



ANNO QUADRAGESIMO PRIMO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 135.

An Act for the better and more effectually draining certain Tracts of Land, called *Wildmore Fen*, and *The West and East Fens*, in the County of *Lincoln*, and also the Low Lands and Grounds in the several Parishes, Townships, and Places having Right of Common on the said Fens, and other Low Lands and Grounds lying contiguous or adjoining thereto.  
[2d July 1801.]

**W**HEREAS there are certain Tracts of Land called *Wildmore Fen*, and *The West and East Fens* in the County of *Lincoln*, containing together Forty thousand Acres or thereabouts: And whereas by an Act, passed in the Second Year of the Reign of His present Majesty, intituled, *An Act for draining and preserving certain Low Lands, called The Fens, lying on both Sides of the River Witham, in the County of Lincoln, and for restoring and maintaining the Navigation of the said River from the High Bridge in the City of Lincoln, through the Borough of Boston, to the Sea*, it was enacted, that the Low Lands and Fens therein-after mentioned and described, should be drained and improved by, with, and under such Powers and Authorities, and subject to such Rules, Orders, Directions, and Provisions, and by such Ways and Means as were therein-after directed and prescribed; and it was thereby further enacted and declared, that the same Low Lands and Fens should be deemed to consist of and be divided into Six several Districts or Divisions to be respectively

Preamble.  
*Witham Act.*

2 Geo. III.  
1762, recited.

[*Loc. & Per.*]

28 Z

spectively

District Commissioners to be elected. Who were to have the Direction of private Works within their respective Districts. To elect General Commissioners for Drainage.

Provision relating to *Anthony's Gowt*, and *Maud Foster's Gowt*.

spectively comprized within the several Limits therein-after mentioned; and that the Low Lands in *Coringby*, *Mareham*, *Hundle House*, *Revesby*, *Middleham*, *Moorhouse*, *Hermitage*, *Newholme*, *Westhouse*, *Langrike*, *Langworth*, *Swinecote*, *Hagnaby*, *Stickney*, *Wildmore Fen*, and *West Fen*, and bounded as therein mentioned, should constitute and be contained in the Fourth District; and it was thereby further enacted, that for the more effectual executing of the said Act, certain Commissioners should be elected within each of the said Districts, in Manner therein mentioned: And it was thereby further enacted, that the several Commissioners of the First, Second, Third, Fourth, and Sixth Districts respectively, or any Five or more of each of them, and the Commissioners for the Fifth District, or any Three or more of them, should have the Care, Management, and Direction of the private Works necessary to be done within their respective Districts, under the Rules and Directions therein-after mentioned; and they were thereby authorized and required, from Time to Time, to elect Thirty-one Persons to be General Commissioners for the Purposes of Drainage, in Manner therein mentioned; which Persons so elected, with others therein named, should be and they were thereby appointed General Commissioners for the Purposes of Drainage, subject to the Rules, Orders, Provisions, and Directions therein-after mentioned, expressed, and declared: And it was thereby further enacted, and the said General Commissioners, or any Five or more of them, were thereby authorized and required to cause a new Gowt to be made and erected at the general Expence, in the North Bank of the then intended new Cut or River, at or near the Place where *Anthony's Gowt* then stood, and to cause the same to be finished with all convenient Speed; and the said General Commissioners, or any Five or more of them, were to cause to be made, at the general Expence, a new Cut from the Place where the said new Gowt should be erected, to the Place where *Anthony's Gowt* then stood, of sufficient Dimensions for conveying the Waters of *Wildmore* and *West Fens* through the said intended new Gowt, and to be made as soon after the said new Gowt was finished as conveniently might be; and in case it should appear to the General Commissioners of the Fourth District, or any Five or more of them, that the Commons called *Wildmore* and *West Fens*, and the Low Grounds adjoining thereto, were not thoroughly drained through the said new Gowt, it should be lawful for the said General Commissioners of the Fourth District, or any Five or more of them, to order any new Cuts to be made, or any old ones to be scoured out in the said Commons, and also to order such further Works as they should think necessary and proper for draining the said Fens and Low Grounds through *Maud Foster's Gowt*, at the Expence of such Lands in the Fourth District, which should not have contributed to *Maud Foster's Gowt*, in such Proportion as the said Commissioners, or any Five or more of them, should adjudge or determine: And whereas in pursuance of the several Powers in the said in Part recited Act contained, the General Commissioners, and also the Commissioners of Districts, appointed under and by virtue of the said Act respectively proceeded in the Execution of the same, by erecting, making, and executing, or directing such Works as they were by the said Act required to do for the Purposes both of the general and interior or private Works of Drainage of the said Low Lands and Fens, and in particular the said General Commissioners, in pursuance of the Directions of the said recited Act, proceeded to make and complete a new Gowt in the North Bank of the said new Cut or River *Witham*, in the said Act mentioned or referred to, and a Cut therefrom

to *Anthony's Gowt*, for conveying the Waters of *Wildmore* and *West Fens*, through such last mentioned Gowt, and the same have ever since been so conveyed; but by reason of Inclosures, Embankments, and other Improvements of late Years, as well in the Lands within the Parishes adjoining or contiguous to the said *Wildmore* and *West Fens*, as in other Lands draining by the said River *Witham*, the Downfall and Soakage Waters descend and are issued into the said Fens with much greater Rapidity than heretofore, by Means whereof the said Gowt called *Anthony's Gowt* is insufficient for carrying off in proper Time the Waters intended to be conveyed thereby, the Waters flowing through the said Gowt being generally over ridden by the Flood Waters of the said River *Witham*, and it is therefore become necessary to make One or more new Cut or Cuts, and other Works for draining the said Fens and Low Grounds, through *Maud Foster's Gowt*, as directed by the said recited Act, and by such other Ways and Means as are herein-after mentioned; but no Fund is effectually provided by the said Act for the Purposes aforesaid: And whereas from the Causes aforesaid the several other Works of Drainage already executed in the said *Wildmore* and *West Fens*, are in their present State insufficient to contain, carry off, and convey the Flood Waters to their Outfall, by reason whereof the said Fens are subject and liable to be greatly overflowed and otherwise injured, and are therefore incapable, in their present Condition, of any considerable Improvement, or of being put into a State of Cultivation: And whereas the said *East Fen*, containing Twelve thousand four hundred and twenty Acres or thereabouts, as well as certain Parts of the Low Lands in the several Parishes, Townships, and Places, having Right of Common thereon, and on the said *Wildmore* and *West Fens*, or on some of them, and other Low Lands and Grounds lying contiguous or adjoining to the said *East Fen*, and certain Low Lands and Grounds lying in the Parish of *Wrangle*, in the said County of *Lincoln*, are also from similar Causes subject and liable to be overflowed and otherwise injured by the Upland, Downfall, and Soakage Waters, as well by reason of their level Situation as of the circuitous Courses and Directions of the present Drains and Watercourses, and the Insufficiency thereof to contain, carry off, and convey those Waters to the Outfall: And whereas it appears by divers Levels and Surveys lately made and taken, that the said *Wildmore Fen* and the said *West* and *East Fens*, and other the Lands and Grounds above mentioned, are capable of being effectually drained and preserved, to the Benefit of the Publick, and to the great Advantage of the Owners and Proprietors thereof: And whereas the said *East Fen* and the Low Lands and Grounds contiguous or adjoining thereto, and having Right of Common thereon, and the said Low Lands and Grounds in *Wrangle* aforesaid, are not comprehended within any of the Districts mentioned in the said recited Act, or in any Manner benefited by the Provisions therein contained; and it would tend to the more speedy and effectual draining and improving the said last mentioned Fen and Low Lands if the same were incorporated into and made Part of the Fourth District in the said recited Act mentioned, and placed under the Care, Management, and Direction of the General Commissioners named in the said Act so far as relates to the General Works of Drainage necessary to be done therein, and of such of the Commissioners of the said Fourth District as are elected by the Inhabitants of the Parishes, Townships, and Places having Right of Common on the said *West Fen*, (who have also a Right of Common on the said *East Fen*), so far as relates to the private or interior

interior Works of Drainage necessary to be done therein: And whereas for the more speedy effectuating and completing the general and private or interior Works of Drainage now necessary to be done in the said *Wildmore Fen*, and the *West and East Fens*, and Low Lands and Grounds aforesaid, it will be expedient and necessary to appoint Special Commissioners with proper Powers for that Purpose, and also to provide additional Funds beyond what are provided by the said recited Act; but inasmuch as the Purposes aforesaid cannot be accomplished without the Authority 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, from and after the passing of this Act, the said *East Fen*, and the Low Lands and Grounds lying contiguous or adjoining thereto, and having Right of Common thereon; and also the Low Lands and Grounds in *Wrangle* aforesaid, being bounded as follows, (that is to say), by the Parish of *Skirbeck* and the High Lands of *Fishtoft*, *Freiston*, *Butterwick*, *Benington*, *Leverton*, *Leake*, and *Wrangle*, by the Parishes of *Friskney* and *Wainfleet Saint Mary's*, and by *Steeping River* on or towards the East and North-East, by the Parish of *Skirbeck*, and the High Lands of *Fishtoft*, *Sibsey*, *Willows*, the High Lands of *Sibsey*, *Stickney*, *Stickford*, and *West Keal*, on or towards the West, and by the High Lands of *East Keal*, *Toynton All Saints*, *Toynton Saint Peters*, and *Halton Hologate*, and by *Steeping River* on or towards the North, shall be and they are hereby incorporated into, and shall form and constitute, and they are hereby made a Part of the said Fourth District mentioned in the said recited Act of the Second Year of the Reign of His present Majesty, in the same Manner as if the said *East Fen* and Low Lands and Grounds had been originally constituted and made a Part of the said Fourth District in and by the same Act, and shall be drained and improved by and under such Powers and Authorities, and subject to such yearly Rates, Taxes, and Penalties, and to such Ways, Means, and Remedies for raising and recovering the same, and also subject to such Rules, Orders, Directions, Provisions, Powers, and Authorities, Restrictions, Indemnities, Matters, and Things, as are mentioned, prescribed, appointed, and provided in and by the said recited Act, with Reference to the Lands and Grounds lying in the said Fourth District, so far as the same are or can be applicable to the said *East Fen* and Low Grounds hereinbefore mentioned, and hereby incorporated into the said Fourth District as aforesaid, in such and the like Manner as if the same were herein particularly set forth and at large re-enacted, save and except in such Cases only as the said Powers, or Authorities, Rules, Orders, Directions, and Provisions, are or may be altered or varied by this present Act.

East Fen and Low Lands having Right of Common thereon, and Low Lands in *Wrangle*, incorporated into and made Part of the Fourth District. Boundaries thereof.

Special Commissioners appointed.

II. And be it further enacted, That *John Renshaw* of *Owthorpe* in the County of *Nottingham*, *William Whitelock* of *Brotherton* in the County of *York*, and *Joseph Outram* of *Alfreton* in the County of *Derby*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Special Commissioners for carrying into Execution the several Powers and Authorities particularly vested in them by this Act; and that all and every the Powers, Authorities, Directions, Acts, Matters, and Things hereby vested in or authorized

Two Special Commissioners-may act.

ized or directed to be done or performed by or before the said Special Commissioners, may be done and executed by or before any Two of them, and shall be as valid and effectual as if executed by or before all of them.

III. And be it further enacted, That the said Special Commissioners shall and they are hereby required to hold their First Meeting within Three Calendar Months next after the passing of this Act, and proceed to the Execution of the Powers and Authorities hereby vested in them; and the said Special Commissioners shall and may from Time to Time adjourn and hold their subsequent Meetings at such Time or Times, Place or Places, as they shall think most convenient for the due Execution of this Act; and if at any such Meeting it shall happen that only One of the said Special Commissioners shall attend, such Special Commissioner, or otherwise the Clerk or Clerks to the said Special Commissioners may adjourn such Meeting to and appoint the said Special Commissioners to meet on that Day Three Weeks at the Place where the last Meeting was appointed to be held, and shall cause Notice thereof to be given to the said Special Commissioners; any Thing herein contained to the contrary notwithstanding.

