ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XCIX.

An Act for the more effectually embanking, draining, preſerving, and improving certain Low Lands and Grounds, lying and being in the ſeveral Pariſhes or Townſhips of *Everton*, *Scaftworth*, *Gringley on the Hill*, *Miſterton*, and *Walkeringham*, in the County of *Nottingham*. [14th *May* 1796.]

Preamble.

WHEREAS there are within the ſeveral Pariſhes or Townſhips of *Everton*, *Scaftworth*, *Gringley on the Hill*, *Miſterton*, and *Walkeringham*, in the County of *Nottingham*, divers Low Meadows or Marſh Grounds, Carrs, Commons, and incloſed Grounds, containing in the Whole Six thouſand Acres, or thereabouts, which are ſubject to be overflowed or otherwiſe annoyed by Water, for Want of proper Banks, Drains, and Outfalls; but are capable of very conſiderable Improvement if the ſame were properly ſecured from ſuch Overflowing and Annoyance: But the ſame cannot be effected without the Aid of Parliament; 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 *William Gauntley* of *Bakewell* in the County of *Derby*, *James Dowland* of *Mansfield Woodhouſe* in the ſaid County of *Nottingham*, and *William Whitelock* of *Brotherton* in the County of *York*, Gentlemen, ſhall be, and they are hereby appointed Commiſſioners for putting this

Commiſſioners.

Act, and all the Powers herein contained, into Execution, ſubject to the Rules, Orders, and Directions herein expreſſed; and that it ſhall and may be lawful for any Two of the ſaid Commiſſioners, or their Succeſſors, to be elected as hereafter mentioned, to do and perform every Act and Thing requiſite to be done by virtue of this Act, and to put in Force, and execute all and every the Powers and Authorities in this Act contained, as fully and effectually as if every ſuch Power and Authority had been ſeparately given to and veſted in the ſaid Commiſſioners and their Succeſſors as aforeſaid, or any Two of them, by expreſs Words throughout this Act.

Power for any Two Commiſſioners to act in all Caſes.

II. And be it further enacted, That upon the Death, Refuſal, or Incapacity to act of the ſaid *William Grauntley*, or upon the Death, Refuſal, or Incapacity of any ſucceeding Commiſſioner to be appointed by the Proprietors of the Lands and Grounds within the Townſhips or Pariſhes of *Everton* and *Scaftworth* aforeſaid, intended to be embanked and drained by virtue of this Act, it ſhall and may be lawful for them the ſaid Proprietors, or the major Part of them in Value, from Time to Time, at any Meeting to be held for that Purpoſe at *Everton* aforeſaid, within Thirty Days next following ſuch Vacancy, Ten Days Notice being firſt given of any ſuch Meeting by the ſurviving or remaining Commiſſioners, before the ſame ſhall be held, by Writing affixed upon the Church Door of *Everton* aforeſaid, and by an Advertiſement inſerted in the *Nottingham* Newſpaper, or ſome other Newſpaper uſually circulated within the ſaid County, to elect and appoint One other Commiſſioner (being a Perſon not intereſted in the ſaid Embankment and Drainage, or chargeable with any Rate or Aſſeſſment by virtue of this Act) in the Room of ſuch Commiſſioner who ſhall ſo die, or refuſe or become incapable to act as aforeſaid; and upon the Death, Refuſal, or Incapacity to act of the ſaid *James Dowland*, or of any ſucceeding Commiſſioner to be appointed by the Proprietors of Lands and Grounds within the Pariſh of *Gringley on the Hill* aforeſaid, it ſhall and may be lawful for them the ſaid Proprietors, or the major Part of them in Value, from Time to Time, at any Meeting to be held for that Purpoſe at *Gringley on the Hill* aforeſaid, within the Time above-mentioned (the like Notice being affixed upon the Church Door of *Gringley on the Hill* aforeſaid, and advertiſed as aforeſaid), to elect and appoint One other Commiſſioner, not intereſted or chargeable as aforeſaid, in the Place of ſuch Commiſſioner ſo dying, or refuſing or becoming incapable to act; and upon the Death, Refuſal, or Incapacity to act of the ſaid *William Whiteleck*, or of any other ſucceeding Commiſſioner to be appointed by the Proprietors of Lands and Grounds within the Pariſhes or Townſhips of *Miſterton* and *Walkeringham* aforeſaid, it ſhall and may be lawful for them the ſaid Proprietors, or the major Part of them in Value, from Time to Time, at any Meeting to be held for that Purpoſe at *Miſterton* aforeſaid, within the Time above ſpecified, (the like Notice being affixed upon the Church Door of *Miſterton*, and advertiſed as aforeſaid), to elect and appoint One other Commiſſioner, not intereſted or chargeable as aforeſaid, in the Room of ſuch laſt-mentioned Commiſſioner ſo dying, or refuſing or becoming incapable to act as aforeſaid; and in caſe the ſaid Proprietors reſpectively ſhall not make ſuch Appointment within the Time limited as aforeſaid; then the ſurviving or other Commiſſioner or Commiſſioners ſhall, within Two Calendar Months next after ſuch Omiſſion, and after giving Ten Days previous Notice in the Manner above mentioned, by Writing under their or his Hands or Hand, appoint a Perſon (not inte-

Appointment of new Commiſſioners.

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

Proprietors to vote by Proxy.

III. And be it further enacted, That it ſhall and may be lawful to and for each and every Proprietor, except the Dean and Chapter of *York*, entitled to vote in the Election of any Commiſſioner to be appointed on the Death, Refuſal, or Incapacity of any of the Three Commiſſioners nominated and appointed as aforeſaid, and he, ſhe, and they is and are hereby authorized and empowered, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to nominate and appoint any Perſon or Perſons to act for him, her, or them, at ſuch Meeting for the Choice of Commiſſioners as aforeſaid; and ſuch Perſon or Perſons ſo nominated and appointed, and the known Agent of the ſaid Dean and Chapter, ſhall and may vote in the Nomination and Appointment of ſuch Commiſſioner, as fully and effectually as if ſuch Proprietor or Proprietors, in whoſe Behalf he or they ſhall or may act, was or were preſent at ſuch Meeting.

Commiſſioner to meet Twice in every Year to execute this Act.

IV. And be it enacted, That the ſaid Commiſſioners ſhall meet Twice in every Year; to wit, in the Months of *April* and *September*, or at any other Time or Times, as they ſhall ſee Cauſe, or think convenient, giving Notice in Writing for that Purpoſe, ſigned by the ſaid Commiſſioners, and affixed on the Doors of the reſpective Churches of the ſaid ſeveral and reſpective Townſhips or Pariſhes, at the leaſt Ten Days before any ſuch Meeting (Meetings by Adjournment only excepted) at ſome convenient Place to be appointed by them; the Firſt Meeting to be at the Houſe of *John Sly*, at *Drakeholes*, in the Pariſh or Townſhip of *Clayworth*, in the ſaid County of *Nottingham*, within One Calendar Month next after the paſſing of this Act; and the ſaid Commiſſioners ſhall and may adjourn themſelves, and meet again purſuant to ſuch Adjournment; and at ſuch original and adjourned Meetings ſhall be, and are hereby empowered to make Orders and give Directions for the better and more convenient Management of the Works of embanking, draining, and preſerving the ſaid Grounds; and alſo to appoint and employ ſuch Engineer or Engineers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Treaſurer or Treaſurers, or ſuch other Officer or Officers, as they ſhall think needful for the Superintendency, Management, and conducting of ſuch Works, and collecting the Rates or Aſſeſſments which ſhall be made or aſſeſſed for the making and Maintenance thereof, and to allow and appoint ſuch reaſonable Annual or other Salary or Stipend to ſuch reſpective Officer or Officers as they ſhall think proper; and from Time to Time to remove, diſplace, and appoint others in the Places of ſuch as ſhall be removed, as often as they ſhall ſee Occaſion; and all and every ſuch reſpective Clerks, Collectors, Treaſurers, or other Officers ſo to be appointed as aforeſaid, ſhall, before they act in the Execution of their reſpective Offices, give ſuch Security to the ſaid Commiſſioners, for the due Execution of their reſpective Offices and Truſts, as the ſaid Commiſſioners ſhall reaſonably require.

Power to adjourn;

to give Orders and Directions;

to appoint Officers.

