

6 G. 4. c.165.

‘*from thence to Bishop Briggs in the said County of Lincoln:*’ And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for altering and enlarging the Powers of Two Acts of His late Majesty King George the Third, for draining Lands within the Level of Ancholme in the County of Lincoln, and making certain Parts of the River Ancholme navigable:* And whereas by the said last-recited Act it is (amongst other Things) enacted, that it should be lawful for any of the Owners of Lands liable to be rated by virtue of the same Act, being Tenants in Tail or Tenants for Life, or Tenants pour autre vie, or for Years determinate on Lives, and also for the Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies of or any Person or Persons acting as Guardians, Trustees, Feoffees, Committees, or Attornies for any Charity or Charities, or of or for such of the said Owners as should be under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, and also to and for all and every other Person or Persons being the Owners and Proprietors for the Time being of any of the said Lands liable to be rated by virtue of the Act now in recital, from Time to Time, in manner in the same Act set forth, to charge such Part or Parts of the said Lands as he, she, or they should respectively be entitled to as aforesaid with such Sum or Sums of Money as should be by him, her, or them respectively paid in respect of the Assessments to be made on the said Lands in the said Act now in recital mentioned, not exceeding Five Pounds *per Acre* in respect of the said Assessments, and with Interest for the same from the Time or respective Times of Payment thereof; and for securing the Payment of such Sum or Sums of Money, with lawful Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands, or any Part thereof, to such Person or Persons as should advance or lend the same, for any Term or Number of Years in manner in the said last-mentioned Act particularly mentioned: And whereas by the said Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, now in recital, after reciting that the Rectors or Vicars of many of the Parishes within the said Level of *Ancholme*, or their Successors, might have occasion to borrow Money to defray the several Assessments thereby directed to be charged upon the Lands belonging to their respective Advowsons, and could not make an effectual Security for the Money which should be advanced for that Purpose, it was thereby enacted, that it should and might be lawful for such Rectors and Vicars, and their Successors, by and with the Consent and Approbation of the Lord Bishop or Peculiar of the Diocese, from Time to Time to charge all and every the said Lands lying within the said Level, and liable to be assessed by virtue of the Act now in recital, with any Sum or Sums not exceeding in the whole Five Pounds *per Acre*, in order to be applied and disposed of for and towards the Payment of the said Assessments directed to be charged upon the several Lands lying within the said Level, and belonging to their respective Advowsons, and for securing the Payment of such Sums and Interest, not exceeding Five Pounds *per Centum per Annum*, to grant, mortgage, lease, or demise the said Lands so to be assessed unto any Person or Persons
who

who should advance and lend the same for any Term or Number of Years as in the Act now in recital is mentioned: And whereas by and under the several Assessments which have been already made and levied under the Authority of the said recited Act of the Sixth Year of the Reign of His said late Majesty King *George* the Fourth, for the Purposes of that Act, and of the other Acts herein-before mentioned, some or one of them, certain of the Lands within the said Level of *Ancholme*, liable to be charged and assessed under the said Act of the Sixth Year of the Reign of His said late Majesty King *George* the Fourth, or the Owners or Proprietors thereof, and certain of the Rectors or Vicars of Parishes lying within the said Level, (in respect of the Lands belonging to their Advowsons, and lying within the same Level,) have been rated and assessed, and have paid or are liable to pay Sums of Money exceeding considerably the Rate of Five Pounds *per* Acre upon their said respective Lands liable to be rated as aforesaid (the Limit prescribed by the said recited Powers of charging), and further and other Assessments will be necessary for completing the Objects and Purposes of the said recited Acts, and One Assessment is now actually in progress and being made and levied: And whereas it is reasonable and expedient that such Tenants in Tail and for Life, or other Persons, Bodies Politic or Corporate, having limited or partial Estates or Interests, or being incapacitated to act for themselves, and such Rectors or Vicars as aforesaid, should be enabled to charge their respective Lands so liable to be assessed as aforesaid to the full Extent of the Monies already or hereafter to be *bonâ fide* assessed and apportioned upon them respectively, or their respective Lands, under the Authority of the said last-mentioned Act, and that the Powers and Provisions of the said recited Acts should be in other respects amended: 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 so much of the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth as authorizes or enables any of the Owners of Land lying within the said Level of *Ancholme*, and liable to be rated by virtue of that Act, being Tenants in Tail or for Life, or other Persons, or Bodies Politic or Corporate, having limited or partial Estates or Interests, or being incapacitated to act for themselves, to subject and charge such Parts of the said Lands as they respectively shall be entitled to as aforesaid with such Sum or Sums of Money as should be by them respectively paid in respect of the Assessments to be made on the said Lands by virtue of the same Act to the Extent of and not exceeding Five Pounds *per* Acre in respect of the said Assessments, and with Interest, and to grant, charge, mortgage, lease, surrender, or demise the said Lands unto any Person or Persons advancing the same respectively, and so much and such Part of the said last-mentioned Act as authorizes or enables Rectors and Vicars of Parishes within the said Level and their Successors to charge the Lands belonging to their respective Advowsons, and lying within the said Level, and liable to be assessed by virtue of the said last-mentioned Act, with any Sum or Sums to the Extent of and not exceeding in the whole Five Pounds *per* Acre towards the Payment of the

