



CHAPTER clxxxvii.

An Act for incorporating a Board of Drainage Commissioners with powers to drain and improve certain lands in the townships of Reedness and Swinefleet in the parish of Whitgift in the west riding of the county of York. A.D. 1884.

[28th July 1884.]

WHEREAS in the thirty-second year of the reign of His Majesty George the Second an Act (herein-after called the Act of 1760) was passed intituled "An Act for establishing and rendering effectual certain articles of agreement for the inclosing and dividing certain commons or waste grounds called Redness and Swinefleet Pastures in the county of York":

And whereas the said Act proceeded on the preamble that certain articles of agreement bearing date the first day of January one thousand seven hundred and fifty-nine had been made wherein it was recited that there were two several commons or parcels of waste ground called and known by the names of Redness and Swinefleet Pastures situate lying and being together and undivided between the several townships of Redness and Swinefleet aforesaid and the boundaries thereof unknown betwixt the said townships containing in the whole one thousand two hundred acres or thereabouts in which said commons and waste grounds the owners and occupiers of messuages cottages frontsteads and lands lying within the said townships had from time immemorial usually had and enjoyed a right of common for their cattle levant and couchant upon the said messuages cottages frontsteads and lands exclusive of all others and also reciting that the persons therein referred to were desirous and had agreed that the said commons and waste grounds should be enclosed severed and divided and that a specific part and share thereof should be allotted to each of them:

And whereas by the Act of 1760 after further reciting that such inclosure division and allotment and the perfecting and completing of the several matters so agreed upon would tend to the general good as

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well as to the manifest advantage of the several persons interested in the premises it was inter alia enacted that the said commons and waste grounds called "Redness and Swinefleet Pastures" intended to be divided and inclosed as aforesaid should be divided set out and allotted by the Commissioners therein named and their successors to be elected as therein-after mentioned or any three or more of them and also that the Commissioners should draw up an award or instrument in writing which should contain the particulars in the said Act mentioned and should be enrolled in the register office kept at Wakefield in and for the west riding of the county of York and also that the Commissioners should set out and appoint public and private ways and roads banks ditches fences gates drains cloughs bridges and stiles as they should think necessary and convenient for the purpose of dividing and draining the said new enclosed grounds and for defending the same from floods and waters which might come upon or affect the same and to enlarge and widen ancient watercourses sewers and ditches and to make new watercourses ditches sewers and cloughs and also to make the other works in the said Act more fully mentioned and also that rates should be levied by authority of the Commissioners :

And whereas the Commissioners by an award dated the fourteenth day of April one thousand seven hundred and sixty made in pursuance of the said Act and duly enrolled duly divided assigned set out and allotted and appointed all the said commons and waste grounds unto and amongst the persons therein named and thereby ordered and awarded that certain banks ditches drains bridges roads ways and other works should be made and that a rate should be levied as therein mentioned :

33 G. 3.
c. 108
(1793).

And whereas in the thirty-third year of the reign of His Majesty George the Third an Act (herein-after called the Act of 1793) was passed intituled "An Act for draining dividing inclosing and improving all the moor lands in the townships of Redness and Swinefleet in the parish of Whitgift in the west riding of the county of York" whereby (after reciting that there were within the aforesaid townships of Redness and Swinefleet several parcels of open lands called the moors containing by estimation two thousand acres or thereabouts and that the same were frequently overflowed and always much annoyed by water and were thereby rendered of very little value to the owners thereof and the said lands also lay dispersed in small parcels and on that account were very inconveniently situated but the same were capable of cultivation and improvement and that it would be very advantageous to the several persons interested therein and would be also of public utility if the same were drained and specific allotments made to the proprietors