First Meeting of Special Commissioners.

Adjournment of Meetings may be made by them, or their Clerks.

IV. Provided always, That the said Special Commissioners shall and they are hereby required to cause publick Notice to be given by Advertisement to be inserted in the *Lincoln, Rutland, and Stamford Mercury*, or in One or more of the publick Newspapers usually circulated in the Neighbourhood of the said Fens, of the Time and Place of their First and every subsequent Meeting for the Purposes of this Act, Ten Days at least before any such Meeting of the said Special Commissioners shall be held (Meetings by Adjournment only excepted).

Special Commissioners to give Notice of Meetings.

V. And be it further enacted, That if any of the Special Commissioners herein named, or any Special Commissioner to be appointed in their or any of their Place as herein-after mentioned, shall die, refuse, neglect, or become disabled to act, or shall be directly or indirectly benefited by or interested in any Contract which shall be made with any Person or Persons by the said Special Commissioners, or shall misbehave himself, or do any Act which in the Opinion of the Majority of the General Commissioners acting under the said recited Act, at any of their Meetings where Seven or more of them shall be present, shall be deemed a sufficient Cause of Removal, then and in every such Case it shall and may be lawful for the major Part in Value of the Proprietors of Houses, Toststeads, and Lands, within the said Parishes, Townships, or Places having Right of Common on the said Fens, and within the said Parish of *Wrangle*, who shall attend by themselves, or their Attorney or Attornies, at any Meeting convened for that Purpose within Two Calendar Months next after such Death, Refusal, Neglect, or Disability, or Benefit or Interest in such Contract, or Cause of Removal as aforesaid respectively, shall happen, be known, and declared, to elect and appoint a new Special Commissioner, not interested in the said Fens, and Low Lands and Grounds, in the Place of such Special Commissioner so dying, refusing, neglecting, or becoming disabled to act, or being benefited or interested in such Contract, or declared subject to Removal as aforesaid, of which Meeting Twenty Days Notice at least shall be given by the Clerk or Clerks to the said Special Commissioners, in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper

New Special Commissioners to be appointed upon Vacancies.

as aforesaid; and the like Notice shall be also affixed upon the most publick Church Doors of the several Parishes of *Horncastle, Coningsby, Fishtoft, Bolingbroke, Spilsby, Boston, and Benington*; and every such Election and Appointment of a new Special Commissioner shall be reduced into Writing, and signed by the Persons making such Election and Appointment, and shall be delivered to the surviving or remaining Special Commissioners or Commissioner; and in case the said Proprietors shall make Default in appointing any such new Special Commissioner within Two Calendar Months next after such Death, Refusal, Neglect, or Disability, or Benefit or Interest in such Contract, or Cause of Removal as aforesaid shall happen, then the surviving or remaining Special Commissioners or Commissioner shall and may, and they and he are and is hereby required, from Time to Time by Writing under their or his Hands or Hand, within Fourteen Days after the Expiration of the said Two Calendar Months, allowed to the said Proprietors for naming such new Special Commissioners or Commissioner as aforesaid, to appoint One other Special Commissioner in the Place of such Special Commissioner so dying, refusing, neglecting, or becoming disabled to act, or being benefited or interested in such Contract, or declared subject to Removal as aforesaid; and every such new Special Commissioner, so to be appointed, having first taken and subscribed the Oaths or Affirmations herein-after prescribed to be administered to him, shall have the like Powers and Authorities for carrying this Act into Execution, in all Respects whatsoever, as the Special Commissioner in whose Place he shall have been so appointed and chosen was invested with by virtue of this Act.

Special Commissioners to take Oaths.

VI. And be it further enacted, That no Person shall act as a Special Commissioner in the Execution of any of the Powers hereby given (except the Power of signing and giving Notice of the First Meeting of the said Special Commissioners) until he shall have taken and subscribed the Oaths or Affirmations following; (that is to say),

Oath of Special Commissioners.

‘ I *A. B.* do swear [*or, being One of the People called Quakers, do affirm*]. That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute and perform the several Trusts, Powers, and Authorities vested in me as a Special Commissioner, by virtue of an Act of Parliament made and passed in the Forty-first Year of the Reign of King George the Third, intituled, *An Act for the better and more effectually draining certain Tracts of Land, called Wildmore Fen, and the West and East Fens in the County of Lincoln, and also the Low Lands and Grounds in the several Parishes, Townships, and Places having Right of Common on the said Fens, and other Low Lands and Ground lying contiguous or adjoining thereto, according to the Provisions and Directions thereof, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.*

‘ So help me GOD.’

Oath of their not being Proprietors, or otherwise disqualified to act.

‘ I *A. B.* do swear [*or, being One of the People called Quakers, do affirm*]. That I am neither Proprietor or Occupier of, nor to the best of my Knowledge am I concerned as Guardian, Steward, or Agent, for any Proprietor of any Houses, Toststeads, Lands, or Grounds, having or claiming Right of Common, or any manerial Right, or any other Right or Interest whatsoever, in, over, or upon certain Fens called

‘ *Wildmore*

‘ *Wildmore Fen*, and *The West and East Fens*, in the County of *Lincoln*,  
 ‘ or any of them, or in any of the Parishes, Townships, or Places hav-  
 ‘ ing Right of Common thereon, or other Rights or Interests therein, or  
 ‘ in the said Parish of *Wrangle*.

‘ So help me GOD.’

Which Oaths or Affirmations it shall be lawful for any One of the said  
 Special Commissioners to administer, and he is hereby required to admi-  
 nister the same to any other of the said Special Commissioners; and the  
 said Oaths or Affirmations, so taken and subscribed by each Special Com-  
 missioner, and also the Instrument of Appointment of every new Com-  
 missioner, if any such there shall be, with the like Oaths or Affirmations  
 to be taken by him or them, and to be administered as aforesaid, shall be  
 inrolled with the Special Commissioners Award herein-after mentioned and  
 directed to be made, and shall be deemed legal Evidence.

One Commis-  
 sioner to ad-  
 minister the  
 same.

VII. 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 Special Commissioners, as a  
 Recompence for his Pains and Trouble, the Sum of Three Pounds and  
 Three Shillings and no more, for each Day he shall be employed in tra-  
 velling to, returning from, and attending in the Execution of this Act,  
 and that the said Special Commissioners, shall defray their travelling Ex-  
 pences, and also their own Expences, at all Meetings to be held in pur-  
 suance of this Act, and that but One Meeting shall be charged for by  
 them for any One Day.

Allowance to  
 Special Com-  
 missioners.

VIII. And be it further enacted, That *Samuel Tunnard* of *Boston* in the  
 said County of *Lincoln*, Gentleman, and *Joseph Brackenbury* of *Spilsby* in  
 the same County, Gentleman, shall be and they are hereby appointed  
 Clerks to the said Special Commissioners for carrying this Act into Exe-  
 cution; and in case of their or either of their Death, Neglect, Refusal, or  
 Disability to act, the said Special Commissioners may from Time to Time,  
 as often as there shall be Occasion, by Writing under their Hands, nomi-  
 nate and appoint some other Person or Persons to be their Clerk or Clerks  
 for the Purposes of this Act, in the Place or Stead of the Clerk or Clerks  
 who shall so die, neglect, refuse, or become disabled to act as aforesaid.

Appointment  
 of Clerks to  
 the Special  
 Commission-  
 ers.

IX. And be it further enacted, That the said Special Commissioners  
 shall in the First Place build or cause to be built at or near the Place  
 where *Maud Foster's* Gowt now stands, a new Sea Sluice or Gowt, with  
 a Carriage Bridge over it of Stone and Bricks, supported by Piling or by  
 inverted Arches, the Floor thereof to be Two Feet at least lower than  
 the Sill of the present *Maud Foster's* Gowt, and its neat Capacity or  
 clear Waterway to be Forty Feet wide at least, with Three or more  
 Pair of Pointing Doors to the Seaward to shut with the Flow of the  
 Tides, and also Frames provided with Drop or Draw Doors, on the Land  
 Side or to Landward, to be shut occasionally as the said Special or  
 General Commissioners shall direct, in order to retain fresh Waters in dry  
 Seasons for the Use of Cattle, the Top of such Draw Doors to be gauged  
 to such Height as to retain the Water of *Maud Foster's* Drain, not higher  
 at ordinary Seasons than Two Feet below the medium Surface of the lowest  
 Lands that drain thereby; and shall proceed at the same Time to scour  
 out,

Sea Sluice to  
 be built.

*Maud Foster's*  
Drain.

New Cut from  
*Cowbridge* to  
*Swinecote's*  
Inclosure.

*Newham*  
Drain.

*Howbridge*  
Drain.

*Sandbank*  
Drain.

New Cut from  
the first men-  
tioned Cut  
near *Swine-*  
*cote's* Inclosure  
to *Medlam*  
Drain.

*Medlam* Drain.

out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, the said Drain called *Maud Foster*, from the *Sea Gout* to *Cowbridge*, so that the same shall not be less than Three Feet nor more than Six Feet deeper than it now is, nor less than Thirty Feet wide at Bottom, with a Batter of not less than Three Feet on each Side to every Foot in Depth; and also shall make or cause to be made a new Cut or Drain in the *West Fen*, from the said *Maud Foster's* Drain at *Cowbridge*, to the Junction of *Newham* Drain with *Howbridge* Drain, in the Direction and of the Dimensions following; (that is to say), from the said *Cowbridge*, over Part of the *West Fen*, by or near the North East Corner of *Frittbank* Inclosures, to or near the West Angle of *Swinecote's* Inclosure, and to be continued from thence in a Right Line across *Medlam* Drain, to the Junction of *Howbridge* Drain with *Newham* Drain; which said Cut shall be made not less than Thirty Feet wide at Bottom from the said *Cowbridge* to or near the West Angle of *Swinecote's* Inclosure, with a Batter of not less than Three Feet on each Side to every Foot in Depth, and not less than Twenty-eight Feet wide at Bottom, from thence to its crossing *Medlam* Drain, with such and the like Batter as before mentioned, and not less than Twenty-two Feet wide at Bottom at the said *Medlam* Drain, diminishing gradually to the Width of Twenty Feet at Bottom at the Junction of *Newham* Drain with *Howbridge* Drain, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and shall then scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, the said *Newham* Drain from its Junction with *Howbridge* Drain to *Mareham* Inclosures, and shall make the same not less than Twelve Feet wide at Bottom at its Junction with the said *Howbridge* Drain, diminishing gradually to the Width of Eight Feet at Bottom at or near *Mareham* Inclosures, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and shall then scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, the said *Howbridge* Drain from its Junction with the said *Newham* Drain, to the North Western Extremity thereof, and make the same of such and the like Dimensions and Capacity as the said *Newham* Drain is hereby directed to be made, but with a Batter of not less than Two Feet on each Side to every Foot in Depth; and also shall scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged to the Width of Six Feet at Bottom, with a Batter of not less than Three Feet on each Side to every Foot in Depth, a certain Drain called *Sandbank* Drain, from its Junction with the said *Howbridge* Drain to its Junction with the said *Newham* Drain; and also shall make or cause to be made a new Cut or Drain from the Cut or Drain first directed to be made at or near the West Angle of *Swinecote's* Inclosure, in a straight Line to and to communicate with *Medlam* Drain; which said last mentioned Cut or Drain shall be made not less than Eighteen Feet wide at Bottom, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and shall then scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, the said Drain called *Medlam* Drain, from the said last mentioned Cut or Drain to *Revesby* Gap, and shall make the same of the Dimensions following; (that is to say), at the South End of the said *Medlam* Drain not less than Eighteen Feet wide at Bottom, with a Batter of not less than Two Feet on



on each Side to every Foot in Depth, and gradually diminishing from thence to *Revesby* Gap to not less than Twelve Feet wide at Bottom, with the like Batter as above mentioned; and also shall make or cause to be made a new Cut or Drain on the South Side of *Fritbank* Inclosures from or near *Cowbridge* to *Newham* Drain at or near *Anthony's* Gowt, of the Width of Sixteen Feet at Bottom, with the like Batter as last above mentioned; and also shall scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged the said *Newham* Drain, from its Junction with the said last mentioned new Cut to its Junction with *Castle Dike*, and shall make the same of such and the like Dimensions and Capacity as the same new Cut or Drain is hereby directed to be made; and also shall scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, the said *Castle Dyke* to the Width of Ten Feet at Bottom, with the like Batter as last above mentioned.

