

The Hatfield Chase Warping and Improvement Act, 1854.

51 G. 3.
c. xxx.

53 G. 3.
c. clxi.

the said Parishes; and another Act was passed in the Fifty-first Year of the same Reign, intituled *An Act for enclosing Lands in the Parishes of Hatfield, Thorne, and Fishlake in the Manor of Haitefield in the West Riding of the County of York*; and another Act was passed in the Fifty-third Year of the same Reign, intituled *An Act for the more effectually draining and improving Lands within the Level of Hatfield Chase and Parts adjacent in the Counties of York, Lincoln, and Nottingham*: And whereas the *Snow Sewer*, which now belongs to the Participants of the Level of *Hatfield Chase*, or to the Trustees of Decreed Lands in *Hatfield Chase*, who hold all the Estates and Property vested in them in trust for the said Participants, might be advantageously improved, and be rendered available to the Purpose of such warping and draining; and the Company having contracted with the said Participants for purchasing the same for the Sum of Five thousand Pounds, it is expedient that the same should for those Purposes be vested in the Company hereby incorporated, upon the Conditions herein-after mentioned, and that the same Company should also have Power to alter and enlarge the said Drain, and likewise to alter and divert the *Ferry Drain* in the Parishes of *Haxey* and *Owston* in *Lincolnshire*: And whereas Plans and Sections, showing the intended Works to be executed with respect to *Snow Sewer* and *Ferry Drain*, and the Lands in which such Works will be executed, and a Book of Reference to the said Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the said Lands, have been deposited for public Inspection with the Clerk of the Peace for the Parts of *Lindsey* in *Lincolnshire*, for *Nottinghamshire*, and for the West Riding of *Yorkshire*: And whereas the Persons herein-after mentioned, with others, are willing, at their own Expense, to effect the Purposes aforesaid: But inasmuch as they cannot do so without the Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

8 & 9 Vict.
cc. 16 & 18.
incorporated
with this Act.

I. "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. This Act may be cited for all Purposes as "The *Hatfield Chase Warping and Improvement Act, 1854.*"

Subscribers
incorporated.

III. *John Wallbanke Childers, Henry Lister Maw, Robert Baxter, William Carr, John Brunyee, Edmund Baxter, Makin Durham, and John Foster*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the said Undertaking, and their

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their respective Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purpose of draining, warping, and otherwise improving the District of low Lands in *Hatfield Chase*, as defined by the Map herein-after mentioned, according to the Provisions of this Act and of the Acts incorporated herewith, and for other the Works and Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Hatfield Chase Warping and Improvement Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase, hold, and sell Lands for the Purposes of the Undertaking, with the Restrictions herein and in the Acts herewith incorporated contained, and shall have all such other Powers as are given by this Act or by the Acts incorporated herewith.

IV. And whereas the estimated Expense of the said Drainage, Warping, and Improvement, and of the Works incident thereto, is Thirty thousand Pounds: Be it enacted, That the Capital of the Company shall be Thirty thousand Pounds. Capital.

V. The Number of Shares into which the Capital shall be divided shall be Three thousand, and the Amount of each Share shall be Ten Pounds. Number and Amount of Shares.

VI. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company shall make on the Shareholders, and Three Fifths of each Share shall be the greatest aggregate Amount of Calls that may be made in any One Year upon any Share, and One Month's Notice at the least shall be given of each Call. Calls.

VII. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Ten thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Thirty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up. Power to borrow Money on Mortgage.

VIII. The Number of Shareholders to call or require to be called an Extraordinary Meeting of the said Company shall be Three or more, such Three or more Shareholders holding in the aggregate Five hundred Shares or upwards in the said Undertaking upon which all Calls actually due shall have been paid and satisfied. Power to Shareholders to call Special Meetings.

IX. The First Ordinary Meeting of the Company shall be held within Nine Months after the passing of this Act, and the Number constituting a General Meeting of the Company shall be Four or more Shareholders holding in the aggregate Five hundred Shares or upwards in the Undertaking. First Ordinary Meeting.

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Number and Qualification of Directors.