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thereof according to their respective rights and interests therein and such allotments inclosed) it was enacted that certain Commissioners therein named and their successors to be appointed as therein-after mentioned were thereby appointed Commissioners for draining dividing allotting and inclosing the said lands and grounds and for carrying the said Act into execution. And also that the Commissioners should draw up an award in writing which should contain the particulars in the said Act mentioned and should express proper orders and directions for fencing and ditching the said lands and keeping the said fences and ditches in repair and also for laying out making and maintaining proper roads ways passages drains and sewers in over or through the said lands and grounds and such other orders as therein mentioned and also a rule or rate of proportion by which all future assessments to be laid by the trustees to be appointed in pursuance of the said Act should be made and laid which said award should be enrolled in the public register office at Wakefield aforesaid and also that the Commissioners should after the execution of the said award in writing nominate and appoint five persons qualified as therein provided to be from thenceforth trustees for putting the said last-mentioned award into execution for the purpose of supporting and preserving all such drains sluices banks cloughs or other works which should be made or erected in pursuance of the said Act and for the making and completing any such works as should be directed to be made by the said award and which should not be made or should not be completed by the Commissioners and that the powers of the Commissioners should cease after such nomination and appointment :

And whereas the last-mentioned Commissioners by an award dated the twenty-first day of January one thousand eight hundred and one made in pursuance of the Act of 1793 and duly enrolled expressed orders and directions for fencing and ditching the said lands and keeping the said fences and ditches in repair and for laying out making and maintaining divers roads ways passages drains sewers banks and other works and also divided and allotted the said lands and also made provision for the future rates or assessments to be laid by the trustees and their successors for putting the said Act into execution for the purpose of cleansing repairing supporting and preserving all the said drains sluices banks cloughs roads gates and other works then made or erected in pursuance of the said Act and for making finishing completing cleansing repairing supporting and preserving all such works as were directed to be made by the said award which were not completed by the said Commissioners :

And whereas successors were not appointed to the Commissioners named by the said Act of 1760 :

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And whereas trustees were appointed under the powers of the said Act of 1793 for putting that Act into execution and their successors are still in office but the powers of such trustees are insufficient for the efficient drainage of the lands referred to in the said Act of 1793 which are at times completely covered with water and the lands referred to in the Act of 1760 are in the same state :

And whereas other lands adjoining the lands referred to in the Act of 1760 and lying between those lands and the River Ouse are also liable to be flooded and no special statutory provisions have yet been made for the drainage thereof :

And whereas it is expedient to provide for the more effectual drainage and preservation of the said lands and works and for metalling and putting in a substantial state of repair certain roads and lanes thereon and for this purpose to repeal the Acts aforesaid and constitute and incorporate Commissioners with further powers for more effectually carrying off the water from all the lands aforesaid and the other powers herein-after mentioned :

And whereas the objects of this Act cannot be effected 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 (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the Reedness and Swinefleet Drainage Act 1884.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 (except the provisions of the Act of 1845 with respect to the purchase of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) the Commissioners Clauses Act 1847 and the provisions of the Public Health Act 1875 relating to byelaws and to the prosecution of offences and recovery of penalties (except where expressly varied by or inconsistent with this Act) are incorporated with and form part of this Act. Provided that the expression "the local authority" as used in the Public Health Act 1875 shall mean the Commissioners constituted by this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act

wholly or partially incorporated with this Act shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

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The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to works for the accommodation of lands adjoining the railway are also incorporated with this Act provided that the said incorporated provisions of the Railways Clauses Consolidation Act 1845 shall be construed so that:

- (1.) The expression "the company" therein shall mean for the purposes of this Act the Commissioners constituted by this Act: and that
- (2.) The expression "the railway" therein shall mean for the purposes of this Act any work by this Act authorised.
- (3.) The expression "owner" shall mean the person for the time being receiving the rent of such lands whether on his own account or as receiver agent or trustee for any other person or who would so receive the same if such lands were let.

4. From and after the passing of this Act the said Acts of 1760 and 1793 shall respectively be repealed and the powers and duties of the said trustees under the Act of 1793 shall absolutely cease but such repeal and cesser shall be without prejudice to any act or thing done or to the recovery of any expenses incurred by the trustees under the provisions of those Acts or either of them before the passing of this Act and all lands houses buildings cuts channels drains watercourses dams sluices cloughs roads lanes works and property of every other description of or belonging to the commissioners or trustees appointed under or in pursuance of the aforesaid Acts of 1760 and 1793 or either of them shall be transferred to and become vested in the Commissioners appointed by this Act.

