



ANNO QUINQUAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 160.

An Act for enlarging the Powers of Two Acts of His present Majesty, for embanking and draining certain Low Lands and Grounds in the Parishes or Townships of *Everton, Scaftworth, Gringley on the Hill, Misterton, and Walkeringham*, in the County of *Nottingham*. [22d June 1813.]

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:* And whereas another Act was passed in the Forty-first Year of His said Majesty's Reign, intituled *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:* And whereas by the last recited Act, *William Gauntley of Bakewell in the County of Derby, James Dowland of Cuckney in the County of Nottingham, and William Kelk of Sutton upon Lound in the said County of Nottingham, Gentlemen, and their Successors, to be elected in Manner as therein mentioned, were appointed Commissioners for putting the said Acts into Execution:* And whereas *Francis Raynes of Stonehill in the Parish of Everton, William Gauntley the younger*

[Loc. & Per.] 36 G. 3.
41 G. 3.

31 S of

Such Parts of
the former
Acts as are
not hereby
repealed, to
stand in force.

of *Bakewell*, and *George Kelk* of *Sutton upon Lound*, Gentlemen, are now the Commissioners acting in Execution of the said recited Acts, having been duly appointed pursuant to the Powers of the said Acts; the before-mentioned *William Kelk* having departed this Life, and the before-mentioned *William Gauntley* and *James Dowland* having both declined to act as such Commissioners: And whereas the Powers and Provisions of the said recited Acts have been found in some Respects defective and insufficient for the Purposes thereby intended; and the Embankment and Drainage of the said Low Lands and Grounds cannot be completed and maintained, unless the Powers and Provisions of the said Acts are altered, amended, and enlarged, and some further Works are made, nor unless additional Rates and Assessments are authorized to be raised: 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 *Francis Raynes* of *Stonehill* in the Parish of *Everton* in the County of *Nottingham*, *William Gauntley* the younger of *Bakewell* in the County of *Derby*, and *George Kelk* of *Sutton upon Lound* in the said County of *Nottingham*, Gentlemen, and their Successors, to be elected in Manner prescribed by the said recited Acts, shall be and they are hereby appointed Commissioners for putting this and the said recited Acts into Execution, subject to the several Rules, Orders, and Directions therein and herein expressed; and that all and every the Powers, Authorities, Provisions, Penalties, Forfeitures, Restrictions, Clauses, Matters, and Things whatsoever contained in the said recited Acts (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, and to be applicable in the Execution and for the Purposes of this Act, and shall be extended to, and from Time to Time and at all Times hereafter be put in Execution for completing and maintaining any new or additional Works to be done or performed by virtue or under the Authority of this Act, as well as of the said recited Acts, or either of them, by the Commissioners hereby appointed, and their Successors, 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, Provisions, Penalties, Forfeitures, Restrictions, Clauses, Matters, and Things were repeated and re-enacted in and by this Act.

II. And be it further enacted, That the said Commissioners, and their Successors to be appointed as aforesaid, before they proceed to act in the Execution of any of the Powers given in and by this Act or the said recited Acts or either of them (except in administering the Oath or Affirmation following), shall take and subscribe an Oath or Affirmation, in the following Form of Words; (that is to say,)

Commission-
ers Oath.

‘ I Do swear, [or, being one of the People called *Quakers*, do solemnly
‘ affirm] That I will faithfully, impartially, and honestly, according to
‘ the best of my Skill and Judgment, execute and perform the several
‘ Trusts, Powers, and Authorities vested and reposed in me as a Commis-
‘ sioner by virtue of Three several Acts, 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*

‘ 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; one other Act passed
 ‘ in the Forty-first Year of His said Majesty’s Reign, intituled *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; and one other Act passed in the Fifty-third Year of His*
 ‘ *said Majesty’s Reign, intituled *An Act for enlarging the Powers of Two**
 ‘ *Acts of His present Majesty, for embanking and draining certain Low Lands*
 ‘ *and Grounds in the Parishes or Townships of Everton, Scaftworth, Gring-*
 ‘ *ley on the Hill, Misterton, and Walkeringham, in the County of Not-*
 ‘ *tingham.* ‘ So help me GOD.’

