



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 136.

An Act for altering and amending an Act passed in the Thirty-sixth Year of the Reign of His Majesty King George the Third, for the more effectually embanking, draining, preserving, and improving, certain Low Lands and Grounds lying and being in the several Parishes or Townships of Everton, Scaftworth, Gringley-on-the-Hill, Misterton, and Walkeringham, in the County of Nottingham.

[2d July 1801.]

WHEREAS an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty King George the Third, intituled, *An Act for the more effectually embanking, draining, preserving, and improving, certain Low Lands and Grounds lying and being in the several Parishes or Townships of Everton, Scaftworth, Gringley-on-the-Hill, Misterton, and Walkeringham, in the County of Nottingham, whereby William Gauntley, of Bakewell in the County of Derby, James Dowland, then of Mansfield-Woodhouse in the County of Nottingham, but now of Cuckney in the said County of Nottingham, and William Whitelock, of Brotherton in the County of York, Gentlemen, and their Successors, to be elected in Manner therein mentioned, were appointed Commissioners for*

Preamble.
36 Geo. III,
recited.

[Loc. & Per.]

29 K

putting

and Appointment of new Commissioners;

and that the Powers of the said Act are insufficient.

Such Part of the former Act as is not hereby repealed to stand in force.

Former Act repealed as to giving Notice of Meetings and as to Power of Adjournment.

Commissioners to meet twice in every Year to execute this Act.

putting the said Act in Execution: And whereas the said *William Whitelock* hath lately resigned the Office of Commissioner, and *William Kelk* of *Sutton-upon-Lound* in the said County of *Nottingham*, Gentleman, hath been thereupon duly appointed his Successor; pursuant to the Provisions of the same Act: And whereas the Commissioners appointed by the said former Act have proceeded to carry the same into Execution; but the Powers and Authorities thereby given and granted have been found, in many Respects, defective, and inconvenient, and also insufficient to make an effectual and complete Drainage and Embankment of the said Low Lands and Grounds within the said several Parishes or Townships; and the same cannot be effected unless additional Rates and Assessments be raised, and some of the Powers and Provisions of the said Act be altered, amended, 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 the said *William Gauntley*, *James Dowland*, and *William Kelk*, and their Successors, to be elected in Manner prescribed by the said former Act, shall be, and they are hereby appointed Commissioners for putting into Execution as well the said former Act as this Act, subject to the several Rules, Orders, and Directions therein and herein expressed; and that all and every the Powers, Authorities, Provisoes, Penalties, Forfeitures, Restrictions, Clauses, Matters, and Things whatsoever, contained in the said former Act, (except only such of them as are hereby varied, altered, or repealed), shall be, and the same are hereby declared to be in full Force and Effect, so far as the same are applicable in the Execution and for the Purposes of this Act, and shall and may be put in Execution, for compleating and maintaining any Work or Works to be done or performed by virtue or under the Authority of this Act, by the Commissioners herein appointed for more effectually embanking, draining, preserving, and improving the said Low Lands and Grounds lying and being in the several Parishes or Townships of *Everton*, *Scaftworth*, *Gringley on-the-Hill*, *Misterton*, and *Walkeringham* aforesaid, in as full and ample Manner, and as effectually, to all Intents and Purposes, as if the said Powers, Authorities, Provisoes, Penalties, Forfeitures, Restrictions, Clauses, Matters, and Things, were repeated and re-enacted in and by this Act.

II. And be it further enacted, That so much of the said former Act as directs, that at least Ten Days Notice shall be given, in Writing, signed by the Commissioners, before any Meeting of the said Commissioners shall be holden, (Meetings by Adjournment only excepted); and that, in case of any Omission of such Meetings, Adjournment, or Notice as aforesaid, the said Commissioners shall and may appoint any other Time or Times of Meeting, for the Purpose of carrying the said Act into Execution, causing Notice thereof to be affixed on the Doors of the Churches of the said several Parishes and Townships, and to be inserted in some Newspaper usually circulated in the said County of *Nottingham*, at least Fourteen Days before such Meeting or Meetings shall be repealed; and that the said Commissioners shall meet Twice in every Year (to wit), in the Months of *April* and *September*, or at any other Time or Times as they shall see Cause or think convenient, giving Notice, in Writing, for that Purpose, signed by the said Commissioners, or their Clerk for the Time being, and affixed on the Doors of the respective Churches of the said several

several Townships or Parishes, and to be inserted in some Newspaper usually circulated in the said County of *Nottingham*, and in the *Doncaster Gazette*, at least Seven Days before any such Meeting (Meetings by Adjournment only excepted), at some convenient Place to be appointed by them; and that the said Commissioners shall and may adjourn any such Meeting, from Time to Time, as they shall see Occasion, for the Execution of the said former Act and this Act; and in case Two Commissioners shall not meet at the Time and Place to be appointed for any Meeting, it shall be lawful for any One of the said Commissioners present at such Time and Place to adjourn such Meeting, to be holden on a future Day at the same or any other convenient Place; and the Commissioner making such Adjournment, or the Clerk to the said Commissioners, is hereby required to give the absent Commissioners at least Seven Days Notice thereof in Writing.

One Commis-
sioner may
Adjourn.