X. The Number of Directors shall be Eight, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Application of Capital.

XI. All the Money raised either by Shares or by Mortgage or Bond, under the Provisions of this Act, shall be applied only to the Purposes of this Act: Provided always, that it shall not be requisite for any Mortgagee or Bondholder of the Company to see to the Application of the Money advanced by him.

First Directors.

XII. The Persons herein-before named shall be the First Directors of the Company.

Quorum.

XIII. The Quorum of a Meeting of Directors shall be Three.

Power to vary the Number of Directors.

XIV. It shall be lawful for the Company to increase or diminish the Number of Directors, provided that there shall at no Time be more than Nine nor less than Four Directors.

Newspapers for Advertisements.

XV. All Advertisements by the Company shall be inserted in "The Times" Newspaper, and also in "The *Doncaster Chronicle*" or "*Doncaster Gazette*," or if those Newspapers shall cease to be published, then in some other Newspaper published in *Doncaster*.

As to Snow Sewer and Ferry Drain.

XVI. It shall be lawful for the Company to purchase the *Snow Sewer* aforesaid of the Participants of *Hatfield Chase*, and upon Payment by the Company of Five thousand Pounds Sterling to the Trustees of Decreed Lands, in trust for the said Participants; and a Receipt under the Hands of any Two of such Trustees, provided such Receipt shall have an *ad valorem* Stamp Duty impressed thereon, denoting the Payment of the full and proper Stamp Duty which would be payable upon or in respect of a Deed of Conveyance of such Estate or Interest made in consideration of the Sum of Five thousand Pounds Sterling being given for the same, all the Right and Interest of the said Participants and of their said Trustees in the said *Snow Sewer*, and all the Banks, Sluices, and Appurtenances, shall become the absolute Property of the Company, their Successors and Assigns; and it shall also be lawful for the Company to enter upon the *Ferry Drain*, and to divert the same in all such Parts as may be requisite, and also to widen, deepen, straiten, and otherwise improve the said *Snow Sewer*, and to construct and maintain Banks, Side Cuts, Gates, Sluices, Roads, and other Works in connexion with the said Drains, according to the Plans deposited as herein-before recited, and within the Lands shown on the same Plans and described in the Books of Reference deposited therewith, and to enter upon, use, and take the said Lands for the Purposes aforesaid, and subject to the Restrictions contained in this Act and in the Acts incorporated therewith.

XVII. The

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XVII. The Company, in making or carrying on the Works hereby authorized, shall not in any Manner injure or impede the Drainage by the said *Ferry* Drain, and in diverting Parts of the said *Ferry* Drain the Company shall make the same of equal Dimensions and of equal Depth with the existing *Ferry* Drain, where the same may be diverted, and all Diversions to be made by the Company in the said *Ferry* Drain or in any Drains connected therewith, and all Sluices, Openings, Banks, and Bridges, (if any) and Works appertaining to the same, shall be made and completed before any Works for the Enlargement of that Part of the said *Snow* Sewer, or the adapting the same for the Purposes of warping, which may necessitate such Deviation, shall be commenced, and the Company shall make good to the Landowners whose Lands drain by the said *Ferry* Drain or any other Drain connected therewith or constructed under the Powers of "The *Isle of Axholme* Inclosure Act," (other than the said low Lands so intended to be warped,) all Loss and Damages (if any) which shall at any Time or Times be occasioned or shall arise to them by reason of the diverting or constructing of the Works of the Company or any of them, or by reason of the Diversion of or Interference with the said Drain by the Company, or by reason of the carrying on of the Warping Process, whether such Loss or Damage shall be occasioned by the Insufficiency of Works, or breaking of Banks, or the Overflow of Water, or from any other Cause; and the Company shall not have any Right to make use of the said *Ferry* Drain, whether before or after such Diversions thereof as aforesaid, or any of the Drains, Sluices, or Openings connected or to be connected therewith, for the Purpose of passing or returning their Backwater to the River *Trent*, or otherwise for the Purpose of carrying on their Process of Warping; and if any Difference shall arise between the Company and the Parties interested in the Drainage by the same *Ferry* Drain respecting the Works upon the same *Ferry* Drain, it shall be lawful for the Justices of the Peace for the Division in which the said Drain lies, in Petty Session assembled, upon Complaint laid before them, to make such Order therein from Time to Time as may be necessary to ensure this Provision being carried into effect; and every such Order shall, subject to Appeal as herein-after mentioned, be performed by the Company: Provided that every such Order shall be subject to Appeal to the General Quarter Sessions for the said Division; but so that Notice of the said Appeal be given within One Month after the Service of such Order, and that such Appeal be entered at the General Quarter Sessions which shall occur next after the Expiration of Ten Days from the Delivery of such Notice; and when such Diversions shall be completed, the same shall for all legal Purposes form Parts of and be considered as Parts of the original *Ferry* Drain, as if such Drain had been originally constructed in such deviated Course under the Powers of the said first-recited Act; and all such Parts of the said *Ferry*