Which Oath or Affirmation it shall be lawful for any One of the said Commissioners to administer to the other Commissioners; and the said Oath or Affirmation, so taken and subscribed by each Commissioner, shall be entered in the Book to be provided and kept for entering their Orders and other Proceedings under this and the said recited Acts.

III. And be it further enacted, That so much of the said last recited Act as directs that the Appointment of Commissioners shall be made at the End of every Two Years, shall be and is hereby repealed; and that instead thereof the said Commissioners, and their Successors to be appointed as aforesaid, shall remain and continue Commissioners for putting the said recited Acts and this Act in Execution from the Time of their Election for the Term of Five Years. Commissioners to be elected every Five Years.

IV. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this and the said recited Acts, there shall be paid to each of the said Commissioners as a Recompence for his Pains and Trouble, the Sum of Two Guineas and a Half, and no more, for each Day he shall be employed in travelling to, returning from, and attending in the Execution of the said recited Acts or this Act; and that the said Commissioners shall defray their own travelling Expences, and also their own Expences at all Meetings to be held in pursuance of this or the said recited Acts. Commissioners Allowance.

V. And be it further enacted, That once at least in each and every Year during the Execution of this and the said recited Acts (such Year to be computed from the Day of the passing of this Act) the said Commissioners and their Successors shall and they are hereby required to make a true and just Statement and Account of all Sums of Money by them received or to be received and expended or due to them for their own Trouble or Expences in the Execution of this or the said recited Acts; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before *John Holmes of East Retford* in the County of *Nottingham*, Gentleman; or in case of his Death, Incapacity, or Refusal to act, then before some Justice or Justices of the Peace residing in and acting for the said County of *Nottingham*, to be by him or them examined and balanced; and such Balance shall by the said Auditor or Auditors be stated in the Book of Account to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall Commissioners to lay their Accounts before Auditors.

shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said Auditor or Auditors as aforesaid.

Power to
make new or
additional
Works.

VI. And be it further enacted, That it shall be lawful for the said Commissioners and their Successors, and they are hereby authorized and empowered from Time to Time to heighten, fill up, change, remove, make, alter, divert, extend, enlarge, support and maintain, or cause to be heightened, filled up, changed, removed, made, altered, diverted, extended, enlarged, supported and maintained, all such Banks, Cuts, Drains, Dams, Sewers, Ditches, Tunnels, Outlets, Engines, Sluices, Cloughs, or other Works, in, through, or upon any of the Lands and Grounds lying between a certain Sluice called *Brownson Sluice* and the River *Bycarrsdike*, or between the said Sluice and the River *Trent* above the said River *Bycarrsdike* within the Parish of *Misterton* aforesaid, as they the said Commissioners shall from Time to Time think necessary, convenient, or proper for the more effectually embanking, draining, preserving and improving the said Low Lands and Grounds within the said several Parishes or Townships of *Everton*, *Scaftworth*, *Gringley on the Hill*, *Misterton*, and *Walker-ingham* aforesaid; and also to make such Orders and give such Directions for carrying on, effecting and preserving the said Works, or for executing the Purposes of this Act as they the said Commissioners shall think proper; and for those Purposes it shall be lawful for the said Commissioners, and also for such Person or Persons as shall or may be employed by them, at all seasonable Times, to enter into and upon, and continue in or upon, to view, survey and admeasure the Lands and Grounds in, through, or upon which any of such new or additional Works of Embankment or Drainage shall be intended to be made, and to take such Levels as the said Commissioners shall think proper, without the Let, Hindrance or Molestation of any Person or Persons whomsoever, and without being deemed a Trespasser or Trespassers for so doing, making always 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, Sluices, 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, or by the entering or continuing upon such Lands or Grounds, or making such Surveys or Levels as aforesaid, to be agreed upon or assessed and recovered in like Manner as directed by the first recited Act, with respect to Damages occasioned by any Work or Works thereby authorized to be made and executed; and that if any Person or Persons, Bodies Politic, Corporate, or Collegiate, at any Time after the said Commissioners, or any Person or Persons employed or authorized by them, shall have begun to carry this Act into Execution for making the said new or additional Works of Embankment and Drainage, or have completed the same, shall happen to sustain any Damages or Injury (for which they shall have had no Recompence or Satisfaction) in his or their Lands, Grounds, or Hereditaments by any Act, Neglect, or Default of the said Commissioners, or their Agents, Workmen, or Servants, or by reason of any Alteration which shall be made by them or any of them on account of the Works to be executed by virtue of this Act, then and in every such Case Satisfaction shall be made for such Damages or Injury; and if the said Commissioners and the Parties by whom such Damages shall have been sustained shall not agree touching such Damages, the same shall