Officers to give Security.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner or Surveyor in the Execution of any of the Powers hereby given (unleſs it be the Power of ſigning and giving Notice of the Firſt Meeting of the ſaid Commiſſioners, and of adminiſtering an Oath to the other Commiſſioners) until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

Commiſſioners and Surveyors Oath.

'I Do ſwear, That I will faithfully, impartially, and honeſtly, according 'to the beſt of my Skill and Judgement, execute the Truſts, Powers, 'and Authorities repoſed in me as a Commiſſioner [*or*, Surveyor, *as the* '*Caſe may be*] by virtue of an Act *for the more effectually embanking,* '*draining, preſerving, and improving certain Low Lands and Grounds,* '*lying and being in the ſeveral Pariſhes or Townſhips of* Everton, Scaft-'worth, Gringley on the Hill, Miſterton, *and* Walkeringham, *in the* '*County of* Nottingham.

'*So help me* GOD.'

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

Commiſſioners Allowance.

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

Proceedings of Commiſſioners to be entered in a Book.

VII. And it is hereby further enacted, That all Orders, Proceedings, and Determinations of the ſaid Commiſſioners, at any of their Meetings to be held in purſuance of this Act, ſhall be entered in a Book or Books to be provided for that Purpoſe, and ſhall be ſigned by the ſaid Commiſſioners preſent at ſuch Meetings, and being ſo ſigned, ſhall be deemed and taken for Originals; and all ſuch Books ſhall and may be read in Evidence in all Caſes of Appeal, Suits, Actions, or other Proceedings touching any Matter or Thing done in relation to or in purſuance of this Act.

In caſe of Omiſſion of Meetings, Commiſſioners to appoint another Time.

VIII. Provided alſo, That in caſe of any Omiſſion of ſuch Meetings, Adjournment, or Notice as aforeſaid, the ſaid Commiſſioners ſhall and may appoint any other Time or Times of Meeting, for the Purpoſes of carrying this Act into Execution, cauſing Notice thereof to be affixed on the Doors of the Churches of the ſaid ſeveral and reſpective Pariſhes or Townſhips, and to be inſerted in ſome Newſpaper uſually circulated in the ſaid County of *Nottingham*, at leaſt Fourteen Days before ſuch Meeting or Meetings; which Meeting or Meetings may be adjourned in like Manner as any other Meeting hereby appointed to be held.

IX. And

IX. And be it further enacted, That the ſaid Commiſſioners ſhall be, and are hereby authorized and empowered from Time to Time to heighten, fill up, change, remove, make, alter, divert, ſupport, and maintain, or cauſe to be heightened, filled up, changed, removed, made, altered, diverted, ſupported, and maintained, all ſuch Banks, Cuts, Drains, Dams, Sewers, Ditches, Tunnels, Outlets, Engines, Cloughs, or other Works, in, through, or upon, any of the ſaid Lands and Grounds ſubject to be overflowed or annoyed with Water as aforeſaid, within the ſaid reſpective Pariſhes or Townſhips, as they the ſaid Commiſſioners ſhall from Time to Time think neceſſary, convenient, or proper, for the more effectually embanking, draining, preſerving, and improving the ſaid low Meadows and Marſh Lands, Carrs, Commons, and other Grounds, ſo as the Main or Mother Drain (when once completed) ſhall not afterwards be changed without the Conſent of the Proprietor or Proprietors of the Lands and Grounds, for the Time being, through which the ſame ſhall upon ſuch Change be propoſed to be made; and alſo to make ſuch Orders and give ſuch Directions for carrying on, effecting, and preſerving the ſaid Works, or for executing the Purpoſes of this Act, as they the ſaid Commiſſioners ſhall think proper; making ſuch reaſonable Recompence and Satisfaction to the Owners and Occupiers of the Lands and Grounds in, through or upon which any ſuch Banks, Cuts, Drains, Dams, Sewers, Ditches, Tunnels, Outlets, Engines, Cloughs, or other Works ſhall be made, cut, or erected, or which may be prejudiced thereby, or by means or in conſequence thereof, or by any Inundation occaſioned by any of the Matters aforeſaid, for any Damage, Loſs, or Injury he, ſhe, or they ſhall thereby ſuſtain, as ſhall be agreed upon between the ſaid Commiſſioners and ſuch Owners or Occupiers who ſhall be ſo prejudiced as aforeſaid; and if the ſaid Commiſſioners and ſuch Perſon or Perſons cannot agree concerning the Amount of ſuch Damage, then the ſame ſhall be aſſeſſed, adjudged, and finally determined by the Juſtices of the Peace aſſembled at any General Quarter Seſſions of the Peace which ſhall be held at *Eaſt Retford*, in and for the ſaid County of *Nottingham*, who ſhall not be intereſted in the Matter in Diſpute, within Six Calendar Months after the Cauſe of Complaint ſhall have ariſen, and after Ten Days Notice, at the leaſt, in Writing, ſhall be given to the ſaid Commiſſioners, or their Clerk, by the Perſon or Perſons complaining of ſuch Damage, that ſuch Application will be made to the ſaid Seſſions; and in caſe ſuch Owner or Owners, or Perſons prejudiced as aforeſaid, ſhall make Oath, that in his or their Opinion or Judgement ſuch Damage amounts to above Forty Shillings, ſuch Juſtices ſhall, and they are hereby authorized and required to charge the Jury who ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and diſintereſted Men to be then and there impanelled and returned by the Sheriff of the ſaid County of *Nottingham* (without Fee or Reward), and cauſe them to be ſworn well and truly, upon their Oaths, to aſſeſs the Recompence to be made for ſuch Damage, which Oath the ſaid Juſtices ſhall cauſe to be adminiſtered to the ſaid Jurymen, to which Jurymen the ſaid Commiſſioners and Parties complaining ſhall have their lawful Challenges; and the ſaid Jury, being ſo charged and ſworn, and after proper Evidence upon Oath (to be adminiſtered by the ſaid Juſtices) to them given, of the Nature of ſuch Damage, ſhall by their Verdict aſſeſs the Damage and Recompence to be made for the ſame to ſuch Owner or Owners, or Perſons prejudiced as aforeſaid; and the Verdict

Power to make Banks, &c.;

making Satisfaction to the Land Owners.

of

of the Jury, and the Judgement of the ſaid Juſtices thereupon, ſhall be final and concluſive to all Parties: Provided always, that ſuch Juſtices may adjourn ſuch Appeal to the then next Seſſions to be held at *Eaſt Retford* aforeſaid, and finally determine the ſame at any of the ſaid Seſſions, and give Coſts to either Party, as they ſhall adjudge reaſonable.

After Damages aſcertained, Juſtices to award the particular Sums to be paid by each Proprietor;

X. And be it further enacted, That immediately after ſuch Recompence and Satisfaction ſhall be aſſeſſed and determined as above-mentioned, the ſaid Juſtices, at their ſaid General Quarter Seſſions, ſhall, and they are hereby authorized and required to aſcertain the particular Sum which each of the Proprietors of, or Perſons intereſted in the Lands and Grounds ſo intended to be embanked and drained as aforeſaid ſhall contribute and pay, in Proportion to their reſpective Intereſts, towards making up the groſs Sum to be aſſeſſed and adjudged as a Recompence and Satisfaction as aforeſaid; and in caſe any of the ſaid Proprietors or Perſons intereſted as aforeſaid, ſhall not pay his or their Proportion within Two Calendar Months next after the ſame ſhall be ſo aſcertained as aforeſaid, to the Perſon or Perſons to whom ſuch Damages ſhall be aſſeſſed and adjudged, then and in every ſuch Caſe it ſhall and may be lawful to and for the Perſon or Perſons who ſhall be entitled thereto, from Time to Time, as Occaſion ſhall require, into and upon ſuch Lands and Grounds as ſhall belong to, or be occupied by him, her, or them, whoſe Proportion of the ſaid Damages ſhall be ſo unpaid, to enter and diſtrain; and the Diſtreſs and Diſtreſſes then and there found to take, lead, drive, carry away, and impound, and in Pound to detain and keep, or otherwiſe to ſell and diſpoſe of, until ſuch Proportion of the ſaid Damages for which ſuch Diſtreſs or Diſtreſſes ſhall be made, together with all reaſonable Coſts, Charges, and Expences occaſioned by ſuch Non-payment, ſhall be fully ſatisfied and paid; and in caſe ſufficient Diſtreſs ſhall not have been found, or no Diſtreſs ſhall have been made as aforeſaid, and ſuch Proportion of the ſaid Damages ſhall remain unpaid for the Space of Three Calendar Months next after the ſame ſhall be aſcertained as aforeſaid, it ſhall and may be lawful to and for the Perſon or Perſons who ſhall be entitled thereto, into and upon the ſame Lands, Grounds, and Hereditaments, or any Part thereof, in the Name of the Whole, to enter, and the ſame to hold and enjoy, and to receive and take the Rents and Profits thereof to and for his, her, and their own Uſe and Benefit, until he, ſhe, or they ſhall be thereby or otherwiſe fully ſatisfied and paid ſuch Proportion of the ſaid Damages, together with the reaſonable Coſts, Charges, and Expences occaſioned by the Non-payment thereof.

and if not paid in Two Months,

Diſtreſs to be made;

if not paid in Three Calendar Months,

to enter upon the Lands.