New Cut from Cowbridge by the South Side of Fritbank Inclosures to Newham Drain.

Newham Drain.

Castle Dike.

X. And be it further enacted, That the said Special Commissioners may, and they are hereby authorized and empowered to cause a new Gowt to be made and erected near or adjoining to the said new Sea Sluice or Gowt herein-before directed to be built at or near the Place where *Maud Foster's* Gowt now stands, the said new Gowt to be made with Three Arches or Openings of not less than Ten Feet clear Waterway each, and the Sill or Floor thereof to be laid as low at the least as the Sill of the present *Maud Foster's* Gowt, and with such Headway as the said Special Commissioners shall think proper, with sufficient Stop Gates or Sluices of not less than Thirty Feet Waterway, and the Sills or Floors thereof to be laid as low at the least as the Sill or Floor of the said new Sea Sluice or Gowt, in order that the said Stop-Gates or Sluices may occasionally open a Communication between the said *Maud Foster's* Drain and the Catchwater Drain herein-after provided; and the said Special Commissioners are hereby authorized and empowered to make or cause to be made a new Cut or Catchwater Drain, to communicate with the River *Witham* at or near the Place where the said new Sea Sluice or Gowt herein-before directed to be built shall be erected, and to be continued from thence through certain inclosed Lands and Grounds in the Parishes of *Skirbeck* and *Boston* aforesaid, or One of them, nearly in a parallel Line, and in the same Direction with *Maud Foster's* Drain, and as near thereto as conveniently may be, to the South End of and to communicate with *Stonebridge* Drain at or near *Cowbridge*; which said last mentioned Cut or Drain shall be made not less than Thirty Feet wide at Bottom, with a Batter of not less than Three Feet on each Side to every Foot in Depth; and the said Special Commissioners shall, and they are hereby authorized, empowered, and required to scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, the said Drain called *Stonebridge* Drain, from the South End thereof, to *Fenside* Drain, and the said *Fenside* Drain, from thence to *Gowt Sike* Drain, at *Cherry Corner*, to the Width of Thirty Feet each at Bottom, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and also shall scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, the said *Gowt Sike* Drain to the Width of Eighteen Feet at Bottom at *Cherry Corner*, diminishing gradually to Sixteen Feet wide at Bottom, at or near *Hagnaby Beck*, with the like

Another new Gowt to be erected near Maud Foster's Gowt.

Westen Catchwater Drain.

Stonebridge Drain.

Fenside Drain.

Gowt Sike Drain.

New Cut or  
Catchwater  
Drain, from  
thence to or  
near the Junc-  
tion of the  
River Bane  
with the River  
Witham.

Batter as last above mentioned; and shall make or cause to be made a new Cut or Catchwater Drain from thence in the Direction and of the Dimensions following; (that is to say), from the said *Gowt Sike* Drain, near to or across, and on the North Side of the present Catchwater Drain, in, through, or near to certain Lands and Grounds in the Parish of *Hagnaby*, belonging to *Thomas Coltman* Esquire, to or near *Revesby Gap*, and from thence in and through or near to certain Lands and Grounds in the Parish of *Revesby*, belonging to *Robert Manners* Esquire, the Right Honourable Sir *Joseph Banks* Baronet, Knight of the Bath; and the Parish Clerk of *Mareham* for the Time being, and also in and through or near to certain Lands and Grounds in the Parish of *Mareham*, belonging to the said Sir *Joseph Banks*, the Glebe Lands belonging to *Mareham, Leake, Spilsby, Toynton All Saints, and Sapperton, Thomas Walker, and Richard Mumby*, to and across *Mareham Beck* to *Wildmore Fen*; and from thence in a South Westwardly Direction along, through, or near the Skirts of the said Fen, by, near, or through certain old Inclosures in *Tumby*; and from thence through and across the said Fen, by or near *Coningsby Moor*, to or near *Langworth Grange* Inclosures; and from thence in a Westwardly Direction to or near the Junction of the River *Bane* with the River *Witham*; which said new Cut or Catchwater Drain shall be made not less than Sixteen Feet wide at Bottom at it's Junction with the said *Gowt Sike* Drain, diminishing gradually from thence to not less than Eight Feet wide at Bottom at it's Termination near the said River *Bane*, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and the said Special Commissioners shall, and they are hereby authorized, empowered, and required to make or cause to be made One other Cut, or Catchwater Drain from *Fenside* Drain at or near a certain House belonging to the Society of Quakers, now occupied by *James Crawford*, and from thence through old inclosed Lands in *Sibsey*, to and through *North-dike Bridge*, and from thence in, through, and on the East Side of Lands in *Stickney* to the Lands and Grounds in *Little Steeping*, in the Direction and of the Dimensions following; (that is to say), from the House in the Occupation of the said *James Crawford*, in a North Eastwardly Direction through and across the said Lands in *Sibsey* and *Stickney* aforesaid, and through Part of the *East Fen* to *Barlode* Drain, and across the said Drain to, through, or near to the South Eastermost Corner of the Lands and Grounds in *Stickford* aforesaid; and from thence, along, through, or near the Skirts of the said *East Fen*, by, through, or near the Lands and Grounds in *West Keal* and *East Keal* aforesaid, to, through, or near Lands in *East Keal* aforesaid, belonging to *John Cracroft* Esquire; and from thence along, through, or near the Skirts of the said *East Fen*, by, through, or near the Lands and Grounds in *East Keal* aforesaid, to through, or near Lands in *East Keal* aforesaid, belonging to *William Goodwin* and to the said *John Cracroft*, next the Road leading to *Toynton All Saints*; and from thence across the said Road in a North Eastwardly Direction, to, through, and across certain Lands and Grounds in *Toynton All Saints* aforesaid to the Road leading to *Toynton Saint Peters*; and from thence across the said Road to, through, and across certain Lands and Grounds in *Toynton Saint Peters* aforesaid; and from thence to, through, and across Part of the *East Fen*, to the inclosed Lands and Grounds in *Halton Hologate*; and from thence to, through, and across those Lands and the said *East Fen*, to other inclosed Lands in *Halton Hologate* aforesaid; and from thence in an Eastwardly Direction, to, through, and across those Lands, to and through Part of the inclosed

East Fen Catch-  
water Drain.

ed Lands in *Little Steeping*; which said Cut or Catchwater Drain shall be made not less than Sixteen Feet wide at Bottom, at it's Junction with the said *Fenside* Drain, diminishing gradually to not less than Six Feet at its Termination in *Little Steeping* aforesaid, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and also shall make or cause to be made, One other new Cut from *Hagnaby* Beck, at or near the North-West Corner of *Stickford* Ings, opposite a Cottage in the Tenure of *Thomas Ogden* in *Hagnaby* aforesaid, in a South Eastwardly Direction through and across the said Ings, and also through and across or near to certain old Inclosures in *Stickford* (Part whereof is called *Stickford Out-drift*), to communicate with the said *Barlode* Drain, at or near the Bridge over the same Drain across the Turnpike Road leading from *Boston* to *Spilsby*, for the Purpose of diverting the Waters of the said *Hagnaby* Beck from their ancient Course, and conveying them by the said new Cut into the said *Barlode* Drain.

XI. And be it further enacted, That the said Special Commissioners shall, and they are hereby authorized, empowered, and required, to cause a new Gowt to be made and erected at or near a Place called *Hobhole*, in the River *Witham*, about Eight hundred Yards below *Fishtoft* Gowt, as soon as conveniently may be after the passing of this Act, with Three Arches or Openings of Fifteen Feet clear Waterway each, and the Sill or Floor thereof to be laid not less than Four Feet lower than the Sill of the present *Maud Foster's* Gowt, and to be of such Headway as the said Special Commissioners shall think proper; and the said Special Commissioners shall make or cause to be made a new Cut or main Drain, to communicate with the said River *Witham* at the Place where the said last mentioned new Gowt shall be erected, and to be continued from thence nearly in a right Line through Lands and Grounds in the several Parishes of *Shirbeck*, *Fishtoft*, *Freiston*, *Butterwick*, *Benington*, *Leverton*, and *Leake*, or some of them, to the Junction of *Newdike* Drain with *Leake* and *Wrangle* Drain, at or near *Benington* Bridge; which said last mentioned Cut or Drain shall be at least Thirty Feet wide at Bottom, with a Batter of not less than Three Feet on each Side to every Foot in Depth; and shall then scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, to the Width at least of Twenty-eight Feet at Bottom, with such and the like Batter as last above mentioned, the said Drain called *Leake* and *Wrangle* Drain, from *Benington* Bridge, to Lands in the Parish of *Leake*, belonging to *Thomas Buckworth* Esquire, in the Occupation of *Edward Hales*; and shall make or cause to be made a new Cut or Drain from thence, nearly in a direct Line into *Leake* and *Wrangle* Drain, at the South-East Angle of Lands in *Leake* aforesaid, belonging to *James Conington* Esquire, in the Occupation of *Isaac Fountain*, and from thence to scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged the said *Leake* and *Wrangle* Drain, to or near *Simon House* Bridge; and also shall make or cause to be made a new Cut or main Drain from thence through certain Lands and Grounds in the Parish of *Leake*, nearly in a Right Line to, through, and across the *Lade* Bank, and to be continued from thence in a right Line through and across the *East Fen* and *East Fen* Deeps, to the Lands and Grounds in *Toynton Saint Peters* aforesaid; which said main Drain shall be made not less than Twenty-eight Feet wide at *Benington* Bridge, diminishing gradually from thence to not less than Twenty-two Feet wide at Bottom, at

New Gowt to be built near *Hobhole*, below *Fishtoft* Gowt.

Main Drain from *Hobhole* to the Junction of *Newdike* Drain with *Leake* and *Wrangle* Drain.

*Leake* and *Wrangle* Drain.

Main Drain from thence across the *Fen* to Lands in *Low Toyntons*.

it's

Cut from  
White Cross  
Clough.

Barlode Drain.

New Cut from  
Barlode.

Lade Bank  
Drain.

New Dike  
Drain.

Bridges to be  
built.