III. And be it further enacted, That the said Commissioners shall be and are hereby authorized and empowered, from Time to Time, to make, heighten, fill up, change, renew, alter, divert, support, and maintain, or cause to be made, heightened, filled up, changed, renewed, altered, diverted, supported, and maintained, all such Banks, Cuts, Drains, Dams, Bridges, Sewers, Ditches, Tunnels, Outlets, Engines, Cloughs, or other Works, in, through, or upon any Lands and Grounds within the said respective Townships of *Everton*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, between a certain Place called *Drakehole*, in the Parish of *Everton*, and *Stockwith Bridge*, in the Parish of *Misterton*, as shall from Time to Time be necessary, convenient, or proper, for the Purpose of intercepting, diverting, and taking away the Water which might or would be otherwise discharged into the Low Lands and Grounds intended to be embanked and drained by virtue of this or the said former Act, from or out of, or by Means of the *Chesterfield Canal Navigation*, or any Drain, Brook, or Rivulet, near thereto, or communicating therewith, from the adjacent High Lands and Grounds, within the said respective Townships of *Everton*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham*, making such reasonable Recompence and Satisfaction to the Owners and Occupiers of the Lands and Grounds in, through, or upon which any such Banks, Cuts, Drains, Dams, Bridges, Sewers, Ditches, Tunnels, Outlets, Engines, Cloughs, or other Works, shall be made, cut, or erected, or which may be prejudiced thereby, or by Means or in Consequence thereof, or by any Inundation occasioned by any of the Matters aforesaid, for any Damage, Loss, or Injury, he, she, or they, may thereby sustain, in like Manner as directed by the former Act, with Respect to Damages occasioned by any Work or Works, directed to be made and executed by the same Act; or otherwise, that the said Commissioners shall have full Power and Authority, and are hereby authorized and empowered, to contract and agree with the Company of Proprietors of the said Canal Navigation, for the making, supporting, removing, altering, or enlarging, any of the Weirs, Locks, Sluices, Tunnels, or other Works, of or belonging to the said Company, for the Purpose of intercepting, diverting, and taking away the Water which might be so discharged into the said Low Lands and Grounds as aforesaid.

Power to make
Banks, &c. to
intercept the
Upland Water.

Making Sa-
tisfaction to
the Land
Owners.

IV. And be it further enacted, That the several Provisions and Restrictions contained in the said former Act, with respect to the Distance and

For regulating
the Height of
the Bank on
the South Side

of the Rivers
Idle and *By-*
carsdike.

and Height of the Bank made, or to be made, on the South Side of the Rivers *Idle* and *Bycarsdike*, shall be, and are hereby repealed; but that nothing in this or the said former Act contained, shall extend, or be construed to extend, to authorize or empower the said Commissioners, or any Persons employed by them, to make, or cause to be made, any Bank on the South Side of the said Rivers *Idle* or *Bycarsdike*, at a less Distance from the present Bank, erected by, or belonging to the Participants of the Level of *Hatfield Chace*, in the Counties of *York*, *Lincoln*, and *Nottingham*, on the North Side of the said Rivers, than the present Bank and Main Drain for the Drainage of the Low Ground, in *Everton*, *Scaftworth*, *Gringley*, and *Misterton* aforesaid, extending from *Misterton Soss* to *Scaftworth Hollings*; and that the Top of every such Bank as hath already been made, or shall or may at any Time or Times hereafter be made, on the South Side of the said Rivers *Idle* and *Bycarsdike*, between the said *Soss* and a Place called *Cornley Nook*, by virtue of the said former Act or this Act, (save and except the Bank between the said *Soss* and *Misterton* present Outfall Sluice, belonging to the said Participants) shall be made, or for ever after kept, at the least Twelve Inches lower than the Top of the Coping Stone, at the North End of the Upper Wing Wall, of the East Side of the said *Soss*, the Height of such Stone to be ascertained by the Surveyor for the Time being of the said Participants, and such other Person as the said Commissioners hereby appointed shall nominate; and in case they shall not agree, then the same to be ascertained by such indifferent Person as the said Two first-mentioned Referees shall nominate and appoint for that Purpose; and that a Certificate of such Height, signed by the Person or Persons so ascertaining the same, shall be entered and recorded in the Book of Records of the Commissioners of Sewers for the said Level of *Hatfield Chace* and Parts adjacent, and that a Copy of such Record, signed by the Clerk to the said Commissioners of Sewers, shall at all Times hereafter be legal Evidence of the same in any Court of Law or Equity.

Former Act
repealed as to
taking of
Earth on the
South Side of
the Barrier
Bank.

V. And be it further enacted, That so much of the said former Act, as directs all the Earth, or other Materials, necessary to be used for making the Barrier Bank near the Rivers *Idle* and *Bycarsdyke*, and for keeping the same thereafter in Repair, should be taken from the South Side of the said Barrier Bank, if a sufficient Quantity could be there found, shall be repealed; and that the said Commissioners shall and may take the Earth, or other Materials, for the Purposes aforesaid, from such Place or Places, within the said several Parishes or Townships, as they shall think proper, they the said Commissioners making reasonable Satisfaction to the several Proprietors or Owners of the said Lands or Grounds from whence such Earth, or other Materials, shall be got, for the Damages to be occasioned thereby, in such Manner, as in the former Act is mentioned.

Works of
Drainage to
be completed
before *October*
1, 1803.