Provision for
Efficiency of
Ferry Drain.

[*Local.*]

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Drain

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Drain which by such Deviations shall be abandoned shall become the Property of the Company.

Map to be deposited.

XVIII. Before the Company shall exercise any of the Powers conferred by this Act, a Map of the District of low Lands over which the Power of Warping conferred by this Act is intended to be exercised, such Map having been authenticated by the Signature of the Honourable *Edward Pleydell Bouverie*, together with a Book of Reference to the said Map, containing the Names of the Owners and Lessees, or of the reputed Owners and Lessees, and of the Occupiers of the Lands shown on the said Map as intended to be warped, shall be deposited at the Offices of the several Clerks of the Peace herein-before mentioned, to be retained therein, and to be open to the Inspection and Use of all Persons interested, in the same Manner and upon the same Conditions as are prescribed (touching the Documents therein referred to) by the Act passed in the First Year of the Reign of Her present Majesty, “to compel Clerks of the Peace for Counties
“and other Persons to take the Custody of such Documents as shall
“be directed to be deposited with them under the Standing Orders
“of either House of Parliament.”

7 W. 4. &
1 Vict. c. 83.

Power to enter upon and hold Lands.

XIX. Subject to the Provisions in this Act and in the Acts incorporated herewith contained, it shall be lawful for the Company, without being liable to make any Compensation, to enter into and upon and hold the Lands delineated on the said Maps, and therein distinguished as intended to be warped, for the Purposes of draining, warping, and improving the said Lands; and it shall also be lawful for the Company, with the Consent of the Owners thereof, to purchase any Part of such Lands, and also to purchase by Agreement but not by Compulsion, and hold any other Lands near or adjoining to the same Lands, and suitable for advancing such Purposes of Improvement.

Errors and Omissions in Book of Reference may be corrected by Two Justices, who shall certify the same.

Certificate to be deposited.

XX. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described in the Books of Reference already deposited as herein-before recited, or to be deposited as aforesaid, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the County in which such Lands are situate, and shall also be deposited with the Parish Clerks of the several
Parishes

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Parishes in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Clerk of the Peace and Parish Clerks respectively along with the other Documents to which they relate, and thereupon the said Books of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

XXI. Before the Company enter upon any of the said Lands for the Purpose of warping the same, they shall give at least Nine Months Notice in Writing of their Intention so to enter to the Owners, Lessees, and Occupiers of the same Lands, by delivering such Notice personally to or by leaving the same at the last known Place of Abode of the said Owners, Lessees, or Occupiers; and at the Expiration of the said Notice the Company may, without being liable to make any Compensation, enter upon the Lands mentioned therein, and hold the same, and construct thereon Banks, Sluices, Gates, Drains, and Goits; and do all necessary Acts for the warping and draining thereof: Provided always, that, excepting as to the Sites of the main Warping Inlets, which must be occupied by the Company so long as such Inlets shall be used for warping more distant Lands, the Company shall not keep Possession of any particular Lands for the Purpose of warping the same for a longer Period than shall be necessary to construct Embankments and overflow the same with the tidal Waters, and under no Circumstances exceeding Five Years after their First Entry thereon; but at the Completion of the regular Course of such warping, or in case of unforeseen Impediments at the Expiration of the said Period of Five Years at the utmost, and upon the Conditions herein-after mentioned, the said Land shall be restored to the Owner thereof.

