Persons by them or either of them

appointed or employed, from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Commissioners or their Successors, or any Three or more of the said Trustees) to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses; and to turn any Watercourses, Sinks, or Drains running along, into, or out of, the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, and make deeper any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary, in case the Owners or Occupiers of the Premises shall neglect to open, scour, cleanse, widen, or deepen such Watercourses or Ditches in a proper Manner, or remove such other Annoyances in such Manner as the said Commissioners, or any Three or more of the said Trustees, or their respective Surveyor or Surveyors, shall require, for the Space of Twenty-one Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors respectively; and to cut down, lop, or top any Trees, Branches, Shrubs, or Bushes, growing in the said Road, or on the Hedges or Banks adjacent thereto, in case the Owners or Occupiers shall neglect to lop or top, cut down, and remove such Trees, Branches, Shrubs, or Bushes, in such Manner as the said Commissioners, or any Three or more of the said Trustees, shall respectively require, for the space of Twenty-one Days next after Notice given in Writing for that Purpose, to be left at the House belonging to the Land on which the same shall stand, or at the House of the Tenant in Possession thereof, under the Hands of the said Commissioners, or any Three of the said Trustees; the Charges whereof, to be settled by the said Commissioners or the said Trustees, or any Three or more of them, shall be reimbursed by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered and applied; and if, after the Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit the Sum of Forty Shillings.

Penalty on interrupting Workmen.

XXX. And be it further enacted, That if any Person or Persons shall interrupt or hinder, or cause to be interrupted or hindered, any Surveyor, or any other Person or Persons by them or by the said Commissioners and Trustees respectively employed, in the cutting, digging, gathering, or carrying away any Furze, Heath, Sedge, Sand, Gravel, Chalk, Flints, Stones, or any other Materials; or in repairing, raising, or strengthening the said Bank or Road; or in topping, lopping, cutting, or carrying away any Tree, Top, Lop, or Overhangings; or in digging, cleansing, or scouring, any new or other Ditch, Drain, or Watercourse as aforesaid, or in doing any other Act by virtue of the Powers by this Act given, or any of them; every such Person shall for every such Offence forfeit the Sum of forty Shillings.

Persons liable to Repairs to continue so.

XXXI. And be it further enacted, That all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whatsoever, (except the said Trustees, Adventurers, and Undertakers of *Deeping Fen*), who by any Law, Custom, or Usage, or otherwise, are or shall be liable to the Repair of any Part or Parts of the said Bank or Road, or any Bridge or Bridges thereon, or to pay any Sum or Sums of Money for or towards the Repair thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively before were or was liable to do or pay.

Persons liable to Statute Work to continue so.

XXXII. And be it further enacted, That all Owners and Occupiers of Land, and Inhabitants in any of the several Parishes, Hamlets, and Places through which the said Road doth lead, who by Law are now liable to do Statute Work or Duty on the said Road, shall yearly and every Year continue to do such Statute Work or Duty, not exceeding Three Days, in such Part or Parts of the said Road as doth or do lie in such Parishes, Hamlets, or Places respectively, and in

such Places thereof, and at such Times, (the same not being in Hay Time or Harvest), and in such Manner, as the said Commissioners or their Successors until the Execution of the said Award, and from and after the Execution thereof as the said Trustees, or any Five or more of them, or the respective Surveyor or Surveyors of the said Commissioners, or any Five or more of the said Trustees, shall respectively direct or appoint; and that every Inhabitant of such Parishes, Hamlets, and Places respectively, who shall rent, hold, or occupy Lands, Tenements, or Hereditaments of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall, with their Teams and Servants, or otherwise, as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Parishes, Hamlets, and Places respectively, and where there shall be no Surveyor then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or One of the principal Inhabitants of the said Parishes, Hamlets, and Places respectively, shall yearly, within the Space of Seven Days next after Notice in Writing to him or them for that Purpose respectively given by the said Commissioners or their Successors, or the said Trustees, or any Five or more of them, or by the said Surveyor or Surveyors, under his or their respective Hands, deliver to such Commissioners, Trustees, or Surveyors, from whom such Parish Surveyor, Churchwarden, Overseer, or Inhabitant shall receive such Notice, or to One of them, a true and fair List, in Writing, of the Names of all the Inhabitants of such Parishes, Hamlets, and Places respectively liable to do Statute Work upon the said Road, and shall therein distinguish and set forth which of such Inhabitants keep Teams or Draughts, and which of them are Labourers only; and if any of the Inhabitants of the said Parishes, Hamlets, or Places, shall refuse or neglect to do and perform their Statute Work or Duty respectively on the said Road at such Times and Places, and in such Manner, as he shall be directed to do by the Surveyor or Surveyors to the said Commissioners and to the said Trustees respectively, or shall not work full Eight Hours in each of the said Days upon the said Road, every such Person shall for every such Refusal or Neglect forfeit and pay