VI. And be it further enacted, That the Whole of the Banks, Cuts, Drains, Dams, Sewers, Ditches, Tunnels, Outlets, Engines, Cloughs, or other Works, necessary to be made and compleated by virtue of the former or this present Act, shall be, by the said Commissioners, made and executed without Delay, and shall, as far as possible, be perfected and compleated on or before the First Day of *October*, which will be in the Year of our Lord One thousand eight hundred and three; and that the Determination of the said Commissioners for ascertaining and determining the

The annual improved Value of the respective Lands and Grounds to be embanked and drained as aforesaid, and the Names of the respective Proprietors thereof, and the Proportion and Quantum of the annual Tax, Rate, or Assessment, to be charged upon, and paid in respect of the same, as well as the particular Lands and Grounds, and the Quantity thereof, in Acres, Roods, and Perches, which shall or may be charged therewith, and also the Time and Times when the same shall become due and payable, shall, on or before the said First Day of *October* One thousand eight hundred and three (whether the said Works of Drainage be then compleated or not), be written or ingrossed, and signed and sealed, by the said Commissioners, and delivered to the Clerk of the Peace, and deposited in the Manner by the former Act directed, with respect to the Determination of the Commissioners therein mentioned, and shall be taken to be the Rule and Standard, both as to the Quality and annual Value of the said Lands and Grounds, whereby all subsequent Taxes, Assessments, and Rates, for the Purposes of the said former Act and this Act, shall be made as in the said former Act is expressed; and that immediately after the signing and sealing thereof, and filing the same with the Clerk of the Peace as aforesaid, all and every the Appointment and Appointments of the Commissioners herein-before named, and of their Successors, to be elected as in the former Act is mentioned, and also all and every the Powers and Authorities, by the former or this Act given to and vested in them, or any of them, of any Nature or Kind whatsoever, touching the Execution of either of the said Acts, or any Part thereof, shall cease and absolutely determine.

VII. Provided nevertheless, That in case the said Commissioners shall not have it in their Power, by reason of any unforeseen Accident or Misfortune, to compleat the Whole of the said Works of Embankment and Drainage, on or before the First Day of *October* One thousand eight hundred and three, then it shall and may be lawful for the Special Commissioners, to be nominated and appointed as hereafter mentioned, to finish and compleat the same as soon after as possible, but that the said original Commissioners shall, and they are hereby directed and required to make and finally settle such annual Tax, Rate, or Assessment, directed to be made by them on or before the said First Day of *October* One thousand eight hundred and three, as herein-before is mentioned.

If not compleated, Special Commissioners to compleat the same.

VIII. And whereas it is enacted, in and by the said former Act, that when the Determination of the said Commissioners for ascertaining the annual Value of the Lands and Grounds, so to be embanked and drained, and fixing the annual Proportion of the Rates and Assessments to be collected and paid in respect of such Lands and Grounds, should be reduced into Writing, and filed with the Clerk of the Peace for the said County of *Nottingham*, as is therein directed, all and every the Appointment and Appointments of the Commissioners therein named, and of their Successors, to be elected as aforesaid, and also all and every the Powers and Authorities, by the said former Act given to and vested in them, or any of them, of any Nature or Kind whatsoever, touching the Execution thereof, or any Part thereof, should cease and absolutely determine, and that from thenceforth all and every the Powers and Authorities thereby given and granted to the said Commissioners thereby appointed, and their Successors (except as therein is excepted), should devolve upon, and be

Former Act repealed as to the Powers devolving on the Commissioners of Sewers.

for ever afterwards vested in the Commissioners of Sewers, within the Level of *Hatfield Chase*, and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, who should from thenceforth be the only Commissioners for the Execution of the said former Act, and that all the Powers and Authorities thereby given to, and the Matters and Things directed to be done or executed by the Commissioners, therein particularly named, and their Successors (except as aforesaid), should be vested in, and might be done and executed by the said Commissioners of Sewers, from Time to Time, and the same should be as valid and effectual, to all Intents and Purposes, as if the same were thereby vested in, or directed to be done by them, by express Words, throughout the said Act; and that all the new Cuts, Drains, Sewers, Ditches, Banks, Bridges, Sluices, and other Works, thence after to be made under the Authority of the said Act, should from thenceforth be under and subject to the Controul, Directions, Survey, and Order of the said Commissioners of Sewers, in the same Manner, in every Respect, as any other Works of Drainage within the said Level of *Hatfield Chase*: And whereas it is apprehended that if Special Commissioners were appointed, to be subject to the Controul of the said Commissioners of Sewers, as herein after is mentioned and prescribed, it would be productive of great Convenience and Utility; be it therefore enacted, That so much of the said former Act as gives the Commissioners of Sewers the sole Power or Authority in the Embankment or Drainage of the said Lands and Grounds in Manner herein-before recited, shall be repealed, and shall be null and void, to all Intents and Purposes whatsoever, and that instead of the same Powers and Authorities solely vested in or devolving upon the said Commissioners of Sewers, as therein mentioned, Three Special Commissioners shall, within One Calendar Month next after the making of such final Determination or Assessment as aforesaid, by the said original Commissioners, be nominated and appointed by the respective Proprietors of Lands and Grounds in the said several Townships or Parishes of *Everton*, *Scaftworth*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham* aforesaid, intended to be embanked and drained by virtue of this and the said former Act, (that is to say), One such Special Commissioner shall be nominated and appointed by the Proprietors of Lands and Grounds within the Townships of *Everton* and *Scaftworth* aforesaid, intended to be embanked and drained by virtue of this and the said former Act, or the major Part of them in Value, to be ascertained by the Rate to be made as aforesaid, at a Meeting to be held for that Purpose at *Everton* aforesaid, within the Time above-mentioned, Ten Days Notice being first given of such Meeting by the Clerk of the said original Commissioners (notwithstanding the Determination or Expiration of their appointments), by writing affixed on the Church Door of *Everton* aforesaid, and by an Advertisement in the *Nottingham* Newspaper, or some other Newspaper usually circulated in the said County, and One other such Special Commissioner shall be nominated and appointed by the Proprietors of the Lands and Grounds within the Parish of *Gringley-on-the-Hill* aforesaid, intended to be embanked and drained as aforesaid, or the major Part of them in Value present at a Meeting to be held for that Purpose at *Gringley-on the-Hill* aforesaid, within the Time above-mentioned (the like Notice being affixed upon the Church Door of *Gringley-on-the-Hill* aforesaid, and advertized as aforesaid), and the other such Special Commissioner shall be nominated and appointed by the Proprietors of the Lands and Grounds within the Parishes of *Misterton* and *Walkeringham* aforesaid,