Earth and Soil  
to be formed  
into Banks.

it's Junction with the Cross Drains from *Barlode* and *Goodike*. herein-after directed to be made, and from thence to not less than Twelve Feet wide at Bottom, at its Termination near the Lands and Grounds in *Toynton Saint Peters* aforesaid, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and also shall make or cause to be made a new Cut or Drain from *White Cross Clough* or *Goodike*, through Part of the said *East Fen* Deeps, and the said *East Fen*, in a South Westwardly Direction to, and to communicate with the said last mentioned Cut or main Drain; and the same to be made with a Bottom of not less than Twenty-two Feet in Width, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and also shall scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, the Drain called *Barlode*, to the Width at least of Sixteen Feet at Bottom, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and shall make or cause to be made a new Cut or Drain from the East End of the said *Barlode* Drain, at the Place where it is intersected by the Catchwater Drain for the said *East Fen*, in a right Line across Part of the said *East Fen* and the said *East Fen* Deeps, to and to communicate with the said main Drain, at its Junction with the Cut or Drain from *Goodike*; which said last mentioned Drain shall be made at least Twelve Feet wide at Bottom, with a Batter of not less than Two Feet on each Side to every Foot in Depth; and also shall scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, to the Width of at least Ten Feet at Bottom, with a Batter of not less than Two Feet on each Side to every Foot in Depth, the said *Lade Bank* Drain, from or near the *West Fen* Catchwater Drain at *Gherry Corner*, to, into, or under the said *East Fen* Catchwater Drain, at or near *North Dike* Bridge, to its Junction with the main Drain from *Hobhole*, and from thence to and along *Fendike* Bank, to the Lands and Grounds in *Friskney*, to be made of such Dimensions as the said Special Commissioners may judge expedient; and also shall scour out, cleanse, widen, deepen, and enlarge, or cause to be scoured out, cleansed, widened, deepened, and enlarged, to the Width of not less than Sixteen Feet at Bottom, with a Batter of not less than Two Feet on each Side to every Foot in Depth, the said Drain called *Newdike* Drain, from the said *Cowbridge*, to its Junction with the said *Leake* and *Wrangle* Drain; and the said Special Commissioners shall, and they are hereby authorized, empowered, and required to erect and build, or cause to be erected and built, all such Bridges over the said several Cuts and Drains, as to them shall seem fit and expedient, and of such Height and Dimensions as to admit of the free Passage of Boats under the same; and such Bridges shall be for ever after maintained, supported, and kept in Repair by the said General Commissioners out of the Monies to be raised by virtue of this Act.

XII. And be it further enacted, That the said Special Commissioners shall, and they are hereby authorized, empowered, and required to dispose of all the Earth and Soil arising from the said several Cuts and Drains herein-before directed to be made, scoured out, cleansed, widened, deepened, and enlarged, in forming Banks on each Side thereof respectively, at least Six Feet distant from the Verge of the Slopes or Batters at an Average, or otherwise as they shall think necessary; and also shall make, erect, remove, alter, support, repair, maintain, or cause to be made, erected, removed, altered, supported, repaired, and maintained, all

all such other Cuts, Drains, Dams, Banks, Aqueducts, Culverts, Outlets, Sluices, Gowts, Cloughs, Engines, Bridges, Tunnels, and other Works, as the said Special Commissioners shall think necessary or convenient, in, upon, through, and over any of the Lands or Grounds lying as well in the said *East Fen*, and Low Lands and Grounds contiguous or adjoining thereto, and the Low Lands and Grounds in *Wrangle* aforesaid, forming Part of the said Fourth District as aforesaid, as in the said *Wildmore* and *West Fens*; and for the better Protection of the Low Lands and Grounds from the High Land Waters, the said Special Commissioners shall and may, and they are hereby authorized and empowered to embank any Part of the said Fens and Low Lands and Grounds, and also to use, alter, embank, deepen, and widen the present Courses or Beds of the several Rivers, Becks, Brooks, Drains, or Watercourses, within or adjoining any of the said Fens, Low Lands, or Grounds respectively, and to erect such Buildings for the Habitation of any Person or Persons to be appointed for superintending the said Works of Drainage, and for depositing Stores or Materials belonging thereto, as the said Special or General Commissioners shall from Time to Time think necessary for draining and preserving as well the said *Wildmore* and *West Fens*, as the said *East Fen* and Low Lands and Grounds lying contiguous or adjoining thereto, and the Low Lands and Grounds in *Wrangle* aforesaid, forming Part of the said Fourth District as aforesaid; and also to make such Orders and Regulations for executing the Powers and Purposes of this Act, as they shall think proper.

XIII. Provided always, and be it further enacted, That where it shall happen that the Communication of the High Land Waters in the said several Parishes, Townships, and Places having Right of Common on the said Fens respectively, or in the Parish of *Wrangle* aforesaid, shall be cut off from their ancient Outfall into and through *Maud Foster's Drain* or *Fishtoft Gowt* to the Sea, by Means of the Catchwater Drains herein-before directed to be made as aforesaid, or any or either of them, then and in such Case, proper Culverts, Trunks, Tunnels, or Pipes shall be laid under the said Catchwater Drains respectively, so as to convey the Waters from the said High Lands to the Sea, in as complete and effectual a Manner as they are now conveyed thereto by their present Outfall; and that the Expences attending the Drainage of the said High Lands by Means of such Culverts, Trunks, Tunnels, or Pipes, shall be defrayed and paid by the said Special or General Commissioners out of the General Fund provided for the Purposes of this Act; but in case the said High Land Waters can be conveyed to the Sea in a more easy and convenient Manner by Means of the said Catchwater Drains, or any or either of them, then such High Land Waters shall be drained by such Catchwater Drains respectively, without having Recourse to any additional Works of Drainage.

Provision for  
the Drainage  
of High Lands.

XIV. Provided always, and it is hereby declared and enacted, That the several Cuts, Drains, Dams, Banks, and Forelands, Aqueducts, Culverts, Outlets, Sluices, Cloughs, Engines, Bridges, Tunnels, and other Works herein-before directed to be executed by the said Special Commissioners, shall be made, done, and executed, under the Direction and Controul, and to the Satisfaction of the said General Commissioners, and shall from and after the Completion thereof be vested in and for ever

Works of  
Drainage to be  
executed un-  
der the Con-  
troul of the  
General Com-  
missioners,  
and afterwards  
vested in them.

[*Loc. & Per.*]

29 C

afterwards

afterwards remain, continue, and be subject and liable to the Power, Jurisdiction, and sole Controul of the said General Commissioners, or any Five or more of them, in such and the like Manner as if the same had been made, done, and executed under the Authority of the said recited Act.

Notice to be given of Meetings for making Contracts.

XV. And be it further enacted, That the said Special Commissioners, in the making of all or any Contracts for the Execution of any Works to be made and done under and by virtue of this Act (where any such Contract shall exceed the Sum of One hundred and fifty Pounds), shall and they are hereby required to give or cause to be given Ten Days Notice at least in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspapers as aforesaid, of the Time and Place of Meeting for the Purpose of making such Contracts.

Surveyor to certify that Works are executed agreeable to Contracts.

XVI. And be it further enacted, That the said Special Commissioners shall not discharge any Contractor for any of the Works hereby intended to be made from his Contract, or pay or direct to be paid him for the same, more than Eighty Pounds *per Centum* upon his Contract, until the said Special Commissioners shall have received from the Person to be employed as Engineer or Surveyor of the same Works, a Certificate in Writing under his Hand, or be otherwise satisfied that the Work in Question has been done in all Respects agreeable to the Contract entered into for the doing thereof.

Empowering Commissioners and other Persons to go upon Lands and take Levels.

XVII. And be it further enacted, That the said General and Special Commissioners, and all Engineers, Surveyors, Superintendants, and other Officers acting or employed under or by virtue of the said recited Act or this Act, shall have full Licence and Liberty at all Times, either on Horseback or on Foot, and with or without Cattle, Carts, and Carriages, to go, pass, and repass along the Lands leading to or adjoining the Cuts, Drains, and other Works to be made, done, and executed, by virtue of the said recited Act and this Act, when and so often as Occasion shall require, for the due Execution of the said Acts respectively, doing as little Damage as may be, and making Compensation for such Damage as shall be done thereby; and also without any previous Payment or Tender of Recompence, and without the Let, Hindrance, or Molestation of any Person or Persons whomsoever, to enter upon, and take a View, Survey, and Level of, and to mark out any Land which the said Special Commissioners shall think necessary to be used for any of the Purposes of this Act.

For indemnifying the Proprietors of Lands from Injury, by any Breach in the Banks, or from Inundation.

XVIII. And be it further enacted, That if at any Time or Times hereafter any Breach or Breaches, by Inundation or otherwise, shall happen in any of the Banks already made, or in any of the Banks hereafter to be made by virtue of the said recited Act or this Act, within the Limits of the said Fourth District, and the said General Commissioners or their Surveyor, after having Notice thereof, do not immediately repair the same, then and in every such Case, it shall and may be lawful to and for the Proprietors or Occupiers of Lands thereto adjoining, or liable to be damaged thereby, forthwith to repair the same; and all reasonable Charges and Expences which shall attend such Repairs, shall be paid and defrayed by.

by the said General Commissioners out of the Monies to be raised by virtue of this Act or the said recited Act.

XIX. And be it further enacted, That the said Special Commissioners shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, Buildings, or Hereditaments, which the said Special Commissioners shall judge necessary or expedient to be cut, dug, pulled down, carried away, or otherwise made use of for the Purposes of, or which may be liable to be damaged in the Execution of this Act, for the Purchase of such Lands, Tenements, Buildings, or Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damage they may sustain, or for any eventual Injury that may arise to their Property by the Execution of any of the Powers contained in this Act; and also to settle and ascertain in what Proportion the Sum or Sums to be agreed on as the Compensation, shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, and Officers in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors; but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert, who are or shall be seised or entitled in their own Right, and to and for all Tenants in Tail, and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in such Lands, Tenements, Buildings, or Hereditaments, to contract with the said Special Commissioners, and to sell and convey, assign and surrender, unto the said Special Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, Buildings, or Hereditaments, for the Purposes aforesaid, or to agree with the said Special Commissioners for any Recompence or Compensation to be made for the Damage which may from Time to Time happen or be done to any such Lands, Tenements, Buildings, or Hereditaments, by the Execution of any of the Powers of this Act; and all such Contracts and Agreements, Sales, Conveyances, Assignments, Surrenders, and Assurances, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Title, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, Custom, or any other Matter or Thing whatsoever, to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in the Premises pursuant to this Act; but if it shall happen that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Twenty-one Days after Notice in Writing, signed by the said Special Commissioners, and given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons respectively, or left at his, her, or their respective Place or Places

Special Commissioners empowered to purchase Lands for the Purposes of this Act, and to make Satisfaction for Damages, &c.

Where Persons neglect or refuse to treat for the Sale of such Lands, &c.

General Commissioners to issue their Warrant to the Sheriff or Coroner.

Jurors may be challenged.

Witnesses may be summoned and examined on Oath.

Jury to assess Damages.

Verdict of the Jury and Judgement of the General Commissioners to be final.

Houses and Gardens not to be injured, except such as are mentioned, &c.

Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, Buildings, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Special Commissioners, or by reason of necessary Absence shall be prevented from treating, then and in every such Case, the said General Commissioners, or any Five or more of them, are hereby empowered and required, from Time to Time, to issue out their Warrant or Warrants under their Hands and Seals, to the Sheriff of the County of *Lincoln*, or if such Sheriff shall be interested in the Matter in Question, then to One of the Coroners of such County, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return Twenty-four Men, qualified according to the Laws of this Realm, to be returned for the Trial of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said General Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve Men may be drawn, and be sworn to enquire touching the Matters in Question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men who can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said General Commissioners, or any Five or more of them, are hereby empowered and required, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said General Commissioners, or any Five or more of them, may, on Application of either Party, order and authorize the said Jury, or any Six or more of them, to view the same; which Jury upon their Oaths, to be administered by the said General Commissioners, or any Two or more of them, (which Oaths, as also the Oaths to such Persons as shall be called upon to give Evidence, the said General Commissioners, or any Two or more of them, are hereby empowered and required to administer), shall enquire of, assess, and ascertain the Sum and Sums of Money to be paid for the Purchase of such Lands, Tenements, Buildings, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions, the Sum or Sums of Money so assessed shall be paid to the several Persons interested in the Premises; and the said General Commissioners, or any Five or more of them, (not being interested in the Matters in Question), shall give Judgement for such Purchase Monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said General Commissioners, or any Five or more of them, shall be binding and conclusive to all Intents and Purposes, against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

XX. Provided always nevertheless, and be it further enacted, That nothing herein contained shall authorize or empower the said Special Commissioners, or any Person or Persons acting by or under their Authority, to take or use, for the Purposes of this Act, any House or other Building,