the respective Sums herein-after mentioned ; (that is to say), Every Person liable to do a Team's Duty, for each Day's Default the Sum of Ten Shillings ; and every Person liable to do Duty only as a Labourer, the Sum of One Shilling and Sixpence : And if any or either of the said Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Parishes, Hamlets, or Places respectively, having such Notice to deliver such Lists as aforesaid, shall refuse or neglect so to do within the Time or in the Manner herein-before for those Purposes mentioned, every such Surveyor or Churchwarden, Overseer, or Inhabitant, for every such Neglect or Offence, shall forfeit the Sum of Five Pounds, and every Person who shall, according to such Notice as aforesaid, come to work as a Labourer or with a Team on the said Road, and shall be found idle or negligent by the said Turnpike Surveyor or Surveyors, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work ; and every Labourer or Person, or the Owner of any such Team, shall be liable to the respective Forfeitures before mentioned.

Trustees may compound for Statute Work.

XXXIII. Provided always, and be it further enacted, That the said Commissioners, and the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them respectively appointed so to do, may and they are hereby empowered to compound with the Inhabitants of the several Parishes, Hamlets, and Places through which the said Road doth lead, for the Statute Work and Labour by them respectively to be performed by virtue of this Act on the said Road in every Year ; such Composition Money being always paid down at the respective Times of making such Composition.

Penalties how to be recovered.

XXXIV. And be it further enacted, That when any Penalties or Forfeitures by this Act imposed shall be incurred, (except such as are herein particularly directed to be recovered), then upon Complaint and Proof thereof made to any

Justice of the Peace of the County, Division, or Place, where such Penalty or Forfeiture shall be incurred, by or on the Oath or Oaths of One or more Witness or Witnesses, such Justice may and is hereby required to issue his Warrant or Warrants, under his Hand and Seal, for the apprehending and bringing such Person or Person before him, or some other Justice of the Peace of the said County, Division, or Place, to answer the Matter of the said Complaint or Complaints ; and the Justice before whom such Person or Persons shall be so brought, or if the said Person or Persons cannot be met with or found, then upon leaving a Summons from and under the Hand and Seal of such Justice at the last and usual Place of Abode of such Person or Persons, thereby setting forth the Nature of the Complaint or Complaints, and appointing a Time and Place for the said Person or Persons to appear and answer the same before such Justice, such Summons being so left Three Days before the Time appointed for such Appearance, such Justice (even if the said Person or Persons being so summoned shall not appear) may and is hereby required to enquire into the Causes and Matters of the said Complaint or Complaints in a summary Way, and either by the Confession of the said Person or Persons, or on the Evidence of One or more Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer), if he shall see Cause may convict the said Person or Persons of such Offence or Offences, and in the Penalties or Forfeitures by him or them respectively incurred in those Respects, and for Non-payment thereof shall issue a Warrant or Warrants, under his Hand and Seal, for levying the same Penalties and Forfeitures by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus, if any there shall be, (after Payment of such Penalties and Forfeitures, and the Charges of any such Convictions, Distresses, and Sales), to the said Offender or Offenders respectively, if demanded ; and for Want of any such Distress may commit such Offender or Offenders to the Common Gaol of the County, Division, or Place, where any such Offender shall be so apprehended, there to remain, without Bail or Mainprize, until the said Penalties, Forfeitures, and Charges shall be paid : Provided always, that no

Person shall be committed for Want of sufficient Distress for any longer Space of Time than Six Calendar Months.

Applications of Penalties.

XXXV. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed (other than and except such Parts thereof as are by this Act otherwise directed to be applied) shall be paid to the said Commissioners until the Execution of the said Award, and afterwards to the said Trustees, and shall be by them respectively applied for the Purposes of this Act.

Continuance of so much of the Act as relates to the Road.

XXXVI. And be it further enacted, That this Act, so far as relates to the making and keeping in Repair a Road on the said Bank leading from *Spalding High Bridge to Brother House* aforesaid, shall only be in Force and have Continuance from and after the passing hereof, for and during the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament.

Bank to be repaired, &c. if the Term relating to the Road be not continued or renewed.