And instead thereof Special Commissioners to be appointed every Two Years.

aforesaid, intended to be embanked and drained as aforesaid, or the major Part of them in Value present at a Meeting to be held for that Purpose at *Misterton* aforesaid, within the Time above-mentioned (the like Notice being affixed upon the Church Door of *Misterton* aforesaid, and advertized as aforesaid), which said Three Special Commissioners, when so nominated and appointed, shall remain and continue Special Commissioners for putting the said former Act and this Act into Execution, from the Time of such their Election, until the End of the First whole Week in *August* One thousand eight hundred and five, and during that Time, all and every the Powers and Authorities given and granted to the said original Commissioners, and their Successors, by virtue of the said former Act, and this present Act, except such as are hereby annulled, restrained, abridged, varied, or altered, shall devolve upon, and be vested in the said Three Special Commissioners, so to be elected as aforesaid, or any Two of them, as fully and effectually, to all Intents and Purposes, in every Respect, as if the same were hereby vested in, or directed to be done by them, by express Words, throughout the said former Act or this Act; and that, in the First whole Week in the said Month of *August* One thousand eight hundred and five, the said Three Special Commissioners, or some other Person or Persons in their Room and Stead, shall be nominated and appointed, by the respective Proprietors of the said Lands and Grounds so to be embanked and drained within the said several Townships or Parishes, in Manner aforesaid, Special Commissioners for the Term of Two Years only (Notice of Meetings for that Purpose being given by the Clerk to the said Special Commissioners for the Time being, by the same being affixed on the several Church Doors, and advertized as aforesaid) and that Three Special Commissioners shall, in Manner aforesaid, for ever hereafter be nominated and appointed in the First whole Week in the Month of *August*, every succeeding Two Years, which Special Commissioners, and their Successors, from Time to Time and at all Times hereafter, during their acting as Special Commissioners as aforesaid, shall have the like Powers and Authorities vested in them as are herein, and in and by the said former Act, given to the said original Commissioners and their Successors (save and except as aforesaid).

IX. Provided always, nevertheless, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent the Jury appointed by the said Commissioners of Sewers from viewing, from Time to Time, the said Works of Embankment and Drainage; and that in case the said Special Commissioners, or any of them, or any Person or Persons for the Time being employed by them, or acting under the Authority of them, or any of them, shall, at any Time or Times hereafter, refuse or neglect duly and effectually to execute and perform, in any Respect, the several Powers and Authorities which will devolve upon, or be or become vested in them by virtue of this Act, or do or shall improperly execute such Powers and Authorities, or any of them, to the Prejudice or Injury of any Person or Persons whomsoever; then it shall and may be lawful for the said Jury, from Time to Time, to report such Neglect or Default, or for any Proprietor or Proprietors interested in the said Embankment or Drainage, or any other Person or Persons, who may be aggrieved thereby, to complain to the said Commissioners of Sewers, after giving Ten Days Notice, at least, in Writing, of his, her, or their Intention so to do, to the said Special Commissioners to be appointed

Appeal to
Commissioners
of Sewers.

pointed by virtue of this Act, or to their Clerk for the Time being; and that, in such Case, it shall and may be lawful for the said Commissioners of Sewers, and they are hereby authorized and required, from Time to Time, to hear and determine such Complaint and Complaints, and to make such Order or Orders therein, as to them shall seem meet and proper, in such and the same Manner as if the several Works of Drainage hereby authorized to be made were under their sole Power and Jurisdiction, so as such Order or Orders be nevertheless conformable to, and consistent, with the several Powers, Authorities, and Provisions contained in this and the said former Act, with Respect to the said Works of Drainage, which the said Original and Special Commissioners are thereby or hereby directed, authorized, or empowered to do, execute, or perform.

Commission-
ers of Sewers
to have Power
to remove
Special Com-
missioners.