Power to
enter Lands
to make Sur-
vey for new
Works:

Making Sa-
tisfaction to
the Land
Owners.

Satisfaction
for further
Damages.

be assessed and determined by the Justices of the Peace and Jury assembled at any General Quarter Sessions of the Peace which shall be held at *East Retford*, in and for the said County of *Nottingham*, in the Manner prescribed by the said recited Acts, who shall direct or adjudge the Recompence or Satisfaction to the Party or Parties aggrieved; and such Party or Parties shall recover the same accordingly, in the same Manner and Form as the Damages and Expences are thereby appointed to be assessed and adjudged for any Lands, Tenements, or Hereditaments which shall be so made use of, cut, or damnified in the Execution, Maintenance, or Continuance of any of the Works by the said recited Acts directed or authorized: Provided nevertheless, that nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to make or cause to be made any Bank on the South Side of the Rivers *Idle* or *Bycarrsdyke*, at a less Distance from the present Bank on the North Side of the said Rivers, or of any greater Height between *Misterton*, *Sofs*, and *Cornley Nook*, than is prescribed and limited by the said last recited Act.

Restrictions
as to Distance
and Height
of Bank con-
tinued.

VII. And be it further enacted, That when and so often as it shall be found necessary for carrying this Act into Execution to fill up any Ditch or Ditches, which now is or are used as a Fence or Fences, the said Commissioners shall and they are hereby required to order and direct Posts and Rails, or other sufficient Fences, to be made in the room of such Ditch or Ditches so filled up, in such Manner as that the Owners or Proprietors of the adjoining Grounds may not be deprived of their Fence, or suffer any Damages by filling up such Ditch or Ditches respectively.

If any Ditches
filled up,
Fences to be
made.

VIII. And be it further enacted, That if by the making of any Drain, Ditch, or other Work, by virtue and in pursuance of this Act, the Passage of any Person or Persons to or from his or their Lands or Grounds with Cattle or Carriages or otherwise, shall be obstructed or interrupted, the said Commissioners shall and they are hereby required, before or immediately after such Works shall be completed, to cause all necessary Bridges to be properly built for the convenient Passage of the Occupier or Occupiers of such Lands or Grounds respectively, to and from the same, and with his, her, and their Cattle and Carriages, and to defray the Expence of erecting and making such Bridges out of the Taxes and Assessments hereinafter directed to be raised, which Bridges so directed to be made shall have the Span of the Arch at least as wide as the Bottom of each respective Drain over which such Bridges are to be erected respectively.

Bridges to be
made over
Drains, &c.

IX. And in order that the Expences of obtaining and executing this Act, and of making such new and additional Banks, Drains, and other Works as aforesaid, and of preserving, continuing and supporting the same when completed, shall be borne in due Proportion by the Owners or Proprietors of the Lands or Grounds to be benefited thereby, according to the Quantity and Quality thereof, and in proportion to the particular Share of Benefit each Proprietor's Lands and Grounds will have and receive therefrom, and for the better enabling the said Commissioners to make a just Apportionment of the Monies to be assessed, charged, paid and collected for the Purposes aforesaid; be it further enacted, That the said Commissioners shall cause a Survey and Admeasurement to be made and taken of the Lands and Grounds to be benefited by the said new or additional Works of Embankment and Drainage, and such Survey shall be

Commissioners
to make
Assessments.