Repeal of
existing
Acts.

5. There shall be seven Commissioners for carrying this Act into execution to be elected from time to time in manner by this Act provided and the Commissioners for the time being acting in execution of this Act shall be called "the Reedness and Swinefleet Drainage Commissioners."

Commis-
sioners for
carrying
Act into
execution.

6. The said Commissioners shall be a body corporate having perpetual succession and a common seal with power to sue and be sued and to purchase take hold and dispose of lands and other property for the purposes of this Act.

Incorpora-
tion of Com-
missioners.

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Qualifica-
tion of Com-
missioners.

Qualifica-
tion of
electors.

7. The qualification of a Commissioner shall be the ownership of not less than twenty acres or the occupation of not less than forty acres of land liable to be rated under the provisions of this Act.

8. The Commissioners shall be elected from time to time by the owners and occupiers of lands liable to be rated under the powers of this Act and for this purpose every owner and occupier shall be entitled to vote at and after the following rate that is to say:—

An owner of any quantity of land up to twenty acres and an occupier of any quantity up to forty acres one vote and

For every additional quantity of twenty or forty acres as the case may be one additional vote

Provided that no person as owner or occupier or as owner and occupier combined shall be entitled to more than six votes.

First Com-
missioners.

9. The first Commissioners shall be John William Empson William Ireland John Bennett George Thompson Septimus Cordukes John Sykes and William Nothard who may retain office until the first Wednesday in the month of September in the year one thousand eight hundred and eighty-four from which time they shall retire in rotation and their successors shall be elected in the manner prescribed by the Commissioners Clauses Act 1847.

Meeting for
election of
Commis-
sioners.

10. For the purpose of electing Commissioners from time to time in the place of those who go out by rotation the persons entitled to vote at such election shall at every annual meeting appoint Commissioners in the place of those retiring and every Commissioner so retiring may if qualified be re-elected immediately or at any future time.

Quorum of
Commis-
sioners.

11. The quorum of Commissioners for exercising the powers vested in the Commissioners by this Act shall be three.

Monthly
meetings
need not be
held nor
daily attend-
ance at
their office.

12. The Commissioners may hold their meetings for the transaction of business at such times and places as they shall from time to time determine but they need not hold monthly meetings and need not provide daily attendance at their office but such attendance shall always be provided one day at least in every week for not less than three hours (the same day and the same three hours being adhered to as far as practicable) of which notice shall at all times be given by affixing the same in a conspicuous manner both outside and inside their office.

Annual
meeting of
Commis-
sioners.

13. The Commissioners shall hold their annual meeting on the first Wednesday in the month of September in each year and at such place as they shall from time to time select.

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14. The principal office of the Commissioners shall be in the town of Goole in the west riding of the county of York.

Office of
Commissioners.

Limits of
this Act.

15. The limits of this Act shall be the lands comprised in the said awards of the fourteenth day of April one thousand seven hundred and sixty and of the twenty-first day of January one thousand eight hundred and one (except the waste lands lying on the south side of the Swinefleet Warping drain and belonging or reputed to belong to the trustees of the late Makin Durham) together with all the lands lying between the lands referred to in the Act of 1760 and the River Ouse which said lands are delineated upon a map or plan signed in duplicate by the Right Honourable the Earl of Redesdale Chairman of Committees of the House of Lords one of which plans shall be deposited with the Clerk of the Parliaments and the other with the clerk of the peace for the west riding of the county of York.

General
powers of
Commissioners.