X. Provided also, and be it further enacted, That it shall and may be lawful for the said Commissioners of Sewers, for any just Cause or Reason, to remove and displace all or any of the said Special Commissioners, and that thereupon the Proprietors of Lands or Grounds, by whom the said Special Commissioner or Commissioners so removed was or were chosen, shall nominate and appoint some other Person or Persons to be a Special Commissioner or Special Commissioners in his or their Room and Stead, in such and the same Manner as the Successors to the said Special Commissioners are herein-after directed to be chosen; and in case the said Proprietors shall neglect or refuse, from Time to Time, to nominate and appoint such Successors to the said Special Commissioners so removed, then it shall and may be lawful for the said Commissioners of Sewers, and they are hereby authorized and required to nominate a Special Commissioner or Commissioners, as the Case may be, in the Room or Stead of such of them as shall be so removed or displaced as aforesaid, who shall have the same Powers and Authorities as if nominated or appointed by the said Proprietors.

Appointment
of new Com-
missioners in
case of Death,
etc.

XI. And be it further enacted, That upon the Death, Refusal, or Incapacity to act of any One of the said Special Commissioners, before the Expiration of the Time for which he shall or may be appointed a Special Commissioner as aforesaid; or in case of any Neglect or Omission in the Appointment of any such Special Commissioner in Manner herein-before specified, it shall and may be lawful for the said Proprietors of Lands and Grounds so to be embanked and drained as aforesaid, or the major Part of them in Value, in the several Townships or Parishes aforesaid who shall have appointed such Commissioner so dying or refusing or becoming incapable to act, or who shall have neglected or omitted to appoint such Special Commissioners as aforesaid at any other Meeting to be holden for that Purpose (of which Notice shall be given as aforesaid) within Thirty Days next following such Vacancy or Omission to nominate and appoint One other Special Commissioner, in the Room of such Commissioner so dying, refusing, or becoming incapable to act, or omitted to be appointed as aforesaid; and in case the said Proprietors shall not make such Appointment within the Time limited as aforesaid, then the surviving or other Special Commissioner or Commissioners shall, within Two Calendar Months next after such Omission, and after giving Ten Days previous Notice, in Manner above-mentioned, by Writing, under their or his Hands or Hand, appoint a Person to be a Special Commissioner in the Stead

Stead of each Commissioner so dead, refusing, or becoming incapable to act, or omitted to be appointed as aforesaid, which Appointment or Appointments shall be inrolled with the Clerk of the Peace for the said County of *Nottingham*; and every such Special Commissioner, so to be appointed respectively as aforesaid, shall have the same Power and Authority, by virtue of the former and this Act, as the Commissioner in whose Stead he shall or may be chosen was or would have been invested with.

XII. Provided always, and be it further enacted, That no Person interested in the said Embankment and Drainage, or chargeable with any Rate or Assessment by virtue of this Act, shall be capable of voting either personally, or by proxy, in the Nomination and Appointment of himself as a Special Commissioner, under and by virtue of this Act, or in the Nomination and Appointment of any Agent, Servant, or Person employed by him; to be such Special Commissioner as aforesaid, or in the settling and determining any Allowance to be made to such Proprietor or Agent, in case such Proprietor or Agent shall be so elected a Special Commissioner.

No Proprietor to vote in his own Election.

XIII. Provided always, That no Person shall be capable of acting either as an Original or Special Commissioner in the Execution of any of the Powers hereby given (unless it be the Power of administering an Oath to the other Commissioners) until he shall have taken and subscribed the Oath following; (that is to say),

Commissioners Oath.

‘ I Do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the Trusts, Powers, and Authorities reposed in me as a Commissioner by virtue of Two several Acts, the One passed in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act for the more effectually embanking, draining, preserving, and improving, certain Low Lands and Grounds lying and being in the several Parishes or Townships of Everton, Scaftworth, Gringley-on-the-Hill, Misterton, and Walke- ringham, in the County of Nottingham, and the other passed in the Forty-first Year of the said Reign, for altering and amending the said first-mentioned Act.*

Oath.

‘ So help me GOD.’

Which Oath it shall be lawful for any One of the said Original or Special Commissioners, as the Case may be, to administer, and he is hereby authorized and required to administer the same to any other of the said Commissioners; and the said Oath, so taken and subscribed by each Commissioner, shall be entered in the Book to be kept and provided for entering their Orders and other Proceedings under this Act.

XIV. And be it further enacted, That it shall be lawful to and for the known Agent or Agents, for the Time being, of each and every Proprietor entitled to vote in the Election of any Original or Special Commissioner, or for any other Person or Persons, authorized and empowered by any Note, in Writing, signed by such Proprietor, to act for such Proprietor in the Nomination and Appointment of such Commissioners as fully and effectually as if such Proprietor or Proprietors, in whose Behalf he or they

Power for the Agents of Proprietors to vote in Choice of Commissioners.

[Loc. & Per.]

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shall

shall or may act, was or were present at any Meeting or Meetings to be holden for that Purpose.

Repeal of so much of the former Act as directs the making of Assessments, and Power for Commissioners to make further Assessments.