Building which was erected or built at or before the passing of this Act, or any Land or Ground which was then set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, and Persons interested therein respectively; other than and except Three Cottages or Tenements in *Skirbeck* aforesaid, belonging to Messieurs *William Brackett* and *Francis Thirkhill*, and in the Occupation of *William Procter*, *Mary Hurd* Widow, and *Lidia Toby* Widow; Three Messuages or Tenements in *Skirbeck* aforesaid, belonging to *Robert Brough* the elder, and in the Occupation of *Robert Brough* the younger, *Thomas Elverston*, *Edward Hutton*, and *William Jackson*; a Messuage and several Tenements in *Skirbeck* aforesaid, belonging to *Mary Kingston* Widow, and in the Occupation of *Martha Grantham* Widow, *John Cook*, *William Spencer*, *William Arnold* the younger, *James Meeds* the younger, *Robert Fisher*, and *John Gibson*; a Common Pound or Fold in *Skirbeck* aforesaid, belonging to *Peter Blackbourn*, as Lord of the Manor of *Saint John of Jerusalem*; a Cottage or Tenement in *Skirbeck* aforesaid, belonging to and in the Occupation of Messieurs *Thomas Fervis* and *William Pattinson*; Two Cottages or Tenements in *Skirbeck* aforesaid, belonging to *John Broughton*, and in the Occupation of *John Marshall* and *Robert Butler*; a Messuage in *Skirbeck* aforesaid, belonging to the said *Peter Blackbourn*, and in the Occupation of the said *Peter Blackbourn*, *Elizabeth Watson* Widow, *William Rilot*, and *Thomas Woodliffe*; Ten Bede or Alms Houses belonging to the Hospital of *Saint Leonard* in *Skirbeck* aforesaid, and in the Occupation of *John Custelow*, *Dinab Miller*, *Ann Patman*, *John Woodcock*, *Esther Kennington*, *Mary Green*, *John Walker*, *William Brown*, *William Noon*, and *Frances Bland*; Four Cottages or Tenements in *Skirbeck* aforesaid, belonging to *John Marshall*, and in the Occupation of the said *John Marshall*, *William Sykes*, *John Syms*, and *George Arden*; a Messuage or Tenement in *Skirbeck* aforesaid, belonging to *Robert Harr*, and in the Occupation of *James Meeds* the elder, and *John Lamb*; a Messuage or Tenement in *Skirbeck* aforesaid, belonging to *John Palmer Holloway*, and in the Occupation of *William Atkin*; a Cottage or Tenement in *Skirbeck* aforesaid, belonging to *Samuel Barnard* Esquire, and in the Occupation of *Thomas Gibson*; a Messuage or Tenement in *Skirbeck* aforesaid, belonging to the said *Samuel Barnard*, and in the Occupation of *John Watson*; a Cottage or Tenement in *Skirbeck* aforesaid, belonging to the Reverend *John Hallam* Doctor in Divinity, and in the Occupation of *William Fisher*; Two Plantations in *Skirbeck* aforesaid, belonging to and in the Occupation of *Thomas Fydell* Esquire; a Messuage in *Skirbeck* aforesaid, belonging to *William Bonner*, and in the Occupation of *Edward Hotchin*; a Cottage or Tenement in the said *West Fen*, belonging to the said *Thomas Fydell*, and in the Occupation of *Joseph Morris*; and a Cottage or Tenement in the said *West Fen*, belonging to and in the Occupation of *John Gibson*; and all the Outhouses, Buildings, Barns, Stables, Sheds, Yards, Gardens, Orchards, Outlets, and Pieces of Ground whatsoever, to the said several Messuages, Cottages, Alms Houses, Buildings, Hereditaments, and Premises belonging, or so much or such Parts thereof as the said Special Commissioners shall think requisite or necessary, and which are respectively meant and intended to be taken and used for the Purposes of this Act, and which it shall be lawful for the said Special Commissioners to take, pass through, and make use of for the Purposes of the said Drainage, the said Special Commissioners making Satisfaction to the several Owners and Persons interested in such Hereditaments and Premises respectively for the same,

and for the Damages they shall respectively sustain thereby; the same to be ascertained in like Manner as by this Act is directed with respect to other Hereditaments to be taken or used by the said Special Commissioners.

Misnomer not to prevent the Execution of the Act.

XXI. Provided always, and be it further enacted, That if any of the above-mentioned Premises, or any of the Persons in whose Possession or Occupation the same, or any Part thereof, are or is stated or described to be, or the Owner or Owners thereof, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act; but the same Premises, and every Part thereof, shall and may be purchased, sold, conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if the same were particularly named or described.

Penalty on Sheriff or Coroner neglecting to return a Jury; and on Persons summoned, not appearing or refusing to be sworn.

XXII. Provided always, and be it further enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as a Jurymen shall not appear (except for some sufficient Excuse), or appearing shall refuse to be sworn, or being sworn shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear (except as aforesaid), or appearing shall refuse to be sworn or give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said General Commissioners, or any Five or more of them, shall for every such Offence, forfeit and pay such Sum of Money as the said General Commissioners acting in the Premises, or any Five or more of them, shall appoint, not exceeding the Sum of Five Pounds upon any One Person for One Offence.

Limiting a Time for receiving Complaints of Damages.

XXIII. And be it further enacted, That the said Special Commissioners shall not be obliged to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained by virtue of this Act, unless Application in Writing hath been or shall be made in relation thereto, by or on Behalf of such Person or Persons, to the said Special Commissioners, or to their Clerks or Clerk, within the Space of Two Calendar Months next after the Time that such Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Upon Satisfaction being made, Commissioners may proceed in the Works.

XXIV. And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be agreed upon between the said Special Commissioners and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any such Jury, or such Party or Parties, or legal Tender thereof made, or to the principal Officer or Officers of any such Bodies Politick, Corporate, or Collegiate, or if he, she, or they cannot be found, or shall refuse to accept such Money, upon Payment thereof to such Person or Persons as the said General Commissioners, or any Five or more of them, shall by Writing under their Hands, appoint for the Use of, and to be paid upon Demand, without Fee or Reward, to such Party or Parties respectively, the said Special Com-

Commissioners, and all Persons employed or authorized by them, shall have full Power and Authority to enter upon the Lands, Tenements, Buildings, or Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Lands, Tenements, Buildings, and Hereditaments for the Purposes of this Act, and they shall be and are hereby indemnified for so doing; and all Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever, shall from thenceforth be, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property to or in the same.

XXV. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on the Behalf of the said Special Commissioners before the summoning of any such Jury, for or in respect of such Lands, Tenements, Buildings, Hereditaments, or Damages as aforesaid, that then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of taking such Inquest, shall be paid by the said Special Commissioners out of the Monies to be raised by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on Behalf of the said Special Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, Buildings, Hereditaments, or Damages in Question; all which Expences shall be regulated, settled, and allowed by the said General Commissioners, or any Five or more of them, and shall and may be deducted out of the Monies to be paid by the said Special Commissioners.

Directing how the Expences of the Jury and Witnesses are to be paid.

XXVI. And be it further enacted, That upon Payment of the Sum or Sums of Money so assessed and adjudged as aforesaid to the Person or Persons to whom the same shall be so adjudged, for the Purchase of the said Lands, Tenements, Buildings, or Hereditaments, or for the Purchase of any Estate or Interest therein, such Person or Persons shall, at the Costs and Charges of the said Special Commissioners, make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Surrenders, Assignments, and Assurances in the Law to them the said Special Commissioners, in Trust for the said General Commissioners for the Purposes of this Act, of the said Lands, Tenements, Buildings, and Hereditaments, or of such Estate or Interest for which such Sum or Sums of Money shall be so adjudged, and shall at the like Costs and Charges procure all necessary Parties to execute such Conveyances, Surrenders, Assignments, and Assurances, and shall do all Acts, Matters, and Things necessary and requisite to make and derive a good, clear, and perfect Title thereto, to the said Special Commissioners, in Trust as aforesaid, for effecting the Purposes of this Act; and such Conveyances, Surrenders, Assignments, and Assurances shall contain all such reasonable and usual Covenants as shall on the Part of the said Special Commissioners be required; and in case the Person or Persons to whom such Sum or Sums of Money shall be adjudged as aforesaid shall, after such Sum or Sums so assessed and adjudged as aforesaid (after such Deduction as aforesaid) shall have been produced and tendered to be paid to him, her, or them, refuse to execute or procure to be executed such Conveyances, Surrenders, Assignments, or Assurances as aforesaid, or shall refuse to accept or receive the same; or in case any such Person or Persons to whom any Sum or Sums of Money as aforesaid shall be so adjudged, cannot

Upon Payment of Sums assessed, Conveyances to be made to the Special Commissioners.

Purchase Monies in certain Cases to be

paid into the  
Bank of *Eng-  
land*.

Subject to the  
Disposal of the  
Court of  
Chancery.

be found; or in case that, by reason of any Disputes depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear to the said Special Commissioners what Person or Persons is or are entitled to make Conveyance by virtue of this Act of the Premises in Question, then and in every such Case it shall and may be lawful to and for the said Special Commissioners to order the said Sum or Sums so assessed and adjudged as the Amount of the Purchase Money for the said Lands, Tenements, Buildings, and Hereditaments as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Special Commissioners, subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order Distribution thereof according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereto, and to make such other Order in the Premises, with respect to Costs or otherwise, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums, is and are hereby required to give a Receipt or Receipts for the same (mentioning and specifying for what and for whose Use the same is or are received), to such Persons as shall pay any such Sum or Sums into the Bank as aforesaid; and such Receipt or Receipts shall be filed and certified in like Manner as is usual on Payments made into the Bank in the Name of the Accountant General under Orders of the Court of Chancery.

After Purchase Money is paid, the Title to vest in the Special Commissioners in Trust, for the General Commissioners.

XXVII. And be it further enacted, That immediately after such Verdicts, Judgements, and Proceedings of the said General Commissioners and Juries, and Payment into the Bank as aforesaid, and after such Receipt or Receipts of the said Cashier or Cashiers shall be given and filed as before mentioned, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of all and every Person and Persons, in, to, and out of the Lands, Tenements, Buildings, Hereditaments, and Premises to be purchased as aforesaid, shall vest in the said Special Commissioners in Trust for the said General Commissioners for the Purposes of the said Drainage, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, in Trust as aforesaid, to all Intents and Purposes whatsoever, as fully and effectually as if every Person, having an Estate in the Premises, had been adult and without Impediment, and had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever; and such Payment shall bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons having any Estate or Interest in the same Premises, and particularly shall extend to and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered

suffered by the Parties interested, and such Parties had been adult and without Impediment.

XXVIII. And be it further enacted, That if any Money shall be agreed, adjudged, or awarded, to be paid for any Lands, Tenements, Buildings, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body or Bodies Politick, Corporate or Collegiate, Aggregate or Sole, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds or upwards, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Special Commissioners, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, Buildings, or Hereditaments, in the Purchase of the Land Tax, or towards Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Buildings, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, Buildings, and Hereditaments, which shall be so purchased and taken or used for the Purposes of this Act, stood settled or limited; or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, on the Request of the said Special Commissioners in Writing signed by them, and without any Order of the Court of Chancery, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, Buildings, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Purchase Money amounting to 200 l. or upwards.

XXIX. Provided always, and be it further enacted, That if any Money so agreed, adjudged, or awarded to be paid for any Lands, Tenements, Buildings, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to the Sum of Twenty Pounds,

Application where the same shall not amount to 200 l. nor less than 20 l.

[*Loc. & Per.*]

29 E

then

then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Messuages, Lands, Tenements, Buildings, and Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands; be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Special Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Cases shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where less than 20%.

XXX. Provided also, and be it further enacted, That where such Money so agreed, adjudged, or awarded to be paid as last above mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Special Commissioners shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

As to Conveyance of Land taken from Commons, and Payment of the Purchase Money.