[*Loc. & Per.*]

31 T

reduced

reduced into Writing, and the Number of Acres, Roods, and Perches, of the Lands and Grounds of each and every Proprietor so to be benefited by such new and additional Works as aforesaid, shall be set forth therein; and the said Commissioners shall likewise cause such Levels to be taken as they shall think necessary, and shall thereupon at any of their Meetings, examine, determine, and set down in Writing the annual Value *per Acre* of the said Lands and Grounds respectively, and what the same will be worth with the Improvement arising and to arise from the said new and additional Works of Embankment and Drainage; and upon Consideration thereof assess, tax and charge upon the said respective Lands and Grounds, and the Owners and Proprietors thereof with 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 Two first Years, to be computed from the First Day of *July* One thousand eight hundred and thirteen, 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 Two Pounds by the Acre in each of the said Two first Years, for any of the Lands and Grounds so to be improved by such new or additional Works of Embankment or Drainage as aforesaid; and for every Year after the End of the said Two Years, to be computed as aforesaid, with such Sum and Sums of Money to be raised, levied, and paid in respect of every Acre of the said Lands and Grounds, as they shall deem just and reasonable in proportion to 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 an Acre for any of the Lands and Grounds so to be benefited and improved 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, or the Majority of them in Value, to be computed by the annual Assessment herein-after mentioned, at any Meeting or Meetings to be holden for that Purpose pursuant to Notice to be given in Manner directed by the last-mentioned Act, 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 and to be raised and charged in like Manner as other Rates or Taxes by this Act and the said recited Acts are directed to be raised and charged: And the Sum and Sums so to be assessed and taxed, charged and raised, shall in the First Place be applied in, for, and towards defraying the Expences attending the obtaining and executing this Act, and then from Time to Time in carrying on and effecting or supporting and maintaining the necessary Works to be done under and by virtue of this Act; and such Sum and Sums of Money shall be payable and paid to the Collector or Collectors, Receiver or Receivers for the Time being to be appointed to receive the same at such certain Days and Times in each and every Year as shall from Time to Time be limited and appointed for the Payment thereof respectively, and be recovered and recoverable in such and the like Manner as is mentioned and prescribed for the Recovery of Rates or Taxes to be raised under or by virtue of the said recited Acts or either of them.

Application
of the Mo-
ney.

Any Engine
or new Works
to be erected
after the End
of Two Years.

X. Provided always nevertheless, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any Time or Times after the Expiration of the said Term of Two Years, to be computed as aforesaid, to make, erect and execute, or cause to be made, erected and executed any Engine or Engines, or other new or additional Work or Works of Embankment and Drainage, not executed within the
Time

Time aforesaid, upon such Notice being given to them, and such other previous Steps being taken, and the same being determined upon in such Manner as is mentioned and prescribed in and by the last recited Act, with respect to any new Work or Works of Embankment or Drainage; and in like Manner to assess, tax and charge upon the Lands and Grounds to be benefited thereby, 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 Taxes are by the said recited Acts or this Act directed to be recovered and paid.

XI. Provided also, and be it enacted, That nothing in this Act or the said recited Acts contained shall extend, or be construed to extend, to exonerate the Proprietors of the Lands and Grounds within the Parish of *Misterton* aforesaid, from the Payment of their due Proportion of the Expences to be incurred in applying for and obtaining this Act, or the Expences of purchasing Lands or erecting any new Bridges, or executing any new or additional Work or Works of Embankment and Drainage, under the Authority of this Act.

Proprietors of *Misterton* not exempt from any Part of Expences.