16. Subject to the provisions contained in section nineteen of this Act as to the commencement of any works under this Act the Commissioners shall and they are hereby authorised empowered and required from time to time by such contractors workmen and agents ways and means as they shall think fit to enlarge alter deepen improve repair or maintain any of the existing drains and sewers already made under the authority or in pursuance of the Acts of 1760 and 1793 for the purpose of draining or carrying off the water from the lands within the limits of this Act and to enlarge rebuild raise widen or otherwise alter or improve any of the drains cloughs tunnels dams sluices arches bridges or other works already made for the like purpose and also to make any new cuts channels drains tunnels watercourses dams sluices cloughs bridges banks embankments barriers engines pipes and other works whatsoever in through and upon any part or parts of the said lands and to alter and divert the direction and levels of and to repair and metal so far as may be required certain roads or ways in or upon the lands within the limits of this Act on the south side of the King's Causeway and Swinefleet Low Street and also to cause any tunnels to be made under any ways or roads within either of the said townships as they the said Commissioners shall from time to time think necessary or convenient for the effectual draining of the lands delineated upon the map or plan to be deposited as aforesaid.

Provided that no cut channel or drain constructed under the powers of this Act shall be of any greater width than eleven feet at the bottom thereof.

The Commissioners shall also have power from time to time to declare what drains shall be used as public drains and the conditions

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Agreement
of 10th
March 1884
confirmed.

17. The agreement dated the 10th day of March 1884 made between the Commissioners and the owner or owners of the Swinefleet Warping drain for carrying the waters from some of the lands within the operation of this Act into that drain which is set forth in the schedule to this Act is hereby confirmed.

For protec-
tion of the
undertakers
of the Aire
and Calder
Navigation.

18. If and whenever it shall be necessary for the Commissioners to enlarge rebuild or alter any outfall clough drain or other work already made or to make any new cut channel drain sluice clough or other work whatever upon or which may in any way affect the bank shore or bed of the River Ouse such work shall be carried into execution under the superintendence and to the satisfaction of the engineer for the time being of the trustees for the undertakers of the navigation of the rivers of Aire and Calder in the west riding of the county of York. Provided that before commencing any such works three months previous notice thereof in writing shall be given to the said trustees or engineer and a plan of the works proposed shall be submitted to them for their approval and that if in the execution of such work it shall be necessary to intersect or alter any training wall or other work belonging to the said undertakers the Commissioners shall be bound at their own expense to defray and bear the cost of the repair or alteration of such training wall or other work of the undertakers and if required by the said trustees shall find security to the satisfaction of the said trustees for the performance of the conditions herein contained and the payment of such costs. Provided always that the Commissioners shall not execute any work which may prejudicially affect the navigation of the river or its conservancy.

If any outfall clough drain or other work now existing upon or through the foreshore of the River Ouse and by virtue of this Act vested in the Commissioners or any work whatever to be erected or made by the Commissioners under the provisions of this Act upon any part of such foreshore shall be abandoned or suffered to fall into disuse or decay the said trustees for the said undertakers may abate and remove the same or any part thereof and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the said trustees and be recoverable accordingly with costs of suit or may be recovered with costs as a penalty is or may be recoverable from the Commissioners.

19. For the better carrying out of the objects of this Act the Commissioners shall within one month after the passing of this Act appoint some duly qualified person or persons to prepare a plan or plans showing all such works and operations as are necessary to be commenced or undertaken in the first instance for the effectual draining of all the lands within the limits of this Act and the carrying out of the purposes of this Act and such plan or plans shall state inter alia which of the existing drains shall be used as public drains and define the course and position of any new cuts channels drains tunnels watercourses dams sluices cloughs bridges or other works or operations whatsoever as also which of the existing roads shall be metalled repaired and maintained by the Commissioners. Provided that if any person or persons appointed under this section shall die or decline to act or become incapable of acting before he shall have made and signed such plan or plans the Commissioners shall appoint another person or other persons in his or their place.

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Appoint-
ment of
surveyor to
prepare plan.

Upon such plan or plans being prepared and signed by the person or persons appointed as aforesaid and upon the same being approved of and sealed by the Commissioners the Commissioners shall execute the works delineated thereon and if at any future time any further works are required another plan or plans shall in like manner be prepared and approved of before any such works are commenced.