XXXI. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use any Part of any Moors, Commons, or Waste Lands, for any of the Purposes of this Act, the Conveyance of such Parts of such Moors, Commons, or Waste Lands by the Lord or Lady, Lords or Ladies, of the Manor or Manors to which such Moors, Commons, or Waste Lands are appurtenant, to the said Special Commissioners, shall be a good and sufficient Conveyance for vesting in them the Fee Simple and Inheritance thereof, in Trust and for the Purposes of this Act, as fully and effectually as if every Person having Right of Common upon such Moors, Commons, or Waste Lands had joined in and executed such Conveyance; and the Purchase Money of such Parts of such Moors, Commons, or Waste Lands as aforesaid, shall be paid by the said Special Commissioners to the said Lord or Lady, Lords or Ladies of such Manor or Manors, for the Use of the said Lord or Lady, Lords or Ladies, and the Persons having Right of Common upon such Moors, Commons, or Waste Lands in Proportion to their respective Rights and Interests in the Land so cut through, taken, or used as aforesaid; and if any Difference shall arise respecting the Division of the said Purchase Money, the same shall be determined by the said Special Commissioners, whose Determination shall be binding and conclusive to all Parties interested therein.

Lessees or Tenants of Lands purchased, to

XXXII. And be it further enacted, That every Lessee or Tenant for Years or at Will, or any other Person or Persons in Possession of any Lands,

Lands, Tenements, Buildings, or Hereditaments, which shall be purchased for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Special Commissioners, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Notice from the said Special Commissioners, or the Person or Persons so authorized by them to quit the same, at such Time or Times as shall be required by such Notice, the said Special Commissioners, or such Person or Persons making such Recompence to every such Lessee or Tenant as aforesaid, in case such Lessee or Tenant shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Special Commissioners shall deem just and reasonable; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Special Commissioners, or to the Person or Persons authorized by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give up such Possession, then it shall and may be lawful to and for the said Special Commissioners to issue their Precept or Precepts to the Sheriff of the County of *Lincoln* to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels upon Demand.

deliver up  
Possession to  
the Special  
Commissioners.

XXXIII. And be it further enacted, That for providing a Fund for defraying the Costs, Charges, and Expences of obtaining this Act, and carrying the same into Execution, it shall and may be lawful to and for the said Special Commissioners, and they are hereby authorized, empowered, and required, as soon as conveniently may be after the passing of this Act, from Time to Time to sell and dispose of such Parts or Parcels of the said Fens as they shall judge most proper and expedient, and as shall be requisite for the Purposes aforesaid, free and exempt from all and all Manner of Tythes whatsoever, in Lots not exceeding One hundred Acres in each Lot, by publick Auction, to the highest Bidder or Bidders, at some of their Meetings to be held in pursuance of this Act, of which publick Notice shall be given by the said Special Commissioners in the *Lincoln, Rutland, and Stamford Mercury*, or in some other Newspaper as aforesaid, Three Weeks at the least before such Sale or Sales shall be made, and the Purchaser or Purchasers at every such Sale shall immediately pay to the said Commissioners One Fifteenth Part of his, her, or their Purchase Money as and for a Deposit, and shall enter into an Agreement to pay the Residue of such Purchase Money, at the Time to be limited by the Conditions of Sale of the said Premises, into the Hands of the said Special Commissioners, who are hereby authorized to give Receipts for the same, and also for the Money to be paid as and for a Deposit as aforesaid: Provided always, that if any Purchaser, having made such Deposit as aforesaid, shall not pay the Whole of the Purchase Money within the Time appointed for Payment thereof by the said Conditions of Sale, the Money so deposited shall become forfeited to the

Lands to be  
sold by Special  
Commissioners  
for defraying  
Expences.

the said Special Commissioners, and shall be by them applied for the Purposes of this Act; and it shall be lawful for the said Special Commissioners, on giving such Notice as aforesaid, to put up again to Sale such Lot or Lots for which the Whole of such Purchase Money shall not have been paid, and so *toties quoties*, until the same shall be sold; or the said Special Commissioners may, if they think proper, sell and dispose of such Lot or Lots by private Contract, for the best Price or Prices that can be gotten for the same; and all Lands to be sold under or by virtue of this Act, on Payment of the full Purchase Money, shall be conveyed as Freehold of Inheritance in Fee Simple, free from Tythes as aforesaid, unto the Purchaser or Purchasers thereof respectively; and a Conveyance or Conveyances of the same by Lease and Release, made and executed by the said Special Commissioners, shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, and their respective Heirs and Assigns absolutely for ever, subject nevertheless to such and the same yearly Rates and Taxes for general and private or interior Works of Drainage, and to such Remedies for Recovery thereof respectively, as the said Fens are now subject and liable to under or by virtue of the several Powers and Authorities in the said recited Act contained, or shall be subject and liable to under or by virtue of this Act; and the said Special Commissioners shall, after Payment of the Costs, Charges, and Expences, attending such Sale or Sales, or in anywise relating thereto, pay and apply the Residue of the Monies arising therefrom in Manner following; (that is to say), in the first Place, in defraying the Costs, Charges, and Expences of obtaining and passing this Act, and in the next Place in defraying the Costs and Charges of making the necessary Surveys, Plans, Valuations, and Reports, and all other Expences incident thereto, and in making, executing, and completing the several Works of Drainage by this Act directed to be made, done, and executed, and of preparing and inrolling the Award or Instrument of the said Special Commissioners, and depositing Copies thereof as herein-after mentioned, and all necessary Charges and Expences to be incurred in the due Execution of this Act, or which the said Special and General Commissioners, or any Person or Persons acting under them respectively, shall be put to in respect thereof; and if there shall be any Surplus remaining of the said Monies, after answering the Purposes aforesaid, the same shall be laid out in such further Works of Drainage, within the said Fourth District, and in supporting those to be made as herein directed, or for such other Purposes of this Act as the said General Commissioners, or any Five or more of them shall order or direct.

Application of Surplus Monies arising by Sale of Lands.

Commissioners to have due Regard to the Situation of Parishes, &c. in setting out Lands for Sale.

XXXIV. Provided always, and be it further enacted, That in setting out and appropriating such Parts or Parcels of the said Fens for Sale as aforesaid, the said Special Commissioners shall have due Regard to the Situation of the several Parishes, Townships, and Places having Right of Common thereon respectively, and to the Interest and Convenience of the Owners and Proprietors of Houses, Toststeads, Lands, and Grounds in such Parishes, Townships, and Places respectively.

Empowering Special Commissioners to sell Lands, &c. not want.

XXXV. And whereas some Part or Parts of the Lands, Tenements, Buildings, or Hereditaments, so to be purchased as aforesaid, may happen to be more than may be necessary to be made use of for the Purposes



poses of this Act; be it therefore enacted, That it shall and may be lawful to and for the said Special Commissioners, and they are hereby authorized, empowered, and required to let, sell, or dispose of and convey, or cause to be let, sold, or disposed of and conveyed, such Part or Parts of the said Lands, Tenements, Buildings, and Hereditaments, to such Person or Persons as shall be willing to rent, contract, agree for, or purchase the same, and the Money arising therefrom shall be paid and applied for the Purposes of this Act; and it shall and may be lawful for the said Special Commissioners to sign and give Receipts for the Money for which any such Lands, Tenements, Buildings, or Hereditaments respectively shall be sold, and such Receipts shall be sufficient Discharges for the same Purchase Money, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received.

ed for the Purposes of this Act.

XXXVI. Provided always, and be it further enacted, That the said Special Commissioners, before they shall sell and dispose of such Lands, Tenements, Buildings, or Hereditaments, shall first offer to re-sell the same to the said Person or Persons from whom they shall have purchased such Lands, Tenements, Buildings, or Hereditaments, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the Parts or Division where such Lands, Tenements, Buildings, or Hereditaments shall lie, by some Person or Persons no way interested in the same, stating that such Offer was made by or on Behalf of the said Special Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Special Commissioners to offer Lands to former Owners before Re-sale.

XXXVII. And be it further enacted, That all Agreements, Contracts, Sales, and all Verdicts and Judgements which shall be made and given in relation to any such Messuages, Lands, Tenements, Buildings, and Hereditaments as aforesaid (such Verdicts and Judgements being signed by Five or more of the said General Commissioners who shall be present at the taking of such Inquests), shall be delivered to the Clerk of the Peace for the Parts or Division wherein such Messuages, Lands, Tenements, Buildings, or Hereditaments are situate, and shall be filed with the Rolls of such Parts or Division, and the same, or a true Copy thereof, signed by the Clerk of the Peace, or his Deputy, 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 for every such Copy, not exceeding One hundred Words, the Sum of Sixpence, and so in Proportion for any greater Number of Words.

Agreements, etc. to be filed with the Clerk of the Peace.

XXXVIII. And whereas the Commissioners acting for the said Fourth District, by virtue of the Powers contained in the said recited Act, for raising the Rates and Taxes charged on the said *Wildmore* and *West Fens* respectively, by inclosing and leasing sufficient Parts thereof, had, as it is apprehended, at *Lady Day* One thousand eight hundred and one, a Sur-

Commissioners of the Fourth District to pay the Surplus Money in their Hands belonging to the said

Fourth District to the Special Commissioners acting under this Act.

plus in their Hands of the Monies raised by Lease of the said Premises, after Payment of the Rates and Taxes charged upon and payable by the said Fourth District, for the general and private Works of Drainage under the said recited Act, in which Surplus the Proprietors of Lands within the same District are interested; be it therefore enacted, That it shall and may be lawful for the said Commissioners of the said Fourth District, and they are hereby authorized, directed, and required to pay such Surplus to the said Special Commissioners within Three Calendar Months next after the passing of this Act, to be by them applied in Aid of the Fund hereinbefore provided for the Purposes of this Act.

Award to be made by Special Commissioners.

XXXIX. And be it further enacted, That when and so soon as the said intended Drainage, and all the Works requisite and necessary for effectuating the same, shall in the Judgement of the said General Commissioners, or any Five or more of them, be perfected and completed, then the said Special Commissioners shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express distinctly and separately the Quantity and Contents, in Statute Measure, of the Acres, Roods, and Perches, contained in the said several Parts and Parcels of Land which shall be so sold for the Purposes of this Act, and the Situation, Abuttals, and Boundaries thereof, and to whom the same shall be sold, and for what Monies; and the said Award shall also contain such other Orders, Regulations, and Directions to be observed and followed by the respective Purchasers of such Lands, as shall be necessary or proper to be inserted in the said Award conformably to the Tenor, Purport, true Intent, and Meaning of this Act; Two Parts of which said Award or Instrument shall be fairly ingrossed or written on Parchment, and signed and sealed by the said Special Commissioners; and the same shall, within Six Calendar Months next after the signing and sealing thereof, be inrolled with the Clerks of the Peace for the said Parts of *Lindsey* and Division of *Holland* respectively; and a true Copy of the Plan or Plans of the said Fens, and other the Lands and Grounds to be drained under or by virtue of this Act, drawn upon Vellum or Parchment, and signed by the said Special Commissioners, shall be annexed to each Part of the said Award, and to the Inrolments thereof, One Part of which said Award, so inrolled as aforesaid, shall be deposited in the Office of the Clerk of the Council of His Majesty's Duchy of *Lancaster*, and the other Part thereof shall be deposited in the Treasury of the Mayor and Burgesses of the Borough of *Boston*, in the said County of *Lincoln*, with the Records and Muniments belonging to the said Borough, for safe Custody, and in order to be from Time to Time inspected and perused by any Person or Persons interested, on Payment of One Shilling for every such Inspection or Perusal to the Clerk of the Council of the said Duchy, or to the Town Clerk, for the Time being, of the Borough of *Boston* aforesaid; and a true Copy of the Inrolment of the said Award, or of any Part thereof, certified and signed by the Officer with whom the same shall be inrolled, or his Deputy, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence; and such Officer is hereby required to make Copies thereof, or of any Part thereof, and to certify and sign the same, from Time to Time, when required, being paid for every such Copy and Certificate after the Rate of Fourpence *per* Sheet, reckoning Seventy-two Words to each Sheet; and any Person or Persons interested therein, shall have full Liberty to inspect

To be inrolled with the Clerks of the Peace for the Parts of *Lindsey* and Division of *Holland*.