As to Entry
on Lands.

XXII. And whereas the warping of the said Eight thousand Acres of Land, and the bringing of them into a State of Cultivation can only be effected gradually, and must occupy a long Space of Time: Be it enacted, That, subject to the last preceding Provision, the Powers of the Company for the warping of the said low Lands shall continue for Fifty Years, and the Company shall warp all the Lands subject to the Powers of this Act, in their proper Order and Rotation, according to their respective Positions with reference to the warping now in operation on the said *Snow* Sewer Drain, so as to create as little Expense and Delay both to the Company and Landowners as practicable; and any Difference which shall arise between the Company and Landowners with respect to the Order in which the said Lands shall be warped shall be settled by Arbitration in the Manner herein-after mentioned, due Regard being had in such Arbitration to the respective Positions of the said Lands with reference to the warping in operation at and before the Time of the passing of this Act: Provided always, that it shall be lawful for the Company (at the Request
of

Duration of
Company's
Powers.

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of the Owners of Four Fifths in Extent of the said low Lands), instead of completely warping each Portion thereof on which they shall have entered, to warp by Half the usual Thickness of Deposit in the first instance the whole District, and subsequently to recommence and complete the warping thereof to the full usual Depth of Deposit, or to adopt any other Plan which may be agreed on between the Company and the said Owners, or Four Fifths in Extent of such Owners, for effecting the Purposes of this Act; but in the event of the Company in the first instance only warping the said Lands to Half or any other Proportion of the usual Thickness of Deposit, it shall be compulsory upon them to complete the warping of such Lands in their respective Order and Rotation to the said full usual Depth of Deposit.

As to Differences concerning Order of warping.

XXIII. If any Difference shall arise between the Company and the Owners of any of the said low Lands, other than the Queen's Majesty, concerning the Order in which their Lands are to be warped, it shall be lawful for the said Landowners or any of them, by Writing under their Hands, to require the Company to refer the Matter in difference to Arbitration, in the Manner prescribed by the "Lands Clauses Consolidation Act, 1845," and for the Purposes of such Reference the Landowners demanding the same shall be deemed one Party, and the Company shall be deemed the other Party; and the Arbitrators shall, within Fourteen Days after their Appointment, give Notice by Advertisement, published for Two consecutive Weeks in One or both of the Newspapers aforesaid, of the Time of the Meeting of such Arbitrators; and all Persons interested in the Matter in dispute shall be at liberty to attend before the said Arbitrators, or before the Umpire to be appointed as herein-after mentioned, and to be heard before the said Arbitrators or the said Umpire concerning his Interest in the Matter in dispute: Provided always, that if the said Arbitrators shall not at their First Meeting nominate an Umpire, such Umpire shall be nominated by the Inclosure Commissioners for *England and Wales*, and the Costs of any such Arbitration and incident thereto shall be paid as the Award of the said Arbitrators or Umpire may direct.

Price to be paid to Company for warping.

XXIV. So soon as the Company enter upon any Land for the Purpose of warping the same, in pursuance of and at the Expiration of such Notice to the Owners and Occupiers thereof as aforesaid, the Owner of such Land shall pay to the Company a Sum of Ten Pounds and Ten Shillings for every Acre so entered upon, and a proportionate Sum for every Quantity less than One Acre; and when the said warping is completed the Owner of the said Land shall, before the Possession thereof is delivered up to him, and after the Expiration of Six Months Notice to him that the Possession of the said Land will be