So much of the recited Act as enables certain Tenants for Life to charge their Estates not exceeding 5*l.* per Acre, and as enables Rectors and Vicars to charge the Lands belonging to their Advowsons not exceeding 5*l.* per Acre, repealed.

Assess-

Assessments thereby directed to be charged upon the Lands lying within the said Level, and belonging to their respective Advowsons, and for securing the same with Interest to grant, mortgage, lease, or demise the said Lands so to be assessed, shall henceforth from and immediately after the passing of this Act cease and shall be and the same respectively is and are hereby repealed.

Empowering
Tenants for
Life to bor-
row Money.

II. And be it further enacted, That from and after the passing of this Act it shall be lawful for any of the Owners of the Lands lying within the said Level of *Ancholme*, and liable to be rated by virtue of the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, being Tenants in Tail or Tenants for Life, or Tenants pour autre vie, or for Years determinable on a Life or Lives, and also for the Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies of or any Person or Persons acting as Guardians, Trustees, Feoffees, Committees, or Attornies for any Charity or Charities, or of or for such of the said Owners as shall be under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, and also to and for all and every other Person or Persons being the Owners or Proprietors for the Time being of any of the said Lands liable to be rated by virtue of the said last-mentioned Act, from Time to Time, by Writing under their respective Hands and Seals, with the Consent and Approbation of the Commissioners acting under the said recited Acts, or any Seven or more of them, testified by Writing under their Hands and Seals, to charge such Part or Parts of the said Lands as he, she, or they shall be respectively entitled to as aforesaid with such Sum or Sums of Money as shall have already been or shall hereafter be by him, her, or them respectively paid in respect of the Assessments already made or hereafter to be made on the said Lands as aforesaid, and the full Amount thereof, and with Interest for the same from the Time or respective Times of Payment thereof, and for securing the Repayment of such Sum or Sums of Money, with lawful Interest for the same, to grant, charge, mortgage, lease, surrender, or demise or otherwise subject the said Lands, or any Part or Parcel thereof, unto such Person or Persons as may have already advanced or shall hereafter advance or lend the same respectively, his, her, or their respective Executors, Administrators, or Assigns, for any Term or Number of Years (and no Person lending or having lent such Money shall be obliged to see to the Application or be answerable for the Misapplication thereof); and so that every such Grant, Charge, Mortgage, Lease, Surrender, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so that every such Grant, Charge, Mortgage, Lease, Surrender, or Demise so to be made by such Tenant for Life or in Tail, or his or their Husband, Guardian, Trustee, Feoffee, Governor, Committee, or Attorney, shall contain a Proviso that the Person or Persons entitled to the Remainder or Reversion or future Possession of the Lands so to be mortgaged shall not nor shall any Person or Persons be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger

larger Arrear of Interest than for the Year preceding the Time that the Title to such Possession shall have commenced; and every Grant, Charge, Mortgage, Lease, Surrender, or Demise to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Tenants in Tail or Tenants for Life, Husbands, Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, or in the said Persons acting as Guardians, Trustees, Feoffees, Governors, Committees, or Attornies, and notwithstanding any Settlement, Will, Trust, Use, Remainder, Limitation, Law, or Usage, or other prior or further Incumbrances (except only Charges already made under or by virtue of the Powers or Authorities of the said recited Acts or any of them,) of or concerning the same Lands or any Part or Parts thereof, then in being or capable of taking effect, to the contrary.