Satisfaction for further Damage.

XI. And be it further enacted, That if any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, at any Time after the ſaid Commiſſioners, or any Perſon or Perſons employed or authorized by them, ſhall have begun to carry this Act into Execution, for making the ſaid Drainage, or have completed the ſame, ſhall happen to ſuſtain any Damages or Injury in his, her, or their Lands, Grounds, or Hereditaments (for which they ſhall have had no Recompence or Satisfaction), by any Act, Neglect, or Default of the ſaid Commiſſioners, or their Agents, Workmen, or Servants, or by Reaſon of any Alteration which ſhall be made by them, or any of them, on Account of the Works to be executed by virtue of this Act, then and in every ſuch Caſe if the ſaid Commiſſioners and the Parties by whom ſuch Damages ſhall have been ſuſtained ſhall not agree

touching ſuch Damages, the ſame ſhall be aſſeſſed and determined by the ſaid Juſtices and Jury, to be impannelled as aforeſaid, who ſhall give Judgement for the Party or Parties aggrieved, and ſuch Party or Parties ſhall recover the ſame accordingly, in the ſame Manner and Form as the Damages and Expences are hereby appointed to be aſſeſſed and adjudged for any Lands, Tenements, or Hereditaments which ſhall be ſo made uſe of, cut, or damnified in the Execution of any of the Works by this Act directed or authorized.

If any Ditches filled up, Fences to be made.

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

Not to cut any Drains through *Everton Paſtures*, or the Lands adjoining, except at certain Diſtance from the River *Idle*.

XIII. And be it further enacted, That it ſhall not be lawful for the ſaid Commiſſioners, or any Perſons employed by them, to cut any Drains, Ditches, or Sewers, through certain ancient Incloſures, in the ſaid Pariſh of *Everton* adjoining to *Scaftworth Common*, and called by the Name of *Everton Paſtures*, or any Part thereof; or through any ancient Incloſures adjoining thereto, at a further diſtance than Twenty-ſix Chains from the River *Idle*, between *Toft Hill* and a Flag Cloſe in the Occupation of *Edward Ellis*, nor at a further Diſtance than Eight Chains from the ſaid River *Idle*, between the ſaid Flag Cloſe and *Scaftworth Common*; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

Bridges to be made over Drains where Paſſage to Lands is obſtructed.

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

Commiſſioners to make Aſſeſſments;

XV. And whereas it is reaſonable and juſt that the Expence of making ſuch Banks and Drainage as aforeſaid, and of preſerving, continuing, and ſupporting the ſame when completed, ſhall be charged upon, and paid and contributed by the Owners or Proprietors of the Lands and Grounds to be benefited thereby, according to the Quantity and Quality thereof, and in Proportion to the particular Share of Benefit each Proprietor's Lands and Grounds will have and receive therefrom; be it therefore enacted, That, for the better enabling the ſaid Commiſſioners to make a juſt Apportionment of the Monies to be aſſeſſed, charged,

collected, and paid, for the Purpoſes aforeſaid, the ſaid Commiſſioners ſhall cauſe a Survey and Admeaſurement to be made and taken of the Lands and Grounds to be benefited by the ſaid Embankment and Drainage, and the ſame to be reduced into Writing, wherein the Number of Acres, Roods, and Perches, of each and every Proprietor's Lands and Grounds ſo to be benefited ſhall be ſet forth, and ſhall likewiſe cauſe ſuch Levels to be taken as they ſhall think neceſſary; and the ſaid Commiſſioners ſhall thereupon, at any of the Meetings to be held as before directed, examine, determine, and ſet down in Writing the Annual Value *per* Acre of the ſaid reſpective Lands and Grounds, and what the ſame will be with the Improvement ariſing and to ariſe from the ſaid Embanking and Drainage, and upon Conſideration thereof aſſeſs, tax, and charge, upon the ſaid reſpective Lands and Grounds, and the Owners and Proprietors thereof, ſuch Sum and Sums of Money to be raiſed, levied, and paid in reſpect of every Acre of the ſaid Lands and Grounds, in the Three firſt Years, to be computed from the Firſt Day of *July* One thouſand ſeven hundred and ninety-ſix, as they ſhall deem juſt and reaſonable, according to their Determination of the Annual improved Value *per* Acre of the ſaid Lands and Grounds; ſo as the ſame do not exceed the Rate of Three Pounds by the Acre in each of the ſaid Three firſt Years for any of the Lands and Grounds ſo to be embanked or drained as aforeſaid, and for every Year after the End of the ſaid Three Years, to be computed as aforeſaid, ſuch Sum and Sums of Money to be raiſed, levied, and paid in reſpect of every Acre of the ſaid Lands and Grounds as they ſhall deem juſt and reaſonable, in Proportion to ſuch eſtimated Annual improved Value of each Acre of the ſaid Lands and Grounds, ſoas the ſame do not exceed the Rate of Three Shillings an Acre for any of the Lands and Grounds ſo to be embanked and drained as aforeſaid, and in like Proportion for any Part or Parts thereof leſs than an Acre; the Sum and Sums ſo to be aſſeſſed, taxed, raiſed, and charged, to be from Time to Time applied in and for defraying the neceſſary Expences of obtaining and executing this Act, and for carrying on and effecting the Embanking and Drainage of the ſaid Lands and Grounds, and maintaining the ſame, and the neceſſary Works to be done under and by virtue of this Act, and to be payable and paid to the Collector or Collectors, Receiver or Receivers, for the Time being to be appointed to receive the ſame, at ſuch certain Days and Times in each and every Year as ſhall from Time to Time be limited and appointed for the Payment thereof reſpectively.

And the improved Value of the Lands *per* Acre determined and aſſeſſed accordingly.

Money to be applied in defraying the Expences of obtaining the Act, and in making the Embankment and Drainage.

Power to enter Lands to make Survey.

XVI. And be it further enacted, That the ſaid Commiſſioners, and alſo ſuch Perſon or Perſons as ſhall or may be employed by them, ſhall have full Power and Authority, at all ſeaſonable Times, for that Purpoſe to enter into and upon, view, ſurvey, and admeaſure, the ſaid Lands and Grounds hereby intended to be embanked and drained, and to take ſuch Levels as aforeſaid, without the Let, Hindrance, or Moleſtation of any Perſon or Perſons whomſoever.

Commiſſioners to have Regard to local ſituation of each Pariſh or Townſhip;

XVII. And be it further enacted, That the ſaid Commiſſioners, in aſſeſſing, taxing, and charging the Proprietors of the ſaid Lands and Grounds ſo to be embanked and drained as aforeſaid, ſhall have Regard to the local Situation of each reſpective Pariſh, Townſhip, or Diſtrict already drained, or the Drainage of which hath been provided for by any former Act or

Acts of Parliament, and of each respective Parish, Townſhip, or District intended to be drained by virtue of this Act, and the Benefit to be derived to them respectively by such Embankment and Drainage, or other Works to be executed by the Authority of this Act; and shall assess, tax, and charge the Proprietors of such Lands and Grounds, in every such Parish, Townſhip, or District respectively, in Proportion to the Benefit to be derived to the Proprietors of such Lands and Grounds in each Parish, Townſhip or District, by Means thereof; and also shall estimate, ascertain, and make such Allowances and Deductions, from the general Account of the Expences to be charged upon each respective Parish, Townſhip, or District as shall be by the said Commissioners deemed just and reasonable for or in respect of any Embankment, Drainage, or other Works already made and executed by the Proprietors of Lands and Grounds in such Parish, Townſhip or District respectively; provided such Embankment, Drainage, or other Works so already made, shall, in the Judgement of the said Commissioners, be deemed necessary, expedient, or useful, either in the Whole or in Part, for making or completing any of the Works intended to be executed under the Powers and Authorities of this Act, for the Purpose of the general Drainage.

and to allow for Works already done;

provided the same are deemed necessary Part of the general Plan.

XVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to charge the Proprietors of the Lands and Grounds within the Parish of *Misterton* aforesaid, or any of them, with any Part, Share, or Proportion of the Expences to be incurred in applying for and obtaining this Act; or the Expences of erecting any new Bridges; or the Expences of making a small Sluice intended to be made on the present internal Drain in the said Parish of *Misterton*; or the Expence of purchasing any Lands necessary for making the Drainage and Embankment intended to be made under the Authority of this Act; nor shall the said Proprietors within the Parish of *Misterton* aforesaid be charged with any Part, Share, or Proportion of the Expences of cutting and enlarging the present Drain from *Misterton Sos* to *Cornley Nook*, or of cutting any other new Drains between *Misterton Sos* and *Cornley Nook*, in the Parish of *Misterton* aforesaid, in case the present Drain from *Misterton Sos* to *Cornley Nook* shall be adjudged by the said Commissioners, in its present State, to be of sufficient Capacity effectually to drain the Lands and Grounds within the said Parish of *Misterton*, but in case the same shall be adjudged by the said Commissioners not to be of sufficient Capacity effectually to drain the Lands and Grounds within the said Parish of *Misterton*, then and in such Case the said Commissioners shall charge the said Proprietors of Lands and Grounds within the Parish of *Misterton* with a due and reasonable Proportion of the Expences of cutting and enlarging the present Drain from *Misterton Sos* to *Cornley Nook*.

For exempting the Proprietors of Estates in *Misterton* from a Part of the general Expence.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Commissioners, or any Persons employed by them, to make or cause to be made any Bank on the South Side of the said Rivers *Idle* or *Bycarsdike*, at a less Distance from the present Bank erected by or belonging to the Participants of the Level of *Hatfield Chace*, in the

Banks to be made of a certain Height, and at a certain Distance from the Rivers *Idle* and *Bycarsdike*.

the Counties of *York*, *Lincoln*, and *Nottingham*, on the North Side of the ſaid Rivers, than the preſent Bank and Main Drain for the Drainage of the Low Grounds in *Everton*, *Scaftworth*, *Gringley*, and *Miſterton* aforeſaid, extending from *Miſterton Soſs* to *Scaftworth Hollings*; and that the Top of every ſuch Bank as ſhall or may at any Time or Times hereafter be made on the South Side of the ſaid Rivers *Idle* and *Bycarſdike*, between the ſaid *Soſs* and *Miſſen Field Gate*, commonly called *Bakehouſe Cloſe Gate*, by virtue of this Act, or the Powers herein contained, (ſave and except the Bank between the ſaid *Soſs* and *Miſterton* preſent Outfall Sluice belonging to the ſaid Participants), ſhall be made, and for ever after kept at the leaſt Twelve Inches lower than the Top of the North-weſt Corner Stone of the preſent Wall of the ſaid *Soſs*, the Heighth of ſuch Stone to be aſcertained by the Surveyor for the Time being of the ſaid Participants, and ſuch other Perſon as the ſaid Commiſſioners, hereby appointed ſhall nominate; and in caſe they ſhall not agree, then the ſame to be aſcertained by ſuch indifferent Perſon as the ſaid Two firſt-mentioned Referees ſhall nominate and appoint for that Purpoſe, and that a Certificate of ſuch Heighth, ſigned by the Perſon or Perſons ſo aſcertaining the ſame, ſhall be entered and recorded in the Book of Records of the Commiſſioners of Sewers for the ſaid Level of *Hatfield Chace* and Parts adjacent, and that a Copy of ſuch Record, ſigned by the Clerk to the ſaid Commiſſioners of Sewers ſhall at all Times hereafter be legal Evidence of the ſame in any Court of Law or Equity.

Not to injure the Drainage belonging to the Participants of *Hatfield Chaſe*, nor the Navigation of the *Idle* and *Bycarſdike*.

XX. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, nor ſhall any of the Powers hereby given to the ſaid Commiſſioners be exerciſed or made uſe of by them ſo as in any reſpect to impede, obſtruct, prejudice, injure, or damage, any of the preſent Embankments, Drains, or Works of Drainage belonging to or made for the Uſe of the ſaid Participants, or any of them, ſave and except the ſaid Bank between the ſaid *Soſs* and *Miſterton* preſent Outfall Sluice belonging to the ſaid Participants, which Bank the Commiſſioners hereby appointed are authorized to cut and uſe for the Purpoſe of making any new and additional Outfalls, and which Bank is for ever hereafter to be made, maintained, and ſupported by and at the Expence of the Owners and Proprietors of the Lands and Grounds in *Everton*, *Scaftworth*, *Gringley*, *Miſterton*, and *Walkeringham* aforeſaid, in like Manner as the other Works to be done under and by virtue of this Act are directed to be maintained and ſupported, and that nothing in this Act contained ſhall extend, or be conſtrued to exend, nor ſhall any of the Powers hereby given to the ſaid Commiſſioners be exerciſed or made uſe of by them, ſo as in any Reſpect to impede, obſtruct, prejudice, injure, or damage the preſent Navigation of the Rivers *Idle* and *Bycarſdike*, or either of them, nor in any Reſpect to injure or damage the Proprietors for the Time being of the ſaid Navigation; and in order to preſerve the Water of ſufficient Heighth at all Times hereafter for the Purpoſe of Navigation, the ſaid Commiſſioners ſhall make and erect, or cauſe to be made and erected, ſufficient Draw Doors or Pointing Doors to Landward, not leſs than Four Feet Six Inches in Heighth at the North-weſt or Upper End of *Miſterton Soſs*, and likewiſe at the North-weſt or Upper End of the additional Sluices intended to be made near to the ſaid *Soſs*.

XXI. And

XXI. And be it further enacted, That all the Earth or other Materials neceſſary to be uſed for making the Barrier Bank intended to be made near the ſaid Rivers *Idle* and *Bycarſdike*, and for keeping the ſame hereafter in Repair, ſhall be taken from the South Side of the ſaid intended Bank, if a ſufficient Quantity can be there found, but if a ſufficient Quantity cannot be there had, then and in that Caſe, the Reſidue of the Earth or other Materials for the Purpoſes aforeſaid, ſhall be taken from ſuch Place or Places, within the ſaid ſeveral Pariſhes or Townſhips, as the ſaid Commiſſioners ſhall think proper; they the ſaid Commiſſioners making reaſonable Satisfaction to the ſeveral Proprietors or Owners of the Lands or Grounds from whence ſuch Earth or other Materials ſhall be got, for the Damages to be occaſioned thereby, in ſuch Manner as Satisfaction is by this Act directed to be made for any other Damages to be occaſioned by carrying this Act into Execution; except that no Satisfaction ſhall be made for Earth or other Materials to be taken for the Purpoſes of this Act from any Commons or Waſte Grounds within any of the ſaid reſpective Townſhips or Pariſhes.

Materials for the Bank where to be taken;

Satisfaction to be made.

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

Determination of Commiſſioners as to the Value of Lands, *etc.* to be on Parchment;

and filed with the Clerk of the Peace;

and may be inſpected and Copies taken.

Such Determination to be the Standard for future Rates.

XXIII. Provided always, and be it further enacted, That no Aſſeſſment, Rate, or Tax ſhall be charged or levied, by virtue of this Act, for or in reſpect of any Lands or Grounds which have not been ſubject to Inundations, or to be overflowed or annoyed by Flood Water; and if any Diſputes or Differences ſhall ariſe with reſpect to the Lands which ought to be deemed liable to be taxed by the Authority of this Act, the

Lands not ſubject to be flooded to be exempted from Taxes.

If any Diſpute ariſe, to be determined by

Commiſſioners.

the Lands in Queſtion ſhall be thereupon viewed, and the Matters in Diſpute enquired into, and finally determined by the ſaid Commiſſioners, at One or more Meeting or Meetings to be holden by virtue of this Act; and the Determination of the ſaid Commiſſioners ſhall be reduced into Writing, and ſigned by them and depoſited with their Clerk, and a true Copy thereof ſhall be delivered to each Proprietor of the Lands and Grounds in Queſtion, or his or their Agent; and in caſe any of the ſaid Proprietors ſhall think himſelf, herſelf, or themſelves aggrieved by the Determination of the ſaid Commiſſioners, then it ſhall and may be lawful to and for ſuch Proprietor or Proprietors to appeal to the Juſtices of the Peace at the then next General Quarter Seſſions of the Peace to be holden at *Eaſt Retford* aforeſaid, after giving Ten Days Notice at leaſt, in Writing, of his, her, or their Intention to the ſaid Commiſſioners, or their Clerk for the Time being; and the Judgement of the ſaid Juſtices thereon ſhall be final and concluſive to all Parties; and the ſaid Juſtices ſhall and may alſo have full Power to allow Coſts to either Party, as they ſhall adjudge reaſonable.