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be delivered up to him, pay to the Company a further Sum of Ten Pounds and Ten Shillings an Acre, with such proportionately smaller Sum in addition as aforesaid: Provided always, that in calculating the Second Payment of Ten Pounds and Ten Shillings so to be made by the Owner of any Land there shall not be taken into account the Space occupied by any external Embankment made by the Company which may be upon the same Land at the Time that the same is delivered up as aforesaid, but the Land occupied by such external Embankment shall be exempt from the said Second Payment; Provided also, that in case a greater Proportion of Embankments, Drains, or Inlets shall be placed upon the Lands of any Proprietor of low Grounds than shall be placed upon the Lands of the other Proprietors included in the same warping, or in case the said low Lands or any Part thereof shall be warped by two separate Floodings as aforesaid, so as to render the Continuance of the external Embankments, Drains, or Inlets necessary, or in case such warping shall be concluded in One Flooding, and the Owners of any Plot so embanked, or of Three Fourths in Value of such Lands, shall desire the external Embankments, Drains, or Inlets to be preserved, and of such Desire shall give Notice in Writing under their Hands to the Company, the Company shall thereupon, as between the Owners of the whole of such Plot and the Owners of the particular Portions upon which such external Embankments, Drains, or Inlets shall stand, estimate the Value of the Land occupied by such external Embankments, Drains, or Inlets, and apportion the same upon the remaining Lands of such Plot by an equal Acre Rate, and such Acre Rate shall be paid by such Owners to the Company in addition to the Payments herein-before specified, and shall be by the Company paid to the Owners of the Lands forming the Site of such external Embankments, Drains, or Inlets, and the several Powers in this Act contained for the Recovery and for charging by way of Mortgage of the said Sums of Ten Pounds and Ten Shillings *per* Acre shall extend to the said last-mentioned Acre Rate.

XXV. If any Difference shall arise between the Company and any Owner of Land, other than the Queen's Majesty, as to the Adequacy of the warping of his Land, and the consequent Right of the Company to receive the Second Payment hereby reserved, such Matter in difference shall be referred to Arbitration in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration; and the Arbitrators or Umpire, in making the Award, and in determining the Adequacy of the warping by the Company, shall have reference to the usual Method of warping in the neighbouring Districts, and to the Condition of the Lands so warped: Provided always, that until the Award shall be made the Company shall hold the Lands in question, and enjoy the

Arbitration
as to Ade-
quacy of
warping.

[*Local.*]

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Profits

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Profits thereof, giving Credit for the same to the Owner thereof, and the Owner shall not be required to make the said Second Payment in respect thereof: Provided also, that such Owner shall give Notice in Writing to the Company of his Dissatisfaction with the warping of his Land, and also of his Intention to withhold the said Second Payment, at least Three Months before the Notice herein-before mentioned of the Intention to deliver up his Lands to him shall have expired.

Power to
alter and
construct
Drains and
other Works.

XXVI. Subject to the Provisions in this Act contained, it shall be lawful for the Company, for the Purposes of this Act, to set out and make in the said low Lands such temporary Inlets, Cadge Banks, Bridges, and other temporary Warping Works, and also all such permanent Drains, Ditches, Watercourses, Tunnels, Banks, and Bridges, of such Size, Extent, and Form, and in such Situation, as they shall deem necessary, and also to enlarge and cleanse or alter the Course of and improve any of the present Drains, Ditches, Streams, or Watercourses, Banks, and Bridges, other than the said *Ferry* Drain, as well in, through, over, and adjoining the said low Lands, as also in, through, over, and by the Side of any of the public Roads or Ways, or (with the Consent of the Owners thereof) in, through, or over any ancient Inclosures or other Lands within the Parishes aforesaid, as the Company shall deem necessary (making Satisfaction to the Proprietors of such ancient Inclosures or Lands for the Damage done thereby): Provided always, that in no such permanent Drain, Ditch, Stream, or Watercourse so constructed or enlarged shall the Width of the same at the Bottom thereof exceed Eleven Feet: Provided also, that, except by the Enlargement of the existing Drains, no such permanent Drains shall be made in that Part of the said low Lands which lies between *Sanderson* Bank and *Thorne* Bank, and between the *Idle* Bank and the *Wroot and Misson* Road.

Power to
stop up and
alter Roads,
&c.