III. And be it further enacted, That it shall be lawful for the Rectors or Vicars of any of the Parishes lying wholly or partially within the said Level of *Ancholme*, or their Successors, by and with the Consent and Approbation of the Lord Bishop or Peculiar of the Diocese, from Time to Time to charge all and every the said Lands belonging to their respective Benefices, and lying within the said Level, and liable to be assessed by virtue of the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, with any Sum or Sums of Money which have been already applied or disposed of, and which may be hereafter applied and disposed of, for or towards Payment of any Assessment or Assessments already made or hereafter to be made and by the said last-mentioned Act directed to be charged upon the several Lands lying within the said Level, and belonging to their respective Advowsons, and the full Amount thereof, and for securing the Payment of such Sums and Interest (not exceeding Five Pounds *per Centum per Annum*) to grant, mortgage, lease, or demise the said Lands so assessed or to be assessed, unto any Person or Persons who shall have advanced and lent or shall advance and lend the same, for any Term or Number of Years; so as every such Grant or Demise be made with a Proviso to cease and be void, or with an express Trust to be surrendered, when the Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully satisfied and paid; and so as in every such Grant or Demise there be contained a Covenant to pay and keep down the Interest of the Monies to be thereby secured in such Manner that no Person becoming afterwards possessed of such Lands shall be subject or liable, as between himself and his Predecessors, to pay any further or larger Arrear of Interest than from the Time when the Title of such Possession shall accrue and commence; and so that in every such Grant or Demise there be also contained a Covenant to pay off and discharge annually the Sum of Two Pounds Ten Shillings *per Centum*, Part of the Principal Money so to be raised as aforesaid, until the whole of such Principal Money shall by such annual Payments or Instalments be paid off and discharged: Provided nevertheless, that in any Charge to be made by any such Rector or Vicar as aforesaid, under the Authority of this Act, of any Assessment or Assessments which shall have been made, and which, or any Instalment of which, ought to have been paid by

Enabling
Rectors and
Vicars to
raise Money.

[Local.]

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him before the passing of this Act, such Rector or Vicar shall not have Power under this Act to charge the whole Amount of such Assessment or Assessments, but such Part or Parts thereof only as shall remain after deducting or allowing therefrom after the Rate of Two Pounds Ten Shillings *per Centum* for every Year which shall have elapsed from the Time or respective Times at which any such Assessment or Assessments as last aforesaid, or any Instalment or Instalments thereof, ought by him or them to have been paid, up to and until the Time of the Date and Execution of any such Charge, Mortgage, Surrender, or other Security as aforesaid, and so on in proportion for any less Time than a Year.

Powers of
6 G. 4. not to
be annulled
by this Act.

IV. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to abridge, annul, vacate, or prejudice any Charges which before the passing of this Act may have been made or executed under the Powers or Provisions of the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, to the Extent or Amount by the same Powers or Provisions prescribed, but all such Charges shall be of the same Force and Effect as if this Act had not been made or passed.

Requiring an
Account of
Receipts and
Payments to
be laid before
Commission-
ers, and to
be publish-
ed.

V. And be it further enacted, That at every annual Meeting to be holden in *October*, pursuant to the Directions of the said last-recited Act, the Clerk to the said Commissioners shall and he is hereby required to produce and show to the said Commissioners present a particular Statement or Account of the Monies raised and levied in the Execution of the said recited Acts in the then foregoing Year, showing how and in what Manner the Monies so raised and levied upon the said Owners and Proprietors of Lands and Grounds within the said Level of *Ancholme*, and also the Monies arising from the Tolls upon the said Navigation of the River *Ancholme*, have been paid, laid out, or expended, which Statement or Amount shall, within Two Calendar Months after such Meeting, be published in some one or more Newspapers usually circulated within the Division of *Lindsey* in the said County of *Lincoln*.

Limiting the
annual and
gross Amount
of Monies to
be levied in
future.

VI. And be it further enacted, That from and after the passing of this Act it shall not be lawful to or for the said Commissioners to raise and levy, by Assessments or otherwise, upon the Owners and Proprietors of Lands and Grounds lying within the Level of *Ancholme*, and which were rated by virtue of the said first-recited Act, any larger or greater Sum than Fifty thousand Pounds in the whole, and not exceeding Thirty thousand Pounds in any one Year, by the Ways and Means and in manner authorized and directed by the said recited Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, over and above the Rate of Two Shillings and Sixpence *per Acre* charged thereon by virtue of the said first-recited Act, and over and above such Sum and Sums of Money as the said Commissioners shall deem requisite for defraying Expences of repairing the Works of the said Navigation and Drainage and other Charges incident thereto, not exceeding Three thousand Pounds in any one Year, by virtue of the said last-recited Act, and also over and above all Arrears of the Five several Assessments of Thirty thousand

thousand Pounds each, already directed to be raised and levied upon the Owners and Proprietors of Lands within the said Level of *Ancholme* by the Authority of the said last-recited Act, now remaining unpaid, together with Interest in respect thereof: Provided always, that nothing herein-before contained shall extend or be construed to extend to prevent the said Commissioners from raising and levying, and they are hereby authorized and empowered to raise and levy, by the Ways and Means provided by the said recited Acts, or some or one of them, any further Sum or Sums of Money which may be from Time to Time requisite and necessary to defray the Expences of repairing, maintaining, or reinstating the Sluice called *Ferriby Sluice*, not exceeding in the whole the Sum of Twenty thousand Pounds.