XV. And whereas it is enacted in and by the said former Act, That the Commissioners should, in Manner therein mentioned, assess, tax, and charge upon the said respective Lands and Grounds, and the Owners and Proprietors thereof, such Sum and Sums of Money to be raised, levied, and paid in Respect of every Acre of the said Lands and Grounds in the Three First Years, to be computed from the First Day of *July* One thousand seven hundred and ninety-six, as they should deem just and reasonable, according to their Determination of the annual improved Value *per Acre* of the said Lands and Grounds, so as the same did not exceed the Rate of Three Pounds by the Acre in each of the said Three First Years for any of the said Lands and Grounds so to be embanked or drained as aforesaid; and for every Year after the End of the said Three Years, to be computed as aforesaid, such Sum and Sums of Money to be raised, levied, and paid, in Respect of every Acre of the said Lands and Grounds, so as the same did not exceed the Sum of Three Shillings an Acre for any of the Lands and Grounds so to be embanked and drained as aforesaid; and in like Proportion for any Part or Parts thereof, less than an Acre: And whereas it is necessary that some further or additional Rates or Assessments shall be made for the Purpose of compleating the said Drainage and Embankment, and making and maintaining such further Works as may hereafter be thought necessary and proper, subject to the Restrictions herein-after contained; be it therefore enacted, That so much and such Part of the said former Act as restrains the said Commissioners from making any Assessment, Tax, or Charge, exceeding the Sum of Three Shillings *per Acre per Annum*, after the Expiration of the Three First Years, computed from the said First Day of *July* One thousand seven hundred and ninety-six, as above mentioned, shall be repealed, and shall be null and void to all Intents and Purposes whatsoever; and that it shall and may be lawful for the said Original Commissioners, and they are hereby empowered, from Time to Time, to assess, tax, and charge upon the said Lands and Grounds so to be embanked and drained as aforesaid, and the Owners and Proprietors thereof, for the Purposes aforesaid, such Sum and Sums of Money, to be raised, levied, and paid, in Respect of every Acre of the said Lands and Grounds, until the said First Day of *October* One thousand eight hundred and three, unless the said Works of Embankment and Drainage shall be sooner perfected and compleated, and, in that Case, until the sooner Perfection and Completion thereof only, as they shall deem just and reasonable, according to their Determination of the annual improved Value *per Acre* of the said Lands and Grounds, so as the same do not exceed the Rate of Thirty Shillings by the Acre in each Year, to be computed from the First Day of *October* One thousand eight hundred, for any of the said Lands and Grounds so to be embanked or drained as aforesaid; and that it shall and may be lawful for the said Special Commissioners, and they are hereby empowered, from Time to Time, after the said Original Commissioners shall have perfected and compleated the said Works, or signed and sealed their said Determination for ascertaining the annual improved Value of the said Lands and Grounds as aforesaid, to assess, tax, and charge upon the said Lands and Grounds, and the Owners and Proprietors thereof, for the Purposes aforesaid, such Sum and Sums of Money, to be raised, levied, and paid in respect of every Acre of the said

Rates to be made.

said Lands and Grounds, as shall be deemed just and reasonable, in Proportion of such estimated annual improved Value of each Acre of the said Lands and Grounds, so as the same do not exceed the Rate of Three Shillings by the Acre in each Year, for any of the Lands and Grounds so to be embanked and drained as aforesaid, and in like Proportion for any Part or Parts thereof less than an Acre, unless the Proprietors of the said Lands and Grounds so to be embanked and drained as aforesaid, or a Majority of them in Value, at any Meeting or Meetings to be holden for that Purpose, pursuant to Notice in Writing signed by the said Commissioners, or their Clerk, and affixed on the Church Doors of the respective Townships or Parishes, at least Ten Days before any such Meeting, and by Advertisement in the *Nottingham Journal*, or some other Newspaper usually circulated in the said County of *Nottingham*, and in the *Doncaster Gazette*, shall authorize and empower the said Commissioners to raise a further or larger Assessment for the General Purposes of this Act, the Amount whereof to be fixed at such Meeting; in which Case, it shall and may be lawful for the said Commissioners to assess, tax, and charge the said Lands and Grounds, and the Owners and Proprietors thereof, in Proportion as aforesaid, with any annual Sum or Sums of Money exceeding Three Shillings an Acre accordingly, but not above the Sum fixed at such Meeting.

XVI. And be it further enacted, That all and every the Sum and Sums of Money so to be assessed, taxed, raised, and charged, shall, from Time to Time, be paid and applied, for and towards defraying the necessary Expences of obtaining and executing this Act, and for carrying on and effecting the Embanking and Drainage of the said Lands and Grounds, and maintaining the same, and the Works either already done or to be done, under and by virtue of this or the said former Act; and also for the Repayment of any Sum or Sums of Money borrowed of any Person or Persons, under the Powers of the former or this present Act, together with Interest for the same, and shall be payable and paid to the Collector or Collectors, Receiver or Receivers, for the Time being appointed to receive the same at such certain Days and Times in each and every Year as shall from Time to Time be by the said Commissioners limited and appointed for the Payment thereof respectively, and shall be recovered and recoverable in such and the same Manner as the Rates and Assessments are by the said former Act directed to be recovered.

Application
of the Money.

XVII. And be it further enacted, That when and in case any new Work or Works of Embankment or Drainage not executed by the said Original Commissioners, previous to the Time herein-before limited, shall be thought proper or necessary by a Majority in Value of the Proprietors of Lands and Grounds, in any One of the said Townships or Parishes intended to be embanked and drained as aforesaid, for compleating, improving, or preserving the Embankment and Drainage of the said Lands and Grounds, lying within the said several Townships or Parishes, or any of them, and such Proprietors, or their respective Agents, shall give Notice thereof in Writing to the said Special Commissioners, or their Clerk, specifying the particular Work or Works purposed to be executed, then the said Special Commissioners shall forthwith, or as soon after as conveniently may be, and within Two Calendar Months next after such Notice, take the Advice and Opinion thereon of *William Jessop*, of *Newark*-

If Proprietors
think any
new Works
necessary.