Perſons aggrieved may appeal to Seſſions.

Power to borrow Money.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money which they ſhall think neceſſary for the Purpoſes of this Act; and by Writing under their Hands and Seals to aſſign over the ſaid Yearly Rates or Taxes, or any Part or Parts thereof, to the Perſon or Perſons who ſhall advance and lend the ſame, or their Truſtees, for ſuch Term or Number of Years, and in ſuch Manner and Form, as the ſaid Commiſſioners ſhall think fit, as a Security for the Re-payment of ſuch Sum or Sums of Money ſo borrowed, with Intereſt, the Coſts and Charges of which Aſſignment or Aſſignments ſhall be paid out of the ſaid Rates and Taxes; and which Money ſo borrowed, and alſo the ſaid Rates and Taxes, ſhall be applied and diſpoſed of in the Firſt Place for defraying the Charges and Expences incident to, and attending the obtaining and paſſing of this Act, and afterwards in making and taking the neceſſary Surveys and Levels, and making, executing, and completing ſuch Works as ſhall be requiſite for the more effectually embanking, draining, and improving the ſaid Lands and Grounds, and for effecting other the Purpoſes of this Act, and carrying the ſame into Execution, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

Rates aſſigned as a Security.

Money borrowed and Rates how to be applied.

Mortgages may be aſſigned.

XXV. And be it further enacted, That the ſaid Mortgage or Mortgages, and the Monies thereby reſpectively to be ſecured, ſhall and may be aſſignable and transferrable by Indorſement on the original Grant thereof, or by any other Inſtrument in Writing, to be ſigned and ſealed in the Preſence of Two or more credible Witneſſes, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Transfer or Aſſignment ſhall be made, ſhall from Time to Time after the making thereof, be abſolutely entitled to ſuch Principal Money, and the Intereſt due and to grow due thereon; which ſaid Aſſignee or Aſſignees, and all and every ſubſequent Aſſignee or Aſſignees, may alſo in like Manner aſſign ſuch Mortgage or Mortgages, and ſo from Time to Time as Occaſion ſhall require.

XXVI. And

Aſſeſſments to be chargeable with Money borrowed, and Intereſt;

XXVI. And it is hereby further enacted and declared, That the Taxes and Aſſeſſments to be raiſed and levied by this Act ſhall be charged and chargeable with the Payment of the Principal Money ſo to be borrowed by the ſaid Commiſſioners, and the Intereſt thereof, and ſhall veſt in the reſpective Creditors upon Default of Payment of ſuch Principal and Intereſt, at the Time and Times to be appointed for Payment thereof, until the ſame, and every Part thereof ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Non-payment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Powers, Rights, and Privileges of aſſeſſing, raiſing, levying, and recovering the ſaid ſeveral Taxes and Aſſeſſments payable by the ſeveral and reſpective Owners or Occupiers of the ſaid Lands and Grounds, for and in reſpect of ſuch Principal Monies and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners, or their Collectors or other Officers, would or could have had by virtue and under the Authority of this Act, in caſe ſuch Principal and Intereſt had been regularly and fully paid and ſatisfied.

and in Default of Payment to be levied by Creditors.

Tenants to pay Rates and deduct ſame from their Rents;

except particular Tenants;

XXVII. And be it further enacted, That the ſeveral and reſpective Tenant or Tenants, Occupier or Occupiers, of all and ſingular the Lands and Grounds before mentioned, and intended to be embanked and drained by virtue of this Act, is and are hereby authorized and required to pay ſuch Sum and Sums of Money as ſhall be ſo rated and aſſeſſed upon the reſpective Lands and Grounds in their ſeveral Occupations, or upon the Owner or Owners thereof, and to deduct the ſame out of his, her, and their Rent; and every Tenant or Tenants, Occupier or Occupiers, who ſhall make ſuch Payment or Payments, ſhall be acquitted and diſcharged for ſo much Money as the ſaid Aſſeſſment or Rate ſhall amount unto, as if the ſame had been actually paid unto the Perſon or Perſons to whom his, her, or their Rent ſhall be due and payable; ſave only and except ſuch Tenants or Occupiers who hold their Farms under Leaſe for Three Years, or more, to come from the paſſing of this Act; and in ſuch Caſe the Share or Proportion of the Aſſeſſment or Rate which ſuch Tenant or Tenants, Occupier or Occupiers, ought to bear and pay, in Conſideration of the Benefit he, ſhe, or they ſhall or may receive by the Term ſubſiſting in ſuch Leaſe, ſhall be adjuſted, aſcertained, and finally determined by the ſaid Commiſſioners; or the ſaid Commiſſioners ſhall and may, by any Writing under their Hands and Seals, order, award, and direct ſuch further or additional Yearly Rent or Sum of Money to be paid by the ſaid Tenant or Tenants, Occupier or Occupiers reſpectively, during the Remainder of their reſpective Terms to come in ſuch Leaſe or Leaſes, as to them ſhall ſeem juſt and reaſonable, and to be recovered and recoverable in the ſame Manner as the Rent already reſerved by ſuch Leaſe or Leaſes.

who ſhall pay ſuch Proportion of the Taxes, as Commiſſioners ſhall adjudge reaſonable.

Perſons refuſing to pay Rates,

XXVIII. And be it further enacted, That in caſe any Owner or Owners, Occupier or Occupiers of the ſeveral Lands and Grounds to be rated or aſſeſſed by virtue of this Act ſhall refuſe or neglect to pay the Rate or Tax charged upon him, her, or them, or upon his, her, or their Lands and Grounds reſpectively, within Thirty Days next after the reſpective Times of Payment ſo to be appointed by the ſaid Commiſſioners as aforeſaid, publick Notice thereof being given upon a *Sunday* immediately

after Divine Service, by the Collector or Collectors, Receiver or Receivers for the Time being, in Writing, on the Church Doors of the ſaid ſeveral Pariſhes or Townſhips reſpectively, then and in ſuch Caſe it ſhall and may be lawful to and for ſuch Collector or Collectors, Receiver or Receivers, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of the ſaid Commiſſioners (which Warrant or Precept ſuch Commiſſioners are hereby empowered and required to grant and iſſue as Occaſion ſhall from Time to Time require) to levy the Sums ſo to be rated or taxed by Diſtreſs of the Goods and Chattels of ſuch Perſon or Perſons making Default as aforeſaid wherever the ſame ſhall be found, and alſo of any Goods and Chattels that ſhall be found upon the Lands, Grounds, and Premiſes ſo charged with any Sum or Sums of Money, and the Goods and Chattels ſo diſtrained to keep for Five Days at the Coſts and Charges of the ſaid Owner or Owners, Occupier or Occupiers, leaving Notice in Writing of the Cauſe of ſuch Diſtreſs at his, her, or their Dwelling Houſe or Dwelling Houſes, or upon ſome conſpicuous Part of the ſaid Lands, Grounds, and Premiſes; and if the ſaid Owner or Owners, Occupier or Occupiers, ſhall not pay the Sum or Sums ſo to be awarded, aſſeſſed, and rated, within Five Days next after ſuch Diſtreſs, and Notice thereof given as aforeſaid, that then the ſaid Goods and Chattels ſo diſtrained ſhall be appraiſed by Two or more Inhabitants of the Pariſh or Townſhip where the ſame ſhall be taken, or by Two other ſufficient and diſintereſted Perſons, in order to be ſold, by the Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons making ſuch Diſtreſs as aforeſaid, who is and are hereby authorized to ſell the ſame, and every or any Part thereof, for Payment of the ſaid Money ſo to be aſſeſſed and rated; and the Overplus (if any there ſhall be) ariſing from ſuch Sale or Sales, after deducting the Sum or Sums ſo to be rated or aſſeſſed, and the Charges of taking, keeping, appraiſing, and ſelling the ſaid Goods and Chattels ſo diſtrained, ſhall be returned to ſuch Owner or Owners, Occupier or Occupiers, on Demand.