XII. And be it further enacted, That the Determination of the said Commissioners for ascertaining and determining the annual improved Value of the respective Lands and Grounds to be benefited or improved by and in consequence of any new or additional Works of Embankment and Drainage to be made under the Powers hereby given, and the Names of the respective Proprietors thereof, and the Proportion and Quantum of the said annual Tax and Assessment to be charged upon and paid in respect of the same as aforesaid, as also the Time or Times when the same shall become due and payable, shall be fairly written or ingrossed on Parchment, and Five Parts thereof shall be signed and sealed by the said Commissioners, one Part whereof shall be delivered to the Clerk of the Peace for the said County of *Nottingham*, and shall be filed with the Records of the said County; and the same or a Copy thereof duly attested by the said Clerk of the Peace to be a true Copy, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling and no more; and for every such Copy not exceeding Seventy-two Words, the Sum of Sixpence and no more, and so in Proportion for any greater Number of Words; and each of the remaining Four Parts thereof shall be deposited and kept in a Box or Chest, and placed in the respective Parish Churches of *Everton*, *Gringley on the Hill*, *Misterton*, and *Walkeringham* aforesaid; and such Determination at all Times thereafter, shall be and be taken to be the Rule and Standard, both as to the Quality and annual Value of the said Lands and Grounds, whereby all Taxes, Assessments, and Rates, to be assessed, charged, raised, levied, and paid upon and in respect of the said Lands and Grounds, under the Authority of this Act shall be laid, taxed, charged, rated, or proportioned at all Times thereafter.

Determination of Commissioners as to the Value of Land, &c. to be on Parchment.

To be filed with the Clerk of the Peace. May be inspected, and Copies taken.

And to be the Standard of all future Rates.

XIII. Provided always, and be it further enacted, That no Assessment, Rate, or Tax shall be charged or levied by virtue of this Act for or in respect of any of the Lands or Grounds within the Township of *Scaftworth* aforesaid, or any Lands or Grounds which shall not receive any Benefit or Advantage

Lands not benefited by new Works to be exempt from Taxes.

Disputes to be determined by the Commissioners.

Advantage by any new or additional Works intended to be made under and by virtue of the Powers hereby given; and if any Disputes or Differences shall arise with respect to the Lands which ought to be deemed liable to be taxed by the Authority of this Act, the Lands in Question shall be thereupon viewed and the Matters in Dispute enquired into and finally determined by the said Commissioners, at one or more Meeting or Meetings to be holden for that Purpose; and the Determination of the said Commissioners shall be reduced into Writing, and signed by them and deposited with their Clerk, and a true Copy thereof shall be delivered to each Proprietor of the Lands and Grounds in Question, or to his, her, or their Agent.

Not to injure the Drainage belonging to the Participants of Hatfield Chace, nor the Navigation of the Idle and Bycarrsdike.

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend, nor shall any of the Powers hereby given to the said Commissioners be exercised or made use of by them so as in any respect to impede, obstruct, prejudice, injure, or damage any of the present Embankments, Drains, or Works of Drainage, belonging to or made for the Use of the Participants of the Level of *Hatfield Chace* and Parts adjacent, or any of them, except as in the said first recited Act is mentioned, or the present Navigation of the Rivers *Idle* and *Bycarrsdike*, or either of them, nor in any respect to injure or damage the Proprietor or Proprietors for the Time being of the said Navigation.

Certain Persons to have a Right of Road from Haxey Gate and Sofs.

XV. And be it further enacted, That it shall and may be lawful for the Owners and Proprietors of Lands or Grounds lying between *Haxey Gate* and the *Sofs*, within the Parish of *Misterton* aforesaid, and their Tenants, Servants, and Labourers at all Times hereafter, with the Consent of the said Commissioners for the Time being, to pass and repass over and upon the *Barrier Bank* between *Haxey Gate* and the *Sofs* aforesaid, either on Foot, or with Horses, Beasts, Carts, and Carriages, to and from their said Lands and Grounds, at their Wills and Pleasure.

Persons aggrieved may appeal to the Sessions.

XVI. And be it further enacted, That in case any of the said Proprietor or Proprietors shall think himself, herself, or themselves aggrieved by the Determination of the said Commissioners, then it shall and may be lawful to and for such Proprietor or Proprietors to appeal to the Justices of the Peace at the then next General Quarter Sessions of the Peace to be holden at *East Retford* aforesaid, after giving Ten Days Notice at least in Writing of his, her, or their Intention to the said Commissioners, or their Clerk for the Time being, and the Judgment of the said Justices thereon shall be final and conclusive to all Parties; and the said Justices shall and may also have full Power to allow Costs to either Party as they shall adjudge reasonable.

Public Act.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially-pleaded.