To take the
Report of an
Engineer.

upon.

upon-Trent, in the said County of *Nottingham* Engineer, or of such other Engineer as the said Proprietors of the Lands and Grounds intended to be embanked and drained as aforesaid, or the major Part of them in Value present at a Meeting to be held for that Purpose, within Twenty Days next after Notice thereof shall be given, by the said Commissioners, in the *Nottingham Journal*, or some other Newspaper usually circulated within the said County of *Nottingham*, and by Notice in Writing, affixed upon the Doors of the Churches of the said several Parishes or Townships, shall, by Writing under their Hands, nominate or appoint; and the said *William Jessop*, or such other Engineer, so to be nominated and appointed as aforesaid, shall, within One Calendar Month next after such Reference, make his Report to the said Special Commissioners, whether such proposed new Work or Works is or are necessary and proper to be carried into Execution, having due Regard to the State, Situation, and Circumstances of the General Drainage, and also whether all, or any, and what particular Part, of the said Lands and Grounds, in the said several Townships or Parishes, will receive Benefit or Advantage therefrom, and in what Proportion all, or any, and which of the said respective Proprietors, shall and ought to contribute to the Expence thereof, according to the estimated annual improved Value so ascertained as aforesaid; and in case the said *William Jessop*, or such other Engineer as aforesaid, shall report to the said Special Commissioners, that such proposed new Work or Works, or any of them, is or are necessary and proper to be carried into Execution, then the said Special Commissioners shall, and they are hereby required forthwith to give Notice, in Manner aforesaid, of a Meeting of the said Proprietors, to be holden for the Purpose of taking into Consideration the said Report, and, at such Meeting, it shall be lawful for a Majority in Value of the said Proprietors, or their respective Agents, then present, who shall, according to such Report, be benefited by and liable to contribute to the Expence of such intended new Work or Works, to determine whether the same shall be carried into Execution or not; and in case it shall be so determined to carry the same into Execution, then it shall and may be lawful for the said Special Commissioners, and they are hereby authorized and required, from Time to Time, to assess, tax, and charge upon the particular Lands and Grounds so to be benefited and the Owners and Proprietors thereof, in the Proportion, and according to the estimated annual improved Value as aforesaid, such Sum and Sums of Money as may be necessary for that Purpose, and which Sum and Sums of Money shall be paid, recovered, and recoverable, in such and the same Manner as other Rates and Assessments, are by the said former Act or this Act directed to be recovered and paid, provided that no such new Work or Works of Embankment or Drainage (except any Engine or Engines to be erected for the Purpose of taking off the Water from any Part of the Lands or Grounds hereby intended to be embanked and drained) shall be carried into Execution without the Concurrence of the said Commissioners of Sewers, before whom the Plan of such new Work or Works shall be previously laid.

And a Meeting to be holden to consider thereof, and to determine the same.

Empowering the Commissioners, and other Persons to pass along the Lands adjoining to the Works.

XVIII. And be it further enacted, That the said General and Special Commissioners, and all Engineers, Collectors, Receivers, Treasurers, Surveyors, Superintendants, and others, Officers and Workmen, acting or employed under or by virtue of the said Act and this Act, shall have Licence and Liberty, from Time to Time, and at all seasonable Times, either

either on Horseback or on Foot, to go or travel, pass and repass, along the Lands adjoining or near to the Drains, Cuts, and other Works, already made or to be made, by virtue of this and the former Act, when and so far as Occasion shall require, for the due and proper Execution of their said respective Offices, and of the Trusts and Duties to be by them performed or discharged by virtue of this Act, doing as little Damage as may be, and making Compensation for such Damage, to be settled and ascertained in the Manner prescribed by the said former Act, with Respect to any Damage to be done in the Execution thereof.

XIX. And be it further enacted, That if, at any Time or Times hereafter, any Breach or Breaches, Gool or Gools, by Inundation, or otherwise, shall happen in any of the Banks already made, or in any of the Banks hereafter to be made by virtue of this or the said former Act, for preserving the said Lands and Grounds from Inundation, and the said Commissioners do not immediately repair the same, that then, and in every such Case, it shall be lawful for any of the Proprietors of Lands thereto adjoining, or liable to be damaged thereby, forthwith to stop and repair the same, and the Charges and Expences which shall attend such Stoppage and Repairs, shall be paid and defrayed by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case the same shall not be paid on Demand, such Charges and Expences may be recovered by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

For Indemnifying the Proprietors of Lands from Injury by any Breach in the Banks or from Inundation.

XX. And be it further enacted, That if any of the Proprietors, or Persons interested in the said Lands and Grounds by this Act directed to be drained, or the Person and Persons by them employed to solicit and obtain the same 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 Interest, after the Rate of Five Pounds *per Centum per Annum*, from the respective Times of advancing thereof.