Money may be levied by Diſtreſs;

returning the Overplus.

Intereſt to be paid for Money advanced.

XXIX. And be it further enacted, That the Money which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Expences of applying for and obtaining this Act, ſhall be repaid, with lawful Intereſt, to ſuch Perſon or Perſons out of the Firſt Money to be raiſed by any Rate as aforeſaid for defraying the Expences of obtaining and executing this Act.

Method of recovering the Aſſeſſments for Land untenanted.

XXX. And be it further enacted, That in caſe any of the ſaid Lands and Grounds ſo to be embanked or drained as aforeſaid, ſhall at any Time hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be found whereon to levy the ſaid Taxes or Aſſeſſments, then the Lands and Grounds to be charged with ſuch Taxes and Aſſeſſments ſhall remain a Security for Payment thereof; and all Corn, Hay, and other Goods and Chattels, which ſhall at any Time thereafter be found thereon, ſhall and may be diſtrained, kept, appraiſed, and ſold in Manner aforeſaid, until all Arrears of ſuch Taxes and Aſſeſſments, and the Charges of ſuch Diſtreſs, and detaining, keeping, and ſelling the ſame, ſhall be fully paid and ſatisfied.

XXXI. And be it further enacted, That all Perſons holding their Lands and Tenements under College or Church Leaſes, or other Leaſes not at Rack Rent, ſhall pay the whole Rates and Taxes to be aſſeſſed by virtue of this Act, and ſhall not be entitled to any Deduction from their ſeveral Landlords in reſpect thereof. Proprietors holding under Church Leaſes, &c. to pay the whole Rate.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at any Meeting to be held for that Purpoſe, whereof Ten Days Notice at the leaſt ſhall be given, by affixing the ſame upon the Doors of the Churches of the ſaid reſpective Pariſhes or Townſhips, and by advertiſing the ſame in the *Nottingham* Newſpaper, or ſome other Newſpaper uſually circulated in the ſaid County of *Nottingham*, to receive Propoſals from, and enter into, and make and execute Contracts with any Engineers and Workmen for embanking and draining the ſaid Lands and Grounds hereby intended to be embanked and drained as aforeſaid, and for providing proper Utenſils and Materials for that Purpoſe, and all other Matters, Articles, and Things concerning the ſame; which ſaid Contracts ſo made ſhall be entered in a Book to be kept for that Purpoſe, and ſhall be ſigned by the ſaid Commiſſioners, or their Clerk or Clerks for the Time being. Commiſſioners may contract with Workmen; Contracts to be entered in a Book.

XXXIII. And be it further enacted, That before the ſaid Commiſſioners ſhall make or ſet out any new Drains, or execute any other of the Works under and by the Authority of this Act, they ſhall and are hereby required to take the Advice and Opinion thereupon of *William Jeſſop* of *Newark upon Trent*, in the County of *Nottingham*, Engineer; and in caſe of the Death, Refuſal, or Incapacity to act of the ſaid *William Jeſſop*, then of ſuch other Engineer as the Proprietors of the Lands and Grounds hereby intended to be embanked and drained as aforeſaid, or the major Part of them in Value, preſent at a Meeting to be held at the Houſe of the ſaid *John Sly* at *Drakeholes* aforeſaid, within Twenty Days next after Notice thereof ſhall be given by the ſaid Commiſſioners in the *Nottingham* Newſpaper, or ſome other Newſpaper uſually circulated within the ſaid County of *Nottingham*, and by Notice in Writing affixed upon the Doors of the Churches of the ſaid ſeveral Pariſhes or Townſhips, ſhall, by Writing under their Hands, nominate or appoint. Commiſſioners to take the Opinion of an Engineer before they ſet out the Drains.

XXXIV. And be it further enacted, That no Commiſſioner hereby appointed, or to be elected as herein-before mentioned, ſhall have any Benefit or Intereſt in any Contract to be made for the Works to be executed by virtue of this Act; and if any Commiſſioner ſhall receive any Benefit or Intereſt as aforeſaid, he ſhall for ever thereafter be deemed incapable to act in the Execution of the Powers of this Act. Commiſſioners not to have any Intereſt in Contracts.

XXXV. And be it further enacted, That all and every Perſon or Perſons who ſhall contract for the Performance or Execution of any of the ſaid Works, ſhall be compelled by their reſpective Contracts to execute the ſame by themſelves, or their own immediate Servants or Workmen, and not by any other Perſon or Perſons whomſoever; and ſhall give Security for the due Performance of ſuch Contracts. Contractors to execute the Works themſelves.

XXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to order or appoint any Tunnel or Power to take Water in dry Seaſons.

Tunnels, Sluice or Sluices, to be laid in or through any of the outward Banks on the South Side of the Rivers *Idle* and *Bycarſdike*, or either of them, or in or through any of the Cuts, Drains, Sewers, or Ditches, now made, or hereafter to be made by virtue of this Act, in, near, or adjoining to any of the ſaid Lands and Grounds intended to be embanked and drained as aforeſaid, and to erect Staunches in the ſaid Cuts, Drains, Sewers, or Ditches, or any of them, for the taking in and retaining of Water out of the ſaid Rivers *Idle* and *Bycarſdike*, or either of them, and to take and convey the ſame into the Lands and Grounds of any of the ſaid Proprietors, for the watering of Cattle in dry Seaſons, or for other Conveniencies; ſo that the ſame ſhall be ſubject to the Controul, Regulations, and Directions of the ſaid Commiſſioners, and be liable to be ſtopped up, removed, or taken away, by them or their Order, whenever they ſhall deem ſuch Tunnels or Staunches, or any of them, to be unneceſſary, or anyways prejudicial to the general Drainage intended by this Act, as they from Time to Time ſhall ſee Occaſion.

Water may be let in to flood the Lands at certain Times.

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered to make, and to ſet open from Time to Time, between the Firſt Day of *March* and the Firſt Day of *November* in every Year, as they in their Judgement and Diſcretion ſhall think expedient, a ſufficient Number of Sluices or Slakers in all or any of the ſaid Pariſhes or Townſhips reſpectively, for the Purpoſe of overflowing the ſaid Lands and Grounds, or any Part of them with Water from the River *Trent*, or the Rivers *Idle* and *Bycarſdike*, or the Mother Drain, for warping and fertilizing the ſame; and to ſhut down ſuch Sluices and Slakers whenever they ſhall think proper or ſee convenient between the Times above-mentioned; but that the ſaid Sluices or Slakers ſhall not be ſet or kept open at any other Time in the Year.

No particular Pariſh or Townſhip to be flooded ſeparately, except under certain Reſtrictions.

XXXVIII. Provided nevertheleſs, That the ſaid Commiſſioners ſhall not have Power to flood any particular Pariſh or Townſhip ſeparately, unleſs and until the Owners or Occupiers of the Lands and Grounds in ſuch Pariſh or Townſhip ſo to be flooded, ſhall by entering into ſufficient Security, or by making interior Banks, Sluices, Tunnels, Cloughs, or otherwiſe, (ſuch Sluices or Cloughs to be upon or into the ſaid Rivers *Trent*, *Idle*, or *Bycarſdike*, ſome or One of them, or the ſaid Mother Drain, as ſhall appear expedient to the ſaid Commiſſioners), give ſufficient Satisfaction, in the Opinion of the ſaid Commiſſioners, that no other Pariſh or Townſhip ſhall receive any Damage by or in conſequence of ſuch flooding, or that Indemnification ſhall be given by ſuch Owners or Occupiers of the Pariſh or Townſhip ſo to be flooded againſt any Damage that may happen by or in conſequence of ſuch flooding to any other Pariſh or Townſhip.

Proprietors to have Liberty, at certain Times, to overflow their Lands.