XXVII. Subject to the Provisions in this Act contained, it shall be lawful for the Company to stop up or alter and divert any of the Roads or Highways, or any Drains, Sewers, Watercourses, and Ditches which may pass through or over the low Lands intended to be warped, other than the said *Ferry* Drain, and instead thereof in such Case the Company shall set out any other Roads or Highways, as convenient to the Public or Proprietors: Provided, that if any such Roads so proposed to be stopped up or diverted shall be a public Highway the same shall not be stopped up or diverted except with the Consent and under the Order in Writing of any Two Justices of the Peace for the County in which such Portion of Road is situate, made after Notice of the Intention to stop up or divert the same shall for Four successive Weeks have been affixed at each End of such public Highway, and on the Church Doors of the Parish in which such Highway may be situate: Provided also, that all the Provisions of the Act passed in the

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the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, whereby Persons thinking themselves aggrieved by the stopping up or diverting of a Highway in pursuance of the Order of Two Justices are empowered to appeal to the Justices of the Peace in Quarter Sessions assembled, shall apply to and be incorporated with this Act: Provided, that wherever any such Road can be conveniently restored after the Completion of the said warping, it shall be lawful for any such Two Justices, if they shall think fit, to order the same to be restored, and the same shall then be restored with all convenient Speed by the Company.

5 & 6 W. 4.
c. 50.

XXVIII. It shall be lawful for the Company, at any Time, if they shall think proper, in executing the Works authorized by this Act, to contract and agree with any Person or Parties interested in any other low Lands or Grounds near or adjacent to the said low Lands, for the Use of any then existing Drains and Works, either of the Company or of such Persons or Parties, or for the making, repairing, and maintaining of any Banks, Catch-water Drains, or other Works of Drainage or Embankment which the Company and such last-mentioned Persons or Parties may consider necessary or expedient for draining, embanking, or preserving such respective Lands and Grounds, or for the warping of the same, upon such Terms, Conditions, Stipulations, and Agreements to be entered into between them respectively as such contracting Parties may agree upon.

Power to
agree with
Persons in-
terested in
draining
adjoining
Land.

XXIX. The said Lands so warped shall remain liable for and be a Security to the Company for the Sums owing in respect thereof, in priority to any other Charges which may at the passing of this Act or at any other Time affect the same; and it shall be lawful for the Company to hold and keep possession, and let and demise the same, and receive the Rents thereof, until such Sums shall be fully paid and discharged, together with Interest upon such Part of the said Sums as shall for the Time being remain unpaid, after the Rate of Five Pounds *per Centum per Annum*, such Interest to commence with respect to each particular Part of the same Lands, as regards the First Payment on the Day when the Company shall have entered on the said Lands, and as regards the Second Payment at such Time as that. One Twelvemonth's Interest shall be due upon such Rates on the First of *September* of the Year in which the First Crop shall be grown on such improved Land, and upon Payment of the Sums so due, with Interest as aforesaid, the Company shall deliver up the said Lands to the Owner thereof, and assign to the said Owner any Lease affecting the same: Provided, that no Lease shall be granted of the same Lands for any longer Period than Seven Years, and

Lands to
remain in
the Hands of
the Company
till Sums
charged on
them are paid
with In-
terest.

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and that the same shall be let at the full improved Value: Provided also, that the said low Lands shall alone be liable to the Payment of the said Sums due in respect thereof, and that the Owners or Occupiers thereof respectively shall not be personally or in respect of any other Property liable to such Payment: Provided also, that the said Company shall and they are hereby required (on Request in Writing made to the Secretary of the Company by the Party or Parties requiring the same) to render in Writing, at least Once in each Year, a full and true Account of all Rents received by them, and of all Rates and Interest due to them, and of all other Matters in respect of all Lands belonging to the Party or Parties requiring such Account of which the Company shall so hold and keep Possession under the Powers of this Act.

Company
may raise
Money on
the Security
of warped
Land.