XXXVII. Provided always, and be it further enacted, That in case the said Term of Twenty-one Years relating to the said Road shall be suffered to expire, and not be continued or renewed by Authority of Parliament, it nevertheless shall be lawful for the said Trustees, and they are hereby authorized and required to cause the said Bank to be well and sufficiently maintained, supported, and repaired at all Times for ever hereafter, as often as Occasion shall require, and to defray the Expence thereof out of the Annual Tax provided by the said Act of the Thirty-third Year of the Reign of His present Majesty; any Thing therein or herein contained to the contrary thereof in anywise notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

XXXVIII. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done

in pursuance of this Act, such Person may appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace, or second General Quarter Sessions of the Peace to be held for the County, Division or Place where the Cause of Complaint shall arise, after the Act, Order, Conviction, Judgement, or Determination shall by virtue hereof be done or made, upon Seven Days' Notice thereof in Writing being given by such Person, of his or her Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk or Treasurer to the said Commissioners, or the said Trustees respectively, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, to prosecute such Appeal with Effect; and the said Justices at their said Sessions may and are hereby required to examine the Causes and Matters of such Acts, Orders, Convictions, Judgements, or Determinations, and to confirm and discharge the same, and to award such Costs to be paid by and to either of the Parties concerned in the said Appeal, as they shall judge proper; and which said Judgements of the said Justices at their Sessions shall be finally binding to all Parties; and the Penalties and Forfeitures contained in the said Acts, Orders, Convictions, Judgements, or Determinations, in case the same shall be confirmed, and the Charges attending the same, and the Costs awarded by the Sessions, shall upon producing the same Acts, Orders, Convictions, Judgements, or Determinations, or a Duplicate or Duplicates thereof, and the said Orders of Sessions confirming the same, to any such Justice as aforesaid, be levied by Distress and Sale of the Goods and Chattels of the Offender, by a Warrant or Warrants under the Hand and Seal of such Justice, in such Manner as the Penalties and Forfeitures by this Act imposed are hereinbefore directed to be levied and recovered.

Distress not unlawful for Want of Form.

XXXIX. And be it further enacted, That where any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons,

Conviction, Notice, Warrant of Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or in any other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages which he or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass or on the Case, at the Election of the Party or Parties aggrieved.

Not to recover if Tender of Amends be made.

XL. Provided always, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on Behalf of the Party or Parties Twenty Days before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit, to the Time of such last-mentioned Tender; but on Proof made of such Tender, on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgement as in Cases of Nonsuit, with full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any Case by Law.

Proceedings not to be quashed for Want of Form.

XLI. And be it further enacted, That no Act, Order, Conviction, Judgement, Determination, or other Proceeding that shall be done, made, or had by the said Commissioners or Trustees, or by any Justice or Justices of the Peace, or by the Sessions, by virtue of this Act, shall be quashed, vacated, or discharged for Want of Form only, or shall be removed by *Certiorari* or otherwise, into any Court of Record at *Westminster*.

Commissioners and Trustees may pay the Expences of Prosecution.

XLII. And be it further enacted, That in case any Action

or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Commissioners or the said Trustees, or any Five or more of them, then and in every such Case the said Commissioners, or the said Trustees, or any Five or more of them, shall out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or Prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bona fide* out of Pocket for or by Reason of such Action or Prosecution, or any Judgement or Determination therein; and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by Reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Commissioners or the said Trustees, or any Five or more of them.

Proceedings of the Commissioners and Trustees, how to be entered.

XLIII. And be it further enacted, That all Acts, Orders, Accounts, and Proceedings of the said Commissioners and Trustees respectively, to be done, made, or had, by virtue of this Act, shall be entered and go with the Orders and Proceedings of the said Commissioners and Trustees respectively for putting in Execution the said Act of the Thirty-third Year of the Reign of His present Majesty; any Thing therein or herein contained to the contrary thereof in anywise notwithstanding.

Expences of this Act how to be paid.

XLIV. And whereas it hath been agreed that the Money remaining in the Hands of the late Treasurer to the Trustees at the Time of the Expiration of the said Act, and also the further Sum of One hundred Pounds, since agreed to be paid by the Adventurers of *Deeping Fen*, shall be applied towards paying the Charges and Expences of obtaining this

Act; be it therefore further enacted, That the Remainder of the Charges and Expences of obtaining this Act, including such other Charges and Expences as were incurred previous thereto, and all other incidental Charges for obtaining the same, shall be paid by the said Commissioners out of the Monies which shall come to their Hands by virtue of the said Act of the Thirty-third Year of the Reign of His present Majesty; any Thing therein or herein contained to the contrary thereof in anywise notwithstanding.