XXXIX. And be it further enacted, That after the Determination of the ſaid Commiſſioners for aſcertaining the Annual Value of the Lands and Grounds ſo to be embanked and drained, and fixing the Annual Proportion of the Rates and Aſſeſſments to be laid, collected, and paid in reſpect of ſuch Lands and Grounds, ſhall be reduced into Writing, and filed with the Clerk of the Peace for the ſaid County of *Nottingham*,

as is herein-before directed, and when the Powers and Authorities by this Act given to and veſted in the ſaid Commiſſioners hereby appointed ſhall devolve upon and be veſted in the Commiſſioners of Sewers, in the Manner herein-after mentioned, then and from thenceforth it ſhall and may be lawful to and for any One or more of the Proprietors of the ſaid Lands and Grounds ſo to be embanked and drained, or any Part thereof, by and with the Conſent in Writing of the ſaid Commiſſioners of Sewers, or any Six or more of them, from Time to Time, between the ſaid Days and Times laſt above mentioned, to make uſe of, ſet open, and afterwards ſhut any of the ſaid Sluices or Slakers, and to make uſe of any of the ſaid Drains and other Works now made or hereafter to be made, which ſhall be neceſſary for the Purpoſe of overflowing his, her, and their reſpective Lands and Grounds, or any Part thereof, with Water from the ſaid River *Trent*, or the ſaid Rivers *Idle* and *Bycarſdike*, or the ſaid Mother Drain, or any of them, for warping and fertilizing the ſame.

Not to uſe any of the Sluices without firſt making interior ones, and entering into Security not to prejudice other Lands.

XL. Provided nevertheleſs, That no Perſon or Perſons whomſoever ſhall be permitted to overflow his, her, or their Lands or Grounds with Water, or to make uſe of any of the ſaid Sluices or Drains for the Purpoſes aforeſaid, until he, ſhe, or they ſhall make ſufficient interior Banks, Sluices, Tunnels, Cloughs, or other Works, and alſo enter into proper Security, to the Satisfaction of the ſaid Commiſſioners, for preventing any other Lands or Grounds from receiving any Damage by or in conſequence of letting in ſuch Water, or if any Damage ſhall ariſe thereby, then and in that Caſe for making full and ample Satisfaction for the ſame; ſuch Damages to be recoverable by the Perſon or Perſons injured or aggrieved, by Action or Actions at Law againſt the Perſon or Perſons by whoſe Means ſuch Damage ſhall ariſe, in Manner aforeſaid, with full Coſts.

Perſons to remain chargeable with the preſent Drains as heretofore.

XLI. And be it further enacted, That all and every Perſon and Perſons who by Law are now chargeable with or towards the cleanſing, repairing, or maintaining any Banks, Rivers, Drains, Sewers, Ditches, Cloughs, or other Works in the ſaid reſpective Townſhips or Pariſhes, or any of them, or in any of the Lands or Grounds in or through which any of the Cuts, Drains, Cloughs, or other Works hereby directed to be made, uſed, enlarged, altered, diverted, or maintained, are or ſhall be erected or made, or ſhall paſs, ſhall ſtill remain chargeable therewith reſpectively, and perform their reſpective Works in like Manner as if this Act had not been made, ſave and except the ſaid Bank between the ſaid *Soſs* and *Miſterton* Outfall Sluice, which is to be made, maintained, and ſupported in Manner herein-before directed, and that all the Drains, Sewers, Ditches, and other Works of Drainage already made in any of the ſaid reſpective Townſhips or Pariſhes ſhall from henceforth be under and ſubject to the Controul, Direction, Survey, and Order of the ſaid Commiſſioners of Sewers.

Drains to be kept as Commiſſioners ſhall direct.

XLII. And be it further enacted, That the Owner or Owners, Occupier or Occupiers of any of the Lands and Grounds ſo intended to be embanked and drained as aforeſaid, ſhall make, and at all Times hereafter keep all the Outring and Diviſion Drains or Ditches belonging to their ſaid Lands, reſpectively, of ſuch Width and Depth as the ſaid Commiſſioners

missioners shall from Time to Time order and direct; and also from Time to Time, and at all Times hereafter, cause the same Ditches or Drains to be well and effectually scoured and cleansed from Weeds and other Obstructions, and also Stocks or Inlets to be placed in and through the Banks directed to be raised, when the same shall be needful, for the better issuing and conveying away the Waters therein; and if any such Owner or Occupier shall refuse or neglect to make or keep such his or her Ditches or Drains of such Dimensions as shall from Time to Time be directed by the said Commissioners, or to scour or cleanse the same from Weeds or other Obstructions, or to place such Stocks or Inlets as aforesaid, after Fourteen Days Notice to him or her given, or left at his or her last or usual Place of Abode, in Writing under the Hands of One or more of the said Commissioners, then it shall and may be lawful for the said Commissioners to cause the same to be done and executed in a proper and effectual Manner, and by Warrant under their Hands and Seals to authorize and empower their Collector or Collectors, or any other Person or Persons, to levy the Money expended in doing and executing the same, by Distress and Sale of such Goods and Chattels as shall then, or at any Time thereafter, be found on the Lands and Grounds to which such Ditches, Drains, and Tunnels shall belong, (over and above the other Rates and Taxes chargeable or to be charged upon the same Lands and Grounds by virtue of this Act), rendering the Overplus (if any) after all Charges paid, to such Owner or Owners, Occupier or Occupiers respectively, when demanded.

Commissioners may remove Obstructions.

XLIII. And be it further enacted, That the said Commissioners shall have full Power, and they are hereby authorized and empowered, to remove, or cause to be removed, all Impediments, Annoyances, and Obstructions whatsoever, from Time to Time in the said Cuts, Drains, and other Works.

Penalty on Persons refusing or neglecting to remove any Obstructions occasioned by them.

XLIV. And be it further enacted, That in case the Person or Persons who shall occasion any Impediment, Annoyance, or Obstructions, in such Cuts, Drains, and other Works, as aforesaid, shall refuse or neglect to remove the same in such Manner as the said Commissioners, or their Agents, Officers, or Workmen, shall require, for the Space of Ten Days after Notice in Writing given for that Purpose, every such Person or Persons so neglecting or refusing, on Conviction before any Justice of the Peace for the said County of *Nottingham*, or for the Liberty of *Southwell* and *Scrooby*, in the same County, by the Oath or Oaths of One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay the Sum of Five Pounds, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; which Sum so forfeited shall be employed in and towards carrying on the Works and Improvements to be done and executed in pursuance of this Act; and for Want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction for any Time not exceeding Three Calendar Months, nor less than One Calendar Month, or until such Penalty shall be paid, or otherwise compounded for; which Composition the said Commissioners are hereby empowered to make.

XLV. And be it further enacted, That no Commiſſioner named or appointed, or who ſhall be elected by virtue of this Act, ſhall be empowered to act or do any Matter or Thing whatſoever in the Execution of the Powers hereby given to the ſaid Commiſſioners, at any other Time or Times than at Meetings to be held in purſuance of this Act, or in conſequence of, or by Orders made at ſuch Meetings. Commiſſioners to act at Meetings, or by Order of Meetings only.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the Truſtees of *Clerkſon*'s Charity for the Time being, and alſo for any other of the Owners or Proprietors of any of the ſaid Lands and Grounds intended to be embanked and drained as aforeſaid, being Tenants in Tail, or Tenants for Life, or his, her, or their Truſtee or Truſtees, Guardian or Guardians, or being a Body or Bodies Politick, Corporate or Collegiate, Aggregate or Sole, and alſo for the Huſband or Huſbands of ſuch Tenants in Tail, or Tenants for Life, or the Vicars of any of the ſaid reſpective Pariſhes for the Time being, from Time to Time to charge the ſaid Lands and Grounds with ſuch Sum or Sums of Money as ſhall be ſufficient for paying the yearly or other Rates or Taxes to be laid upon the ſaid Lands and Grounds reſpectively, for the obtaining and paſſing this Act, and for the embanking and draining to be done and executed in purſuance thereof; and for ſecuring the Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to grant, charge, demiſe, and mortgage, or otherwiſe ſubject the ſaid Lands and Grounds unto ſuch Perſon and Perſons as ſhall advance and lend the ſame reſpectively, and to his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years; ſo as every ſuch Grant and Demiſe ſhall be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered upon Re-payment of the ſeveral Sums of Money reſpectively to be ſecured as aforeſaid, on a certain Day, in ſuch Mortgage or Security to be for that Purpoſe named, not exceeding One Year from the Date of ſuch Mortgage or other Security; and ſo as every ſuch Grant, Mortgage, or Demiſe, ſo to be made, ſhall contain a Proviſo, that the Perſon or Perſons entitled to the Remainder or Reverſion of the Lands ſo to be mortgaged by any Tenant in Tail, or Tenant for Life, or ſuch other Perſon or Perſons entitled to mortgage as aforeſaid, his, her, or their Truſtee or Truſtees, Guardian or Guardians, ſhall not be liable, upon his, her, or their becoming poſſeſſed thereof, to the Payment of any further or longer Arrear of Intereſt than for One Year preceding the Time that the Title to ſuch Poſſeſſion ſhall accrue or commence; and every ſuch Grant, Mortgage, or Demiſe, ſo 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 any ſuch Body or Bodies Corporate, Politick, or Collegiate, or in the ſaid Tenants in Tail, or for Life, or ſuch other Perſon or Perſons as aforeſaid; any Settlement or Settlements, Will or Wills, Decrees, Truſts, Uſes, Remainders, Limitations, or other prior or former Incumbrances, of or concerning the ſame Lands or Grounds, or any Part thereof, then in being, or capable of taking Effect to the contrary, in anywiſe notwithſtanding. Power for Tenants for Life, &c. to borrow Money.