XXX. In every Case in which the Sums owing in respect of the Lands so to be warped shall not be paid, but remain a Charge on the same Lands as aforesaid, it shall be lawful for the Company, after giving Six Months Notice in Writing to the Owners of such Lands to pay the Sum so owing as aforesaid, to issue Mortgages under their Common Seal for the Amount of the Sums so unpaid, at any Rate of Interest not exceeding *Five per Centum per Annum*, and specifying the Lands upon which such Sums are chargeable; and such Mortgages, duly stamped, shall entitle the Holder thereof to exercise the Powers by the last preceding Section vested in the Company for the taking possession of, the demising, and the Receipt of the Rents of such Land, until the Sums so charged shall be fully paid; provided, that every such Mortgage shall be authenticated by the Signature of the Owner or Party for the Time being entitled to the Rents of the same Lands, or, in case of his Refusal or Absence, by some Justice of the Peace for the Division in which such Lands may lie, which Signature such Justice is authorized to give, after Summons to such Owner or Party, served on the last known Occupier of the same Lands, and such Owner, Party, or Occupier failing to show due Cause against the same; but the Validity of such Mortgage shall, after the Signature of such Justice, not be affected by any Error or Neglect in such Summons or Service as aforesaid.

Owners of
low Lands
empowered
to raise
Money
thereon.

XXXI. And whereas some of the Owners and Proprietors of the said low Lands may have Occasion to borrow Money to defray their respective Shares and Proportions of the Expenses incident to and attending such Improvement, but cannot, by reason of some Incapacity or Impediment, make effectual Securities for Money so to be borrowed: Be it therefore enacted, That it shall and may be lawful to and for all or any of the said respective Owners or Proprietors, ecclesiastical or lay, being Tenants for Life or in Tail, and also for the Husbands, Guardians, Committees, Trustees, or Attorneys of or for such

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such of the said Owners or Proprietors as shall be under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, by Writing under their Hands and Seals from Time to Time to charge the said Lands so to be warped by virtue of this Act with such Sum or Sums of Money as will fully defray their respective Shares and Proportions of the Charges and Expenses incident to and attending such Improvement; and for securing the Repayment of such Sum or Sums of Money, with Interest, the Person or Persons borrowing the same respectively may, by Indenture or other Deed under his, her, or their Hand and Seal or Hands and Seals, and attested by Two or more credible Witnesses, grant, convey, mortgage, lease, or demise such Lands as aforesaid, either in Fee Simple or for any Term or Number of Years or otherwise, unto or in trust for such Person or Persons as shall advance and lend such Money, so that every such Grant, Conveyance, Mortgage, Demise, or Security shall be made with a Proviso or Condition to cease and be void, or with an express Trust to be assigned, surrendered, or reconveyed, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and shall also contain a Covenant to pay and keep down the Interest of the thereby secured Money during the Life of the Mortgagor in possession, and also a Covenant for the Repayment within the Space of Twenty-five Years of the Principal Sum secured by the said Deed, by Instalments to be fixed in the said Deed, and that no Person afterwards becoming possessed of any such Lands or Grounds shall be liable to any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced, and that every Grant, Conveyance, Mortgage, Lease, or Demise so to be made shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Tenants for Life or in Tail or other Person or Persons as aforesaid, any Law, Usage, Settlement, Will, Trust, Use, Remainder, or Limitation to the contrary notwithstanding.

XXXII. Provided always, That, subject only to such Interference with the same Works as will be necessary to carry the Provisions of this Act into effect, nothing in this Act contained shall extend or be construed to extend to lessen, defeat, prejudice, alter, or affect the Jurisdiction, or any of the Rights, Privileges, Powers, or Authorities of or in anywise belonging to the Commissioners of Sewers for the Time being of and for the Level of *Hatfield Chase* and Parts adjacent in the Counties of *York*, *Lincoln*, and *Nottingham*, with respect to the Walls, Banks, Culverts, Rivers, Streams, Sewers, Drains, Ditches, Watercourses, Hedges, Dams, Floodgates, Cuts, Calcies, Sluices, Cloughs, or other Works, Aids, and Defences whatsoever which now are or at any Time or Times and from Time to Time for ever

Reserving
Rights of
Commission-
ers of Sewers
of Hatfield
Chase.