Provided always that the works to be recommended by the said surveyor in the first instance shall include the properly metalling and maintaining of the south road from east to west across the Quay Field from the Quay Lane to the Reading Gate Lane and such metalling shall be undertaken by the Commissioners amongst the first works they proceed to do under this Act.

20. Copies of such plans and all certificates in connexion therewith as herein-after provided authenticated with the seal of the Commissioners shall be kept at the principal office of the Commissioners and every owner or occupier of lands liable to be rated under the powers of this Act shall on applying at the office during office hours be allowed to inspect the same or to take a copy thereof.

Deposit of
plans for
inspection.

21. The Commissioners may from time to time purchase by agreement for the purposes of this Act and may hold any lands within the limits of this Act not exceeding in the whole ten acres.

Power to
purchase
lands by
agreement.

22. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit (subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act) grant to the Commissioners any easement right or privilege not being an easement of

Power to
take ease-
ments, &c.,
by agree-
ment.

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Power to borrow.

23. The Commissioners may from time to time borrow at interest on mortgage of the rates which they are hereafter authorised to make such sum or sums of money as they may from time to time think necessary not exceeding in the whole ten thousand pounds.

Money borrowed to be repaid within thirty years.

24. All sums borrowed by the Commissioners in pursuance of this Act shall be repaid by them within a period not exceeding thirty years after the same are respectively borrowed either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund.

(a.) If the Commissioners establish a sinking fund they shall appropriate and carry to that fund such equal yearly or half-yearly sums as being invested in securities in which trustees are by law for the time being empowered to invest or in the mortgages bonds debentures or stock of any local authority within the meaning of the Local Loans Act 1875 and accumulated in the way of compound interest at the rate of three pounds ten shillings per centum per annum will be sufficient to discharge the loan or portion of a loan to the discharge of which it is applicable within the said period of thirty years;

(b.) Any such sinking fund or any part thereof may be from time to time applied by the Commissioners in repayment of the principal moneys borrowed;

(c.) Provided that whenever any of such principal moneys have been so paid off the Commissioners shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be set apart and appropriated a sum equal to the annual interest of the principal moneys so paid off;

(d.) Provided further that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to enforce payment of

25. The mortgagees of the Commissioners may enforce the payment of the arrears of interest or principal or principal and interest

due to them by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than one thousand pounds in the whole.

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mortgage debts by the appointment of a receiver.

26. If the Commissioners at any time while any money remains due on any mortgage under this Act refuse or neglect to exercise the powers or any of the powers vested in them for assessing charging or recovering the rates by this Act authorised then (without prejudice to the provisions of this Act relative to the appointment of a receiver) for the purpose of enforcing the payment of principal and interest or either of them due and payable on such mortgage the mortgagee thereunder if only one his personal representative or assigns or the majority in value of the mortgagees thereunder if more than one their personal representatives or assigns shall have and may exercise the same or the like powers rights and remedies for assessing and charging such rates on all or any of the lands liable thereto and for collecting receiving and enforcing payment thereof as are for the time being exerciseable by the Commissioners.

Power to mortgagees to levy annual acre rate on failure of Commissioners to do so.

27. If the Commissioners at any time pay off otherwise than by instalments or a sinking fund or out of the proceeds of the sale of surplus lands any money borrowed by them under this Act they may from time to time re-borrow the same or any less amount in manner aforesaid and so from time to time as often as the same happens but so that no money be borrowed for a period longer than the unexpired portion of the aforesaid term of thirty years and the moneys originally borrowed and any moneys from time to time re-borrowed shall for the purposes of repayment be deemed to form the same loan so that the obligations of the Commissioners with respect to the sinking fund to be provided or the instalments to be paid shall not be affected by such re-borrowing.

Power to re-borrow.

28. A person advancing any money to the Commissioners and receiving in consideration of such advance any security under this Act shall not be bound to inquire into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

Protection of lenders.