XLVII. Provided always, and be it further enacted, That it ſhall and may be lawful for the Truſtees for the Time being of the Eſtate of *Thomas Magnus*, deceaſed, lying and being in the Pariſh of *Everton* aforeſaid, Truſtees of Mr. *Thomas Magnus*'s Eſtate to have Power to

apply their Rents towards paying the Rates.

aforeſaid, and they are hereby empowered, from Time to Time to apply any Part of the Rents and Profits ariſing from ſuch Eſtates, in or towards defraying and paying the Rates or Taxes to be charged or aſſeſſed upon the Lands and Grounds belonging to the ſaid Truſtees by virtue of this Act.

Accounts to be made up yearly.

XLVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, Once in every Year, in One of the Months herein-before appointed for their Meetings, to inſpect and examine into the Receipts and Diſburſements of ſuch Monies as ſhall be collected, received, or diſburſed, by virtue of this Act, to the Fifth Day of *April* then next preceding; and all Accounts relating to the ſame ſhall then, or within Thirty Days afterwards, be examined or paſſed by the ſaid Commiſſioners; at which Time the Collector or Collectors, Receiver or Receivers of the ſaid Rates and Sums of Money to be received as aforeſaid, is and are hereby required to attend with true and diſtinct Books of Accounts, containing his or their reſpective Receipts and Diſburſements, and with ſufficient Vouchers for the ſame, and upon Conſideration and Examination thereof upon Oath, to be adminiſtered (if thought neceſſary) by One of the ſaid Commiſſioners (which Oath any One of the ſaid Commiſſioners is hereby empowered to adminiſter) the ſaid Commiſſioners are hereby required to allow and paſs the ſaid Accounts, or ſuch Part or Parts thereof as to them ſhall appear juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts thereof as ſhall be allowed by the ſaid Commiſſioners, under their Hands, ſhall be fairly entered in Two ſeveral Sets of Books to be kept for thoſe Purpoſes; One Set whereof ſhall remain in the Cuſtody of the ſaid Commiſſioners or their Clerk, and the other with the ſaid Clerk of the Peace; which ſaid Books may be inſpected and peruſed at all ſeaſonable Times, by any of the Perſons rated or taxed in purſuance of this Act, without Fee or Reward.

Management of the Works in future to devolve upon the Commiſſioners of Sewers.

XLIX. And be it further enacted, That when the Determination of the ſaid Commiſſioners for aſcertaining the Annual Value of the Lands and Grounds ſo to be embanked and drained, and fixing the Annual Proportion of the Rates and Aſſeſſments to be laid, collected, and paid, in reſpect of ſuch Lands and Grounds, ſhall be reduced into Writing, and filed with the Clerk of the Peace for the ſaid County of *Nottingham*, as is herein-before directed, all and every the Appointment or Appointments of the Commiſſioners herein-before named, and of their Succeſſors to be elected as aforeſaid, and alſo all and every the Powers and Authorities by this Act given to and veſted in them, or any of them, of any Nature or Kind whatſoever, touching the Execution of this Act, or any Part thereof, ſhall ceaſe and abſolutely determine; and that from thenceforth all and every the Powers and Authorities hereby given and granted to the Commiſſioners appointed by this Act, and their Succeſſors (except the Power of electing Commiſſioners, or of altering or changing the Proportions of the ſaid Annual Rates or Taxes ſo determined as aforeſaid) ſhall devolve upon, and be for ever afterwards veſted in the ſaid Commiſſioners of Sewers within the Level of *Hatfield Chace*, and Parts adjacent in the Counties of *York*, *Lincoln*, and *Nottingham*, who ſhall from thenceforth be the only Commiſſioners for the Execution of this Act; and that all the Powers and Authorities hereby given to,

and Matters and Things directed to be done or executed by the Commiſſioners herein-before particularly named, and their Succeſſors (except as aforeſaid) ſhall be veſted in, and may be done and executed by the ſaid Commiſſioners of Sewers from Time to Time, and the ſame ſhall be as valid and effectual, to all Intents and Purpoſes, as if the ſame were hereby veſted in or directed to be done by them by expreſs Words throughout this Act; and that all the new Cuts, Drains, Sewers, Ditches, Banks, Bridges, Sluices, and other Works, hereafter to be made under the Authority of this Act, ſhall from thenceforth be under and ſubject to the Controul, Directions, Survey, and Order, of the ſaid Commiſſioners of Sewers, in the ſame Manner, in every Reſpect, as any other Works of Drainage within the ſaid Level of *Hatfield Chace*; any Thing herein, or in any former Law or Statute, to the contrary notwithſtanding.

For puniſhing Perſons injuring the Works.

L. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter wilfully obſtruct, injure, or prejudice, any of the Banks, Cuts, Sluices, Drains, or other Works, made or to be made for the embanking and draining the ſaid Lands and Grounds, and ſhall be convicted of ſuch Offence upon the Oath of any One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the ſaid County of *Nottingham*, or for the Liberty of *Southwell* and *Scrooby* in the ſame County, every Perſon ſo convicted ſhall forfeit for every ſuch Offence the Sum of Ten Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender, by Warrant under the Hand and Seal or Hands and Seals of the Juſtice or Juſtices before whom ſuch Conviction ſhall be had; which Sum ſo forfeited ſhall be employed in and towards carrying on the Works and Improvement to be done and executed in purſuance of this Act; and for Want of ſufficient Diſtreſs, ſuch Offender ſhall, by the ſaid Juſtice or Juſtices, be committed to the Houſe of Correction at *Southwell*, in the ſaid County, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unleſs he ſhall ſooner pay the ſaid Penalty, and Coſts of Conviction; and every ſuch Perſon or Perſons ſo offending as aforeſaid, ſhall alſo be liable to make full and ample Satisfaction for any Damage or Injury which may ariſe by the Means aforeſaid, ſuch Damages to be recoverable by the Perſon or Perſons injured or aggrieved, by Action or Actions at Law againſt the Perſon or Perſons by whoſe Means ſuch Damage ſhall ariſe in Manner aforeſaid, with Treble Coſts; and if any Perſon ſhall wilfully or maliciouſly cut, lay open, throw down, or deſtroy, any Bank or Clough, or other Work, to be erected, made, or continued, in purſuance of this Act, and be thereof lawfully convicted, every ſuch Perſon ſo offending ſhall be adjudged guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony; and the Court by or before whom ſuch Perſon or Perſons ſhall be tried, ſhall have, and are hereby inveſted with full Power and Authority to tranſport ſuch Felon for Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

Proceedings not to be quaſhed for Want of Form only.

LI. And be it further enacted, That no Order or other Proceeding to be had or made by or before any Juſtice or Juſtices of the Peace, by virtue

virtue of the Powers of this Act, ſhall be quaſhed or vacated for Want of Form only.

Limitation of Actions.

LII. And be it further enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing to be done in purſuance of this Act, or in the Execution of the Powers and Authorities hereby given and granted, every ſuch Suit, Action, or Information, ſhall be commenced and brought within Six Calendar Months next after the Fact committed, and not afterwards; and ſhall be laid and brought in the ſaid County of *Nottingham*, and not elſewhere; and the Perſon or Perſons ſo ſued or proſecuted ſhall

General Iſſue.

and may plead the General Iſſue, and give this Act and the ſpecial Matters in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any Action, Suit, or Information, ſhall be brought after the Time hereby limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then and in ſuch Caſe or Caſes the Jury ſhall find a Verdict for the Defendant or Defendants; and if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgement ſhall be given againſt the Plaintiff or Plaintiffs,

Treble Coſts.

the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any other Defendant or Defendants hath or have for Coſts of Suits in any other Caſes by Law.

Publick Act.

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

FINIS.