One Part to be deposited in the Office of the Clerk of the Council of the Duchy of *Lancaster*, and the other Part in the Treasury of the Borough of *Boston*.

and peruse such Inrolment, paying to such Officer for every such Inspection or Perusal, One Shilling and no more; and the said Award, and the several Orders, Directions, Regulations, and all other Matters and Things therein contained, shall be, and are hereby declared to be binding and conclusive unto and upon all Parties interested in the said Drainage.

**XL.** And be it further enacted, That it shall and may be lawful for the said General Commissioners, or any Seven or more of them, and they are hereby authorized and required to assess, rate, tax, and charge the Lands within the said *Wildmore* and *West Fens*, now forming Part of the said Fourth District as aforesaid, with such further equal yearly Rates and Taxes, over and above the Rates and Taxes raised and to be raised under and by virtue of the said recited Act, as to them shall seem requisite and necessary for the Purpose of General Drainage, so as the same do not exceed Four-pence an Acre for every Acre of the said Fens respectively, during such Time as the same shall be used as Common; but if any such Lands shall be afterwards inclosed and used in Severalty, then such Lands shall be taxed at any Rate not exceeding One Shilling an Acre for every Acre so inclosed, during such Time as the same shall remain inclosed (other than and except such Common Lands as shall be inclosed in pursuance of the said recited Act or this Act), for defraying the said Taxes.

Additional Tax on *Wildmore* and *West Fens*, for General Works of Drainage.

**XLI.** And be it further enacted, That it shall and may be lawful for the said General Commissioners, or any Seven or more of them, and they are hereby authorized and required to assess, rate, tax, and charge the Lands within the said *East Fen*, and the Low Lands and Grounds lying contiguous or adjoining thereto, and so incorporated into and forming other Part of the said Fourth District as aforesaid, with such equal yearly Rates and Taxes as to them shall seem requisite and necessary for the Purposes of General Drainage, so that the same do not exceed One Shilling an Acre for every Acre of private Property, Eight-pence an Acre for every Acre of Half-year's Land, and Four-pence an Acre for every Acre of Common Land, during such Time as the same shall be used as Common; but if any such Lands shall be afterwards inclosed and used in Severalty, then such Lands shall be taxed at any Rate not exceeding One Shilling an Acre for every Acre so inclosed, during such Time as the same shall remain inclosed (other than and except such Common Lands as shall be inclosed under or by virtue of the said recited Act for defraying the said Taxes.

Acre Tax on the *East Fen*, for General Works of Drainage.

**XLII.** Provided always, and be it further enacted, That it shall and may be lawful for the said General Commissioners, or any Seven or more of them, and they are hereby authorized and empowered to assess, rate, tax, and charge the said Low Lands and Grounds in the Parish of *Wrangle* aforesaid (being an *East Holland Town*, not having Right of Common on the said Fens, or any Share or Interest in the Lands herein-before directed to be sold for the Purposes of this Act), with such yearly Rates and Taxes, or with such Sum or Sums in Gros as shall in the Judgement of the said General Commissioners, or any Seven or more of them, be equal to the contributive Share or Proportion which ought to be paid and borne by the Proprietors of the said Low Lands and Grounds in *Wrangle* aforesaid,

Low Lands in *Wrangle* to be taxed by the General Commissioners.

said, towards the Expence of making and effectuating the said Drainage or incident thereto, Regard being had to the Right of Drainage which the same Low Lands and Grounds now have and exercise by *Maud Foster's* Drain, their ancient Outfall to the Sea.

Taxes vested  
in General  
Commissioners.

XLIII. And be it further enacted, That the Taxes to be raised by virtue of this Act for the General Works of Drainage, shall be, and the same are hereby vested in the said General Commissioners; and the same shall be by them applied and disposed of in the Execution of this Act, as far as the same relates to General Works of Drainage, within the said Fourth District, and in the Payment of the necessary Costs, Charges, and Expences attending the same, and to no other Use or Purpose whatever.

Commissioners of the  
Fourth District elected by  
the Parishes having Right  
of Common on the *West Fen*  
to be Commissioners for the  
*East Fen, etc.*

XLIV. And be it further enacted, That, from and after the passing of this Act, such and so many of the Commissioners of or for the Fourth District in the said recited Act mentioned and described, as shall from Time to Time, under the Directions of the same Act, be elected by and for each Parish having Right of Common on the said *West Fen*, shall be and they are hereby appointed Commissioners for private or interior Drainage within the said *East Fen* and Low Lands and Grounds lying contiguous or adjoining thereto, and the said Low Lands and Grounds in *Wrangle* aforesaid, so incorporated into and made Part of the said Fourth District as aforesaid, and shall have the Care, Management, and Direction of the private or interior Works necessary to be done within the *East Fen* and Low Lands and Grounds respectively, and shall and may order and direct or cause to be done all such Works of private or interior Drainage therein, and shall be and are hereby invested with such and the same Power of charging the said *East Fen* and the said Low Lands and Grounds respectively with such yearly Taxes for the making, erecting, and preserving any private or interior Works, Drains, or Engines within the said *East Fen* and Low Lands and Grounds aforesaid, and of levying and recovering the same Taxes, and with all such other Powers and Authorities for making, effectuating, and compleating such private or interior Drainage within the said *East Fen* and Low Lands and Grounds aforesaid, as in and by the said recited Act were given to or vested in the Commissioners of the said Fourth District, for the Purpose of private or interior Drainage within that District; and the said Commissioners for private or interior Drainage hereby appointed shall and may from Time to Time use, exercise, and enforce all and every the said Powers and Authorities for the Purposes of the said recited Act and this Act, as fully and effectually, to all Intents and Purposes, and in such Manner as if the same were herein contained and at large re-enacted.

Commissioners of the  
Fourth District for the  
*West and East Fens, etc.*  
to raise Taxes within the *East Fen*,  
by inclosing a Part thereof.

XLV. And be it further enacted, That it shall and may be lawful to and for the Commissioners of the Fourth District acting for the said *West Fen* and the said *East Fen*, and Low Lands and Grounds as aforesaid, or any Five or more of them, to raise or cause to be raised such Taxes as shall be charged or assessed upon the said *East Fen*, for defraying the Charges and Expences as well of the General Drainage as of the private or interior Works to be done within the said *East Fen*, by inclosing any Part thereof, not exceeding Six hundred Acres; and that the said Commissioners of the said Fourth District, acting as aforesaid, or any Five or more of them, shall and may, from Time to Time, so long

as

as it shall be necessary for the Purposes aforesaid, let the same from Year to Year unto any Person or Persons, at and for the best Rent they can get for the same; and the Rents and Profits arising from such inclosed Land by virtue and in pursuance of this Act, shall be applied only towards paying Taxes and Rates charged on the said *East Fen*: Provided nevertheless, that no Land so to be inclosed by the said District Commissioners shall be broke up, plowed, or converted into Tillage.

XLVI. Provided always, and be it further enacted, That from and after the Execution of the Award herein-before directed to be made by the said Special Commissioners, all and every the Works already made or to be made or erected by virtue of the said recited Act or this Act, for the Purpose of Drainage, or any Lands, Sluices, Gowts, Sewers, Drains, Water-courses, or other Matters or Things whatsoever, within the Boundaries of the said *East Fen*, and the Low Lands and Grounds lying contiguous or adjoining thereto, or the Low Lands and Grounds in *Wrangle* aforesaid, so respectively incorporated into and forming Part of the said Fourth District as aforesaid, and particularly described by this Act, shall be discharged from, and shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or any Law or Statute relating to Sewers; any Thing in any former Law or Statute to the contrary thereof notwithstanding; save and except such Lands which are now liable to contribute to the Repairs of any Sea Banks, Sea Gowts, or Sea Sluices, which in respect to those Repairs only shall remain under the Jurisdiction of the Commissioners of Sewers.

No Works, Drains, etc. within the Boundaries of the Fourth District, to be subject to the Commissioners of Sewers.

XLVII. Provided always, and be it further enacted, That if Four Fifth Parts in Value of the Owners or Proprietors of Low Lands and Grounds in any One or more of the Parishes of *Friskney*, *Wainfleet*, *Saint Mary's*, and *Wainfleet All Saints*, in the said County of *Lincoln*, lying contiguous or adjoining to the said *East Fen*, and not having Right of Common thereon, or any One or more of the Owners or Proprietors of Low Lands and Grounds on the West Side of *Steeping River*, in any of the said several Parishes lying contiguous to or adjoining, the said *East Fen*, shall, by any Writing signed by him, her, or them, and delivered to any Seven or more of the said General Commissioners, signify his, her, or their Desire to have their Low Lands and Grounds included or comprized within the Provisions of this Act, or any of them and to take the Benefit thereof, it shall and may be lawful for the said General Commissioners, or any Seven or more of them, to consent to such Application or Applications, upon the Person or Persons making the same, undertaking and agreeing in and by the same Writing, or by some other Writing or Writings to be signed by him, her, or them, to pay such yearly Rates and Taxes, or such Sum or Sums in Gross, as shall in the Judgement of the said General Commissioners, or any Seven or more of them, be equal to the contributive Share or Proportion which should or ought to be paid and borne by the Proprietor or Proprietors within such Parishes, Townships, or Places respectively, towards the Expences of making and effectuating the said Drainage, or incident thereto, and to conform to such Rules, Orders, and Regulations as are herein-before contained or referred to with respect to the Lands and Grounds intended to be drained and improved under and by virtue of this Act, or upon such other Terms

Provision for the Drainage of certain Low Lands.

as shall or may be mutually agreed upon between the said General Commissioners, or any Seven or more of them, and the Person or Persons making such Application as aforesaid, so that such Application be made within Two Years next after the passing of this Act, and Three Weeks previous Notice thereof be affixed on the Church Doors of such Parishes, Townships, or Places respectively, where the Lands intended to be benefited as aforesaid shall lie; and in case the said General Commissioners, or any Seven or more of them, and the Person or Persons making such Application or Applications, shall come to such Agreement for the extending the Provisions of this Act as aforesaid, then and from thenceforth all and every the Sluices, Bridges, Banks, Drains, Watercourses, Cloughs, and private or interior Works of Drainage, as well upon the Low Lands and Grounds of the Person or Persons making such Application or Applications as aforesaid, as upon all other the Low Lands and Grounds in the same Parishes, Townships, or Places respectively, which shall be benefited by the Extension of the Provisions of this Act thereto, shall be subject only to the Controul, Direction, Survey, Order, and Jurisdiction of the said General and District Commissioners respectively, for general and private or interior Drainage, acting under the Authority of the said recited Act or this Act, for the Time being respectively, in such and the same Manner as if such Low Lands and Grounds were Part of the said Fourth District, and within the Boundaries thereof, and shall cease to be under the Controul, Direction, Survey, Order, and Jurisdiction of any Commissioners of Sewers; any Law or Statute relating to Sewers, or any former Law or Statute to the contrary notwithstanding; save and except such Lands which are now liable to contribute to the Repairs of any Sea Banks, Sea Gowts, or Sea Sluices, which in respect to those Repairs only shall still remain under the Jurisdiction of the Commissioners of Sewers.

Agreements  
to be inrolled  
with the Clerk  
of the Peace.

XLVIII. And be it further enacted, That all Agreements to be made between the said General Commissioners, or any Seven or more of them, and the major Part in Value of the Owners or Proprietors making such Application or Applications as aforesaid, shall, within Six Calendar Months next after the signing of the same by all Parties, be inrolled with the Clerk of the Peace for the said Parts of *Lindsey*, and true Copies of such Inrolment, signed by the proper Officer or his Deputy, shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Proprietors  
to give in an  
Account of  
their Lands.