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

XXI. And be it further enacted, That so much of the said former Act, as directs, that if any Person shall wilfully or maliciously cut, lay open, throw down, or destroy any Bank, or Clough, or other Work, to be erected, made, or continued, in pursuance of the said former Act, and be thereof lawfully convicted, every such Person so offending shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in case of Felony, shall be repealed, and, instead thereof, all and every Person or Persons who shall at any Time or Times hereafter wilfully and maliciously cut, throw down, burn, or otherwise damage or destroy, any Bank, Drain, Dam, Engine, Floodgate, Clough, or other Work or Works, erected or made, or to be erected or made, or which shall at any Time hereafter be making or erecting, for the draining, preserving, or improving the said Lands and Grounds, or any Part thereof, and shall thereof be lawfully convicted, shall be deemed guilty of a Misdemeanor, and shall be subject and liable to the Pain, Penalty, and Punishment of Fine or Imprisonment, and the Courts by and before whom such Person or Persons shall be tried, shall have full Power and Authority to convict and punish him and them accordingly.

For punishing Persons damaging or destroying the Works of Drainage.

[Loc. & Per.]

29 N—O

XXII. And

Accounts to
be made up
Yearly.

XXII. And be it further enacted, That the said Original Commissioners shall, and they are hereby required, within One Calendar Month next after the Expiration or Determination of their Appointments under this Act, and that the said Special Commissioners shall, and they are hereby required, within One Calendar Month previous to the Expiration or Determination of their Appointments under this Act, to state, make out, and finally adjust and settle a full and true Account of all such Money as shall be collected, received, or disbursed by them, or any Persons to be appointed to act under them, by virtue of this Act; which Accounts shall be entered in a Book or Books to be provided for that Purpose, and to be kept by the Clerk of the said Commissioners, for the Time being, open at all reasonable Times for the Inspection of any of the Proprietors, without Fee or Reward; and which Accounts shall, from Time to Time, be produced at a Meeting of the Proprietors of the said Lands and Grounds so to be embanked and drained, to be called for that Purpose, and advertised in Manner as before-mentioned, with Respect to the Nomination and Appointment of Special Commissioners, and be investigated, examined, and allowed or disallowed, as the Case may be.

Treasurer,
&c. to give
Security.

XXIII. And be it further enacted, That the said Commissioners shall, and they are hereby required, from Time to Time, to take such Security as they shall think proper and sufficient, from their Treasurer or Treasurers, Collector or Collectors, for the due Execution of their respective Offices, and of the Trust reposed in them, and for the due Payment of and accounting for all such Sum and Sums of Money, as shall, from Time to Time, be received by them respectively, under and by virtue of this or the said former Act.

Commission-
ers Allow-
ances.

XXIV. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Original Commissioners, as a Remuneration for his Pains and Trouble, the Sum of Two Guineas, and no more, for each Day he shall be employed in travelling to, returning from, and attending in the Execution of the said Acts, and that the said Commissioners shall defray their travelling Expences, and also their own Expences, at all Meetings to be held in pursuance of the said Acts; and that out of the said Money there shall also be paid to each of the said Special Commissioners, for his Pains and Trouble, such Sum or Sums of Money as shall be agreed upon by a Majority of the said Proprietors in Value present at the Meetings to be holden for the Nomination of the said Special Commissioners; the Proprietors within each respective Parish or Township to settle and determine, at such respective Meetings, the Compensation to be made to the Special Commissioner to be appointed for or on Behalf of such Parish or Township.

Tunnel at
Toft Hill not
to be removed.

XXV. And be it further enacted, That nothing in this or the said former Acts contained shall extend, or be construed to extend, to empower the said Original or Special Commissioners, or any of them, to remove, or take away, or stop up a certain Tunnel already made, and being at or near a Place called *Toft Hill*, in the Parish of *Everton* aforesaid, but that the same Tunnel shall there remain and continue, and be forthwith put into, and from Time to Time, for ever hereafter, kept in a proper State, and used at all reasonable Times (which the said Original and Special Commissioners are hereby required to do), to answer all the Purposes of
a Tunnel

a Tunnel for taking in of Water out of the said River *Idle*; and conveying the same into the Lands and Grounds of the said Proprietors; and that Staunches shall be erected in the said Cuts, Drains, Sewers, or Ditches, or any of them, for the Purpose of retaining the said Water for the Watering of Cattle in dry Seasons, or for other Conveniences, subject to the Controul, Regulations, and Directions of the said Commissioners, as in the said former Act is mentioned, except the Power of stopping up; removing, or taking away the said Tunnel:

XXVI. And be it further enacted, That it shall not be lawful for the said Original or Special Commissioners, or any of them, or any Persons employed by them, to cut any Drains, Cuts, Dams, Ditches, or Sewers, or make, set up, or erect, any Banks, Tunnels, Engines, Cloughs, or any other Works whatsoever, in, through, or upon, certain ancient Inclosures in the said Parish of *Everton*, adjoining to *Scaftworth Common*, and called by the Name of *Everton Pastures*, or any Part thereof, without the Consent, in Writing, of the Majority in Value of the Proprietors interested therein first had and obtained for such Purpose, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Not to make Drains, &c. through *Everton Pastures* without Consent of the Proprietors.

XXVII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to charge the Proprietors of the Lands and Grounds within the Parish of *Misterton* aforesaid, or any of them, in respect of such Lands or Grounds, with any Part, Share, or Proportion of the Expences to be incurred in applying for and obtaining this Act, nor with any Part, Share, or Proportion of the Expences of making and executing such particular Work or Works, from the Payment whereof they are exempted by the said former Act, and which Work or Works is or are authorized and directed to be done in and by the same Act:

Proprietors of Estates in *Misterton* to be exempt from a Part of the General Expence.

XXVIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Publick Act.

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