VII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, out of the Monies which shall be received by them, either under the Powers of the said recited Acts or of this Act, to pay and discharge all such Debts and Sums of Money as are now due or owing from the said Commissioners to any Person or Persons, together with Interest upon such Debts or Sums of Money as carry Interest, within the Space of Three Years from the Time of passing this Act.

Debts to be paid in Three Years.

VIII. And be it further enacted, That from and after the passing of this Act it shall not be lawful to or for any Person who shall attend any Meeting of Commissioners of the said Drainage and Navigation as a Proxy, appointed by Writing under the Hand and Seal of any Commissioner of the said Level of *Ancholme* under the Authority in that Behalf contained in the said last-recited Act, to act and vote at any such Meeting for or on the Behalf of more than One such Commissioner.

No Person to act as Proxy for more than One Commissioner.

IX. And be it further enacted, That every Person attending at any Meeting to be holden under the Authority of the said recited Acts or of this Act, or any of them, as a Proxy for any such Commissioner, shall and he is hereby required, before he shall be allowed to act and vote at any such Meeting, to take and subscribe the Oath or Affirmation herein-after prescribed; (that is to say,)

Persons acting as Proxies to take an Oath.

‘ I *A. B.*, a Proxy appointed by Writing under the Hand and Seal
 ‘ of *C. D.*, a Commissioner by reason of his being a Proprietor of
 ‘ One hundred Acres of Land within the Level of *Ancholme*, [or, as
 ‘ the Case may be, a Mortgagee of One thousand Pounds secured
 ‘ upon the Taxes and Tolls of the Drainage and Navigation,] 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 Powers
 ‘ and Authorities vested in me by the Acts made and passed for the
 ‘ more effectual draining the Lands lying in the Level of *Ancholme*
 ‘ in the County of *Lincoln*, and making the River *Ancholme* na-
 ‘ vigable from the River *Humber*, at or near a Place called *Ferriby*
 ‘ *Sluice*, in the County of *Lincoln*, to the Town of *Glamford Briggs*,
 ‘ and for continuing the said Navigation up or near to the said River
 ‘ from

Form of Oath.

‘ from the said Town to *Bishop Briggs* in the said County of *Lincoln*,
 ‘ or some or one of them, and that without Favour or Affection, Pre-
 ‘ judice or Malice, to any Person or Persons whomsoever.

‘ So help me GOD.’

[*If a Quaker omit the Words ‘ So help me God.’*]

Which Oath or Affirmation it shall and may be lawful for any One of the said Commissioners, duly qualified, and who shall himself have taken the Oath prescribed by the said herein-before recited Act of the Seventh Year of the Reign of King *George* the Third to be taken by a Commissioner under the said Act, to administer and he is hereby required to administer the same to all or any Person or Persons attending any Meeting of Commissioners of the said Level of *Ancholme* as such Proxy or Proxies.

Powers of
 recited Acts
 extended to
 this Act.

X. And be it enacted, That all and every the Powers, Authorities, Rules, Regulations, Provisions, Articles, Matters, and Things contained in the said recited Acts (save and except only such Part or Parts thereof as are hereby altered, varied, or repealed,) shall be and are hereby declared to be in as full Force, Operation, and Effect, to all Intents and Purposes whatsoever, as if this Act had not been made or passed.

So much of
 7 G. 3. as
 exempts
 Warrants,
 &c. from
 Stamp
 Duties
 repealed.

XI. Provided also, and be it further enacted, That so much of the said recited Act passed in the Seventh Year of the Reign of King *George* the Third as enacts that no Warrant, Mortgage, or Assignment, Transfer or other Writing whatsoever, to be made or written in pursuance of or relating to the Execution of any of the Powers of this Act, shall be subject to or charged or chargeable with any Stamp Duty whatsoever, shall be repealed, and the same is hereby declared to be repealed.

Public Act.

XII. 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.

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