Brother House Turnpike Purchase Money, how to be applied.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners and Trustees respectively, and they are hereby authorized and empowered to receive such Sum and Sums of Money as hath or have been agreed to be paid for the Purchase of the Turnpike House, Bar, and Gate, now standing at a certain Place called *Brother House*, and erected under the Authority of the said expired Act, and to apply the same when received for the Purposes of this Act.

Limitation of Actions.

XLVI. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons, for any Thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be brought and laid in the said County of *Lincoln*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and if in Replevin may justify and avow by virtue of this Act, and give this Act and the special Matter in Evidence, without specially pleading the same (other than as aforesaid) at any Trial before limited for bringing the same;

Treble Costs.

And if the same shall be brought in any other County, then the Jurors shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs shall become non-suited, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass, or Judgement be given against him, her, or them, upon Demurrer or otherwise, then and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they shall have the like Remedy as where Costs are awarded.

Two Commissioners may put this Act in Execution.

XLVII. And be it further enacted, That any Two of the said Commissioners may and they are hereby authorized and empowered to act, execute, do, and perform, all and every or any Matter or Thing required and necessary to be performed by and in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if all the said Commissioners appointed or to be appointed by virtue of the said last-mentioned Act were present at and executed the same, any Thing herein contained to the contrary thereof in anywise notwithstanding: And it is hereby declared, that the Trustees herein-before directed to put this Act in Execution, after the Execution of the Award of the said Commissioners, are the Trustees last nominated and appointed in and by the said Act of the Thirty-third Year of the Reign of His present Majesty, and that it shall not be lawful for the said Trustees to take upon themselves the Execution of any of the Matters provided for by this Act, until after the Execution of the Award of the said Commissioners; any Thing herein contained to the contrary thereof notwithstanding.

Saving Clause.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to

extend, to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, or Authorities, which by an Act, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the draining of the Great Level of the Fens called Bedford Level*, or by any other Act, Statute, or otherwise, were and are vested in the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, or Authorities of the said Corporation of the Great Level of the Fens called *Bedford Level*, as Commissioners of Sewers acting by Presentment and Trial by a Jury.

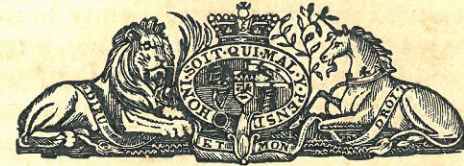
Nothing herein contained to extend to injure the Rights of the Adventurers of Deeping Fen.

XLIX. And be it further enacted, That nothing herein contained shall extend or be construed to extend in any Manner howsoever, to destroy, affect, or injure the Rights, Interests, Powers, Privileges, or Authorities of the said Trustees, Adventurers, or Undertakers of *Deeping Fen*, of, in, and to the said River *Welland*, from *East Deeping* unto the Outfall thereof into the Sea, or any Part thereof, or the Navigation thereof, but that the same Jurisdiction, Right, Power, and Authorities, shall remain in the said Trustees, Adventurers, or Undertakers, as before the passing of this Act; nor shall any Thing herein contained extend or be construed to extend to authorize any Person or Persons whomsoever to let or take any Water out of the said River *Welland* into any Place or Places, Town or Townships, save and except only such Person or Persons as now have or had a Right so to do before the passing of this Act; and the said Trustees, Undertakers, or Adventurers, shall have the same Power to stop the same, and to recover Damage against the Person or Persons, who shall so let or take Water out of the said River, not having a Right so to do, in the same Manner as they are authorized by virtue of any Act or Acts relating to the said Fen; any Thing

herein contained to the contrary thereof in anywise notwithstanding.

Publick Act.

L. And be it further enacted, That this Act shall be valid and allowed in all Courts within this Kingdom as a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.



ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

CAP. 69.

An Act for Amending and rendering more effectual an Act of His present Majesty, for draining Lands in *South Holland*; and for continuing and amending another Act of His present Majesty, for maintaining and repairing a certain Bank, and the Road thereon, from *Spalding High Bridge* to *Brother House*, all in the County of *Lincoln*.

[10th July, 1817.]

WHEREAS by an Act of Parliament passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for draining, preserving, and improving certain Lands lying in the several Parishes of Spalding (including the Hamlets of Cowbit and Peakill, Weston, Moulton, Whaplode, Holbeach, Fleet, Gedney, Sutton Saint Mary, and Sutton Saint Nicholas otherwise Lutton, all in South Holland, in the County of Lincoln, certain Commissioners thereby authorized were directed to make several Drains and other Works for the Purpose of draining, preserving, and improving*