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hereafter shall or may be within, under, and subject to the Control, Survey, Order, Direction, or Management of the said Commissioners of Sewers, but that the same, and all the Estate, Right, Title, or Interest which the said Commissioners of Sewers now have, or shall, can, or may have therein respectively, shall remain, continue, and be in the said Commissioners of Sewers as fully, beneficially, and effectually, to all Intents and Purposes, as if this Act had not been passed; and also that all Works hereafter to be made by virtue of the Powers given by this Act shall, when made (so far as relates to or concerns the Drainage and Preservation of the Level and Parts aforesaid, or any Part or Portion thereof), be under and subject to the like Control, Survey, Order, Direction, or Management of the said Commissioners of Sewers; and all Lands now liable to any Drainage Rates imposed by the said Commissioners shall continue subject and liable to the same respectively, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Power to Company to purchase Lands intended to be warped, but shall re-sell them within 5 Years after being warped; all other Lands, &c. vested in Company by this Act to be sold by them within 55 Years, &c.

XXXIII. It shall be lawful for the Company to purchase, with the Consent of the Owner thereof (such Owner being competent to convey the same), any Part of the low Lands so intended to be warped: Provided always, that all Lands so purchased by the Company shall be re-sold by them within Five Years after the same shall have been completely warped; and all other Land and Hereditaments to be vested in the said Company by the Authority of this Act shall be sold by the said Company within Fifty-five Years after the passing of this Act, unless, by reason of some Defect of Title alleged on the Part of the Purchaser, or by reason of any rescinding or Abandonment of any Contract for the Sale thereof, or by reason of any Breach of Contract, or any Action, Suit, or other Proceeding at Law or in Equity relating thereto, or on any other Account, the Completion of such Sale shall be unavoidably impeded, in which Case such Sale shall take place within Twelve Calendar Months next after such Impediment shall be removed.

Purchasers not bound to inquire into Delays in Sales, or liable to have their Titles affected thereby.

XXXIV. Provided nevertheless, That no Purchaser from the said Company, after the Expiration of the said Space of Five Years or of Fifty-five Years, shall be bound to inquire into the Occasion of the Delay incurred in making any such Sale, or shall be liable to have his Title to the Hereditaments so purchased, impeached, defeated, or anywise affected by any such Delay, for whatever Cause, any more than if such Sale had been made to him and completed within such Space of Five Years or of Fifty-five Years respectively.

Power for Company to sell Lands.

XXXV. It shall be lawful for the said Company, at such Times and in such Portions and in such Manner as to them shall appear expedient (but within the Period aforesaid), and either by Public Auction or
Private

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Private Contract, to make sale and absolutely dispose of all Lands to be vested in the said Company under the Authority of this Act, and by Deed under their Common Seal, and in such Form, *mutatis mutandis*, as is in the said Lands Clauses Consolidation Act directed or prescribed with regard to to the Conveyance of superfluous Lands, or in such other Form as the said Company shall order or direct, to convey and assure the said Lands, or such Part or Parts thereof as shall from Time to Time be sold, unto the Purchaser thereof and his Heirs, or as he shall direct; and the Receipts of any Two Directors of the said Company for the Purchase Monies or for any Part thereof shall be a sufficient Release and Discharge to the Purchaser for so much Money as in such Receipt shall be acknowledged to be received; and until such Sale shall be made as aforesaid it shall be lawful for the Company from Time to Time to let, set, and demise the same Lands, for any Term which the Company may have therein, unto such Persons, and for such yearly and other Rents, and subject to such Provisions and Restrictions, and in such Manner, as to the said Company shall seem fit.

Receipts of
Directors
sufficient.

XXXVI. If any Person shall throw or wilfully place any Rubbish or other Material in or upon any Parts of the Works of the Company (unless by Authority of the said Company), or shall wilfully obstruct or prevent any Person in the lawful Execution of this Act, or shall do any Matter or Thing to obstruct the free Passage of the Watercourses, Roads, Ways, and other Works, or injure or damage any of the Embankments by this Act authorized or required to be done, he, and every Person aiding or assisting therein, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, in addition to the Amount of any actual Damage which may be thereby sustained by the Company.

Penalty on
Persons ob-
structing
Works.

XXXVII. Nothing whatsoever contained in this Act, or in any of the Acts herein referred to, shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving
Rights of
the Crown.

XXXVIII. All

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Expenses
of Act.

XXXVIII. All the Costs, Charges, and Expenses of obtaining and passing this Act, or otherwise incidental thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.