29. The clerk to the Commissioners shall within thirty days after the first day of October of each year during which any such sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them

Annual return to Local Government Board with respect to sinking fund.

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showing the amount which has been invested for the purpose of such sinking fund or paid as an instalment during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or the interest thereon has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds recoverable in a summary way by the Local Government Board.

If it appears to the said Board by such return that the Commissioners have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set aside for that fund or any interest thereof to any purposes other than those authorised by this Act the said Board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested by the Commissioners as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the said Board out of the High Court of Justice.

Application
of money
borrowed.

30. The Commissioners shall apply all moneys borrowed by them to the following and no other purposes, that is to say :—

- (1.) In paying the costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act and putting the same into operation.
- (2.) In enlarging altering repairing renewing or cleansing any existing or constructing any new drainage works so as to put all the works necessary for and incidental to drainage purposes in a substantial state of repair and good working order sufficient for effectually draining all the lands delineated upon the map or plan signed and deposited as herein-before provided.
- (3.) In metalling and putting in a substantial state of repair certain roads lanes and fences on the lands lying on the south side of the King's Causeway and Swinefleet Low Street which lands are shown upon the map or plan aforesaid.

Provided always that all moneys borrowed by the Commissioners under the authority of this Act shall be applied only to purposes to which capital is properly applicable and such purposes shall be deemed to include the first cost of repairing renewing cleansing and metalling the existing drainage works roads lanes and fences aforesaid but not of subsequent maintenance.

Liabilities
of owners.

31. All expenses of and incident to and in connexion with the works aforesaid shall be charged to and be repaid exclusively by

the owners of the lands shown upon the said map or plan in manner following, that is to say :— A.D. 1884.

(a.) The expenditure under subsections 1 and 2 of the preceding section including so much of the borrowed money as may be used for those purposes and of the interest of such money shall be charged to and be repaid by the owners of all the lands (exclusive of houses and buildings) shown upon the said map or plan.

(b.) The expenditure under subsection 3 of the preceding section including so much of the borrowed money as may be used for that purpose and of the interest of such money shall in addition to the expenditure under the first and second subsections be charged to and be repaid by the owners of the lands (exclusive of houses and buildings) lying on the south side of the King's Causeway and Swinefleet Low Street shown upon the said map or plan.

32. Whenever and as soon as any of the works aforesaid have been completed and put into substantial repair and good working order the surveyor for the time being shall lay before the Commissioners his certificate to that effect and if the Commissioners approve of the same they shall affix their seal to the same and forthwith give notice thereof in writing to the occupiers of all the lands shown on the said map or plan either by delivering the same personally or sending the same by post to their respective places of abode and thereupon the expense of cleansing repairing and maintaining such works in like condition and of carrying out the several provisions of this Act shall be charged to and be paid by such occupiers. Liabilities
of occupiers.

33. Fourteen days at least before every annual general meeting the Commissioners shall prepare estimates of all the moneys required to meet the claims then outstanding and the current expenditure for the ensuing year including the amount payable for interest on money borrowed and the annual and other instalments and payments to the sinking fund and such estimates shall be prepared in the following manner viz. :— Annual
estimate.

(1.) The charges and expenses under subsections 1 and 2 of section 30 payable rateably by the owners of all the lands (exclusive of houses and buildings) included within the operation of this Act;

(2.) The charges and expenses under subsection 3 of section 30 payable rateably by the owners of the lands (exclusive of houses and buildings) lying on the south side of the King's Causeway and Swinefleet Low Street and within the operation of this Act;

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(3.) The charges and expenses of carrying out the several provisions of this Act other than the first cost of and incident to the repairing renewing cleansing and metalling the drainage works roads lanes and fences under the said three subsections payable rateably by the occupiers of all the lands (exclusive of houses and buildings) included within the operation of this Act;

and separate rates shall be made and separate accounts kept of the receipts and expenditure in each case.

Such estimates or copies thereof shall be open to the inspection of any ratepayer under this Act during the fourteen days aforesaid at the office of the Commissioners and any such ratepayer shall be entitled to copies thereof or extracts therefrom on payment of a sum not exceeding threepence for every one hundred words so copied.

Power to
make and
levy rates.

34. Within one month after every such annual meeting the Commissioners may make separate rates under their common seal in accordance with the estimates aforesaid to provide for the expenses aforesaid upon the owners and occupiers of the several lands (exclusive of houses and buildings) to which such rates respectively apply but all such rates shall be assessed on the principle of an uniform acreage rate and may be made or levied either retrospectively in order to raise money for the payment of liabilities and expenses incurred at any time within six months before the making of the rate or prospectively to provide for the current expenses of the ensuing year.

Enforcing
payment of
rates.

35. All rates levied under this Act may be enforced by the same remedies as if the same were general district rates levied under the powers of the Public Health Act 1875 and as if the Commissioners were a local authority within the meaning of that Act or at the option of the Commissioners by an action in any court of competent jurisdiction or by distress as if such rates were rent in arrear reserved under a common lease and payable to the Commissioners as landlords by the persons on whom the same are levied as tenants.

Occupier
may deduct
rates from
rent.

36. Any occupier of lands under the operation of this Act having been required under process of law to pay any rates due from the owner of the lands occupied by him shall be entitled to deduct the same from any rent at any time payable by him to such owner and the terms owner and occupier in this section shall extend to and include the legal representatives of any owner or occupier.

Special
rates for
waste lands.

37. The lands on the south side of the Swinefleet Warping drain known as the Swinefleet Moor or Waste and containing about

ninety acres and which are now wholly unproductive shall so long as in the opinion of the Commissioners they remain unproductive only be rated at one half of the rate charged upon the other lands.

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38. Where the name of any owner or occupier liable to be rated under this Act is not known to the Commissioners it shall be sufficient to assess and designate him in the rate book as "the owner" or "the occupier" of the lands in respect of which the assessment is made without further description.

Description of owner or occupier in rates.

39. The production of the books purporting to contain any rate or assessment made under this Act (if such rate bear the seal of the Commissioners of which no proof other than the production of the book shall be necessary) shall without any other evidence whatever be received as *prima facie* evidence of the making and validity of the rates mentioned therein.

Evidence of rates.

40. The Commissioners with the consent of the Local Government Board may from time to time make rescind or vary byelaws for the purpose of regulating the conduct of their officers and servants and for providing for the due management of their affairs and for the better protection of the works of all kinds authorised to be made or maintained by this Act or any other works or things in connexion therewith or under their control that is to say:—

Byelaws.

(A.) For prohibiting the cutting of any drain or watercourse into through or under or making any connection with or in any other way injuring any such works;

(B.) For prohibiting the discharging of any sewage or other offensive matter into or otherwise fouling the water or obstructing the flow thereof in any such works;

(C.) For requiring the occupiers of any lands within the limits of this Act to cleanse and scour all the internal drains on their own lands in connexion with the works of the Commissioners and to prevent the passage from their own drains into those of the Commissioners of any matter or thing likely to foul the water or obstruct the flow thereof;

(D.) For preventing the defacing injuring or removing of any placards notices notice boards fences or boundaries belonging to or set up by the authority of the said Commissioners;

All such byelaws shall be at all times exhibited in one or more than one conspicuous place on the lands shown upon the said map or plan.

Provided that nothing herein contained shall authorise the Commissioners to make any byelaw which shall or may in any way interfere with or affect the free navigation of the River Ouse or the

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Saving
rights of
Crown
under
Crown
Lands Act.

41. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving
rights of
Crown.

42. Nothing in this Act shall authorise the Commissioners to take use or in any manner interfere with any lands soil tenements or hereditaments or any rights of whatsoever nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the the Queen's Majesty Her heirs or successors.

Costs of
Act.

43. All the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Commissioners out of the first moneys which may come to their hands under this Act.

SCHEDULE.

A.D. 1884.

AN AGREEMENT made and entered into this tenth day of March one thousand eight hundred and eighty-four between THOMAS EDWARD VICKERS of Bolsover Hill near Sheffield in the county of York Esquire on behalf of himself and the trustees and representatives under the will of Makin Durham late of Thorne in the county of York deceased of the one part and GEORGE ENGLAND of Goole in the said county of York gentleman for and on behalf of the several owners and proprietors of lands and grounds in the townships of Reedness and Swinefleet in the said county of the other part. Whereas the said Thomas Edward Vickers and the trustees and representatives of the said Makin Durham are the owners of the Swinefleet Warping drain and banks adjoining to the said townships of Reedness and Swinefleet and the said proprietors being desirous of improving the drainage of their lands and grounds have by the said George England agreed with the said Thomas Edward Vickers acting as aforesaid for the perpetual user for drainage purposes of the said Warping drain on the following terms and conditions that is to say :—

1. The said Thomas Edward Vickers agrees to grant to the said George England and to the Commissioners to be hereafter appointed by Act of Parliament the free and uninterrupted right of drainage in perpetuity by means of culverts or sluices to be made and for ever hereafter maintained by the said George England or the said Commissioners in the east bank of the said Swinefleet Warping drain at three points namely :—

A culvert or sluice with a width of opening of not less than eight feet with self-acting doors connecting with the said Warping drain situate opposite an ancient drain called the "Black drain."

One other culvert or sluice with a width of opening of not less than three feet with self-acting doors connecting with the said Warping drain situate opposite an ancient drain called the "Cross Moor Bank drain."

One other culvert or sluice with a width of opening of not less than two feet with a self-acting door situate at the north-west corner of Moorlands called "Reedness and Swinefleet Moors" belonging to John Bennett Esquire.

2. The said Thomas Edward Vickers acting as aforesaid further agrees at all times hereafter to keep the said Warping drain and the main sluice into the River Ouse in such form as to give an efficient outfall to each of the three sluices or culverts herein-before mentioned and to grant to the said George England and the said Commissioners at all times full and free access for the purpose by themselves and their workmen of examining maintaining or renewing the said culverts or any of them.

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3. In consideration thereof the said George England agrees that a schedule prescribing which of the several lands and grounds in the said townships shall be drained by the said sluices and culverts into the said Warping drain shall be prepared by Alfred Lindley Peace of Thorne surveyor and the total acreage of the lands stated in such schedule shall be for ever hereafter chargeable with the annual payment of the sum of one shilling per acre which payment shall be annually made in one total sum by the said George England or the Commissioners to be hereafter appointed to the said Thomas Edward Vickers or other the owner or owners of the said Warping drain for the time being the first payment to commence and be computed from the first day of November one thousand eight hundred and eighty-four. Provided that the annual payment under this clause shall not exceed one hundred and fifty pounds.

4. And it is hereby expressly agreed that this agreement shall be confirmed in all respects by Parliament during the ensuing session.

5. In case any difference shall arise between the parties hereto or any other person or persons interested therein upon the construction of this agreement or the grant or conveyance intended to be made thereunder or otherwise the same shall be submitted to the Board of Trade whose decision or that of their referee upon the subject matter so referred to shall be binding and conclusive on all parties.

6. The parties hereto also agree to execute such further or other assurances as may be necessary to more effectually carry out this agreement which shall have no effect unless and until it be confirmed by Parliament and the Act hereinbefore referred to shall have become law and then subject to such variations and modifications as Parliament may think fit to make during the passing of such Bill through both Houses.

As witness the hands of the parties the day and year first herein-before written.

Witness to the signing by the said } T. EDWARD VICKERS.
Thomas Edward Vickers,
W. J. MAITLAND,
India Office, London, S.W.

Witness to the signing by the said } GEORGE ENGLAND.
George England,
RD. HALDENBY,
Clerk to Messrs. England & Son,
Solicitors, Goole.