XLIX. And be it further enacted, That an Account of the several Lands and Grounds by this Act incorporated into and made Part of the said Fourth District as aforesaid, and liable to be rated and taxed by virtue and within the Meaning of this Act, shall, on or before the Twenty-fifth Day of *March* One thousand eight hundred and two, be given to the Commissioners for the said Fourth District, or to their Clerk, by the Owners, Proprietors, or Occupiers, of such Lands and Grounds respectively, to be by them forthwith transmitted to the Clerk to the said General Commissioners, and if any of the Owners, Proprietors, or Occupiers of Lands or Grounds within such District, shall neglect or refuse to give in to the said District Commissioners, or their Clerk, a particular Account of the Number of Acres belonging to them, or in their Possession respectively,

ively, distinguishing therein how much thereof is private Property, Half-year's Land, Common, or other Kind of Land respectively; and in case there shall be Reason to suspect that the Number of Acres is not truly stated in any such Account, or not properly distinguished in Manner aforesaid, it shall be lawful for the said General Commissioners, or any Five or more of them, to order a Survey to be made of any of the said Lands or Grounds by some able Surveyor, not being a Proprietor of any Lands or Grounds in the said District, upon Oath (which Oath any Two of the said General Commissioners are hereby empowered to administer); and any Survey which shall be so made shall be sufficient Authority for the said General Commissioners, or any Five or more of them, to ascertain and determine the Quantities, and also such Distinctions as aforesaid, of such Lands or Grounds, and the Charge of surveying the Lands and Grounds of such Person or Persons as shall neglect or refuse to give in such Account, or shall deliver in a false Account as aforesaid, shall be paid by such Person or Persons respectively; and in case of Non-payment thereof, shall be recovered in such Manner as the Taxes are herein directed to be recovered; and in case it shall appear, upon any such Survey, that the Number and Distinction of Acres were truly stated in any such Account, the Charge of such Survey shall be defrayed out of the Monies arising by virtue of this Act for the Purposes of the General Drainage.

L. And be it further enacted, That the Taxes to be charged and assessed as aforesaid, by virtue of this Act, shall be paid by the Tenants of the Lands and Grounds charged with the same respectively; and such Tenants shall and may deduct and retain the same out of the Rents payable to their respective Landlords.

Tenants to pay Taxes and deduct the same.

LI. And be it further enacted, That if any Person or Persons whose Low Lands and Grounds shall be taxed or assessed as aforesaid by virtue of this Act, shall refuse or neglect to pay such Tax for the Space of Twenty-one Days next after Demand thereof made by the respective Collector or Collectors of the said Taxes, then and in every such Case the said General Commissioners, or any Five or more of them, or the said Commissioners of the said Fourth District, or any Five or more of them, shall and may, and they are hereby authorized respectively, by Warrant under their Hands and Seals, to empower their respective Collector or Collectors to levy the same by Distress and Sale of the Goods and Chattels which shall be found on the Lands or Grounds charged with the Taxes in Arrear; and if the same shall be untenanted, or no sufficient Distress can be found for levying the said Taxes, the Lands and Grounds chargeable therewith shall remain a Security for Payment thereof, and the said General and District Commissioners, or any Five or more of them respectively, shall in such Case, after Default of Payment for Three Calendar Months (having given One Calendar Month's Notice in Writing to the Owner of such Lands and Grounds, or his Tenant or Tenants), be and they are hereby authorized and empowered to enter into and upon the said Lands and Grounds, and let the same from Year to Year, for the best Rent that can be procured for the same, until all Arrears of the said Taxes, and all Expences of raising the same, shall have been fully paid and satisfied; and the Produce thereof shall be applied, in the First Place, towards discharging the said Taxes, and the Charges attending such Entry, and the Residue thereof shall be paid by such Collector or Collectors

Persons refusing to pay their Taxes; the same to be levied by Distress and Sale.

Grounds untenanted, to remain a Security.

to the Owner of such Lands or Grounds, or his or her Agent, when demanded.

Empowering  
Tenants for  
Life to bor-  
row Money.

LII. And be it further enacted, That it shall and may be lawful to and for any of the Owners or Proprietors of the Lands and Grounds lying within any of the said Parishes of *Wrangle, Friskney, Wainfleet Saint Mary's,* and *Wainfleet All Saints*, which shall be taxed and rated by virtue of this Act, being Tenants in Tail, or Tenants for Life, or Tenants *pour autre Vie*, or for Years determinable on Lives, 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 any such Tenants in Tail, or Tenants for Life, being Females Covert, and every of them respectively, for the Time being, from Time to Time, by Writing under their Hands and Seals, with the Consent and Approbation of the said General Commissioners, 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 and Grounds as he, she, or they shall respectively be entitled to as aforesaid, with such Sum or Sums of Money as shall or may be assessed, rated, taxed, or charged in Gross, on any of the Low Lands or Grounds in the said several Parishes of *Wrangle, Friskney, Wainfleet Saint Mary's,* and *Wainfleet All Saints* aforesaid, for their contributive Share of the Expences of making and effectuating the said Drainage, or incident thereto, under the Powers of this Act, not exceeding Four Pounds *per Acre*, and with Interest for the same, from the Time or respective Times of Payment thereof; and for securing the Re-payment of such Sum or Sums of Money, with Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands and Grounds, or any Part or Parcel thereof, unto such Person or Persons as shall advance and lend the same respectively, his, her, or their respective Executors, Administrators, or Assigns, for any Term or Number of Years; (but no Person lending 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 the same 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 Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and every Grant, Charge, Mortgage, Lease, Surrender, 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 Politick, Corporate, or Collegiate, or in the said Tenants in Tail or for Life, or such other Person or Persons as aforesaid, and notwithstanding any Settlement, Will, Decree, Trust, Use, Remainder, Limitation, Law, or Usage, or other prior or former Incumbrances, of or concerning the same Lands or Grounds, or any Part or Parts thereof, then in being, or capable of taking Effect to the contrary.

LIII. And



LIII. And whereas by Means of making the said new Cuts or Drains, and the proper Embankments for the same, the Lands of several of the Proprietors may be thereby severed and divided, so as to render the future Occupation thereof very inconvenient, unless Bridges of Communication were to be made and supported over such new Cuts or Drains, which Bridges, from the large Dimensions of the said Cuts or Drains, cannot be erected and supported but at a very considerable Expence, which may be avoided by Exchanges of the same Lands so severed and divided; be it therefore further enacted, That it shall and may be lawful for any of the Proprietors or Owners of any Lands or Hereditaments within any of the respective Parishes, Townships, or Places aforesaid, or for the Guardians of Infants, Husbans, or Trustees of Femes Covert, Committees, or Trustees of Idiots, Lunaticks, and Persons beyond the Sea, or the Attornies of any Persons beyond the Sea respectively, and for all Trustees for any charitable Use or Purpose, and all Tenants for Life or Lives or in Tail, of any such Lands or Hereditaments, or the Guardians, Husbans, Trustees, or Committees of such Tenants for Life or Lives or in Tail respectively, who shall be disabled or incapacitated to act for themselves, to exchange all or any such Lands or Hereditaments so severed or divided within any such Parishes, Townships, or Places as aforesaid, for any other Lands or Hereditaments within any of the said Parishes, Townships, or Places, and to convey the Fee Simple of the Lands or Hereditaments to be granted by them on such Exchanges, in such Manner as if the Grantor or Grantors was or were absolutely entitled thereto in his, her, or their own Right or Rights, and under no Disability or Incapacity to convey; so that all such Exchanges be made by and with the Consent and Approbation of the said Special Commissioners, and be ascertained and declared by some Instrument in Writing under their Hands and Seals, and that the Lands or Hereditaments so to be taken in Exchange shall enure to such and the like Uses, and be subject to such and the like Tenures, Trusts, Rents, Payments, Conditions, and Charges as the Lands or Hereditaments for which the same shall be so taken in Exchange shall be limited, subject, or liable to at or immediately before the Time of making such Exchanges respectively; and every such Exchange so to be made as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, notwithstanding any legal or natural Incapacity of any Proprietor or Owner respectively making any such Exchange: Provided, that no Exchange shall be made of any Lands or Hereditaments held under the King's Majesty, without the Consent of the King's Majesty, signified by Writing under the Hand and Seal of the Chancellor of the said Duchy for the Time being, nor shall any Exchange be made of any Lands or Hereditaments, held in Right of any Church or Chapel, without the Consent of the Lord Bishop of *Lincoln* for the Time being, signified by Writing under his Hand and Seal, and the Patron of such Church or Chapel for the Time being, signified in Manner as aforesaid.

Allowing Exchanges to be made.

LIV. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Special Commissioners relative to the Execution of this Act, and of the Names of the said Special Commissioners who shall be present at the respective Meetings, and the same shall be signed by the said Special Commissioners,

Proceedings of Special Commissioners to be entered in a Book, and when signed good Evidence.

[*Loc. & Per.*]

29 H

missioners,

missioners, or by their Clerk or Clerks by their Order; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Cases, Suits, and Actions, touching any Thing done in pursuance of this Act.

Persons advancing Money towards the Expences of this Act to be repaid with Interest.

LV. And be it further enacted, That if any of the Proprietors or Persons interested in the said Lands and Grounds by this Act directed to be drained, or the Person or Persons by them employed to solicit and obtain the same, shall *bonâ fide* advance any Money for or towards defraying the Charges and Expences thereof, or preparatory and incident thereto, and of carrying the same into Execution, or shall have already advanced any Money for those Purposes, such Person or Persons shall, out of the First Monies which shall be raised by virtue of this Act, be repaid the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, from the respective Times of advancing thereof.

Monies raised to be deposited in the Hands of a Banker or Bankers.

LVI. And be it further enacted, That all the Monies to be raised and received under and by virtue of the Powers of this Act, during the Progress of the said Drainage, shall from Time to Time as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker or Bankers, or such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors, who shall attend by themselves or their known Agents, at the First Meeting of the said Special Commissioners; and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker or Bankers, or other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker or Bankers, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them, without an Order in Writing under the Hands of the said Special Commissioners, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due.

Special Commissioners to enter Accounts in a Book.

LVII. And be it further enacted, That the said Special Commissioners shall, and they are hereby required to enter in a Book to be provided for that Purpose, an Account of all Sums of Money raised or received by them from the Sale of Lands or otherwise, during the Progress of the said Drainage, by virtue of any of the Powers granted by this Act; and also of all the Charges, Expences, and Disbursements, which shall accrue or be made by virtue of this Act, and in carrying the same into Execution; and that Once or oftener in every Year the said General Commissioners, or any Five or more of them, shall at some of their Meetings, of which Ten Days previous Notice in Writing shall be given to the said Special Commissioners or their Clerks by the said General Commissioners, or any Five or more of them, to inspect the said Books of Account, and the Receipts and Disbursements of such Monies as shall be received or disbursed under or by virtue of this Act, and all Accounts relating to the same, shall then, or within Fourteen Days after, be adjusted and made up by the said Special Commissioners, at which Time the said Special Commissioners, or One of them, with One of their Clerks, on receiving such Notice as aforesaid, is and are hereby required to attend with the said Book of Account of such Receipts and Disbursements, and with all Vouchers for the same; and upon Consideration and

General Commissioners to inspect the Account of Monies raised and expended by the Special Commissioners.

Exami-

Examination thereof, and upon Oath of the said Special Commissioners or Commissioner, if the said General Commissioners, or any Five or more of them, think fit (which Oath any One of the said General Commissioners is hereby empowered and required to administer), the said General Commissioners, or any Five or more of them, are hereby required to allow and pass the said Accounts of such Special Commissioners, 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 so allowed by the said General Commissioners, or any Five or more of them, under their Hands, and all other Accounts relating to the Execution of this Act, shall be fairly entered in Three several Books to be kept for those Purposes, One whereof shall remain in the Custody of the said General Commissioners or their Clerk, and the other Two in the Custody of the Clerks to the said Special Commissioners respectively; and the said Books shall and may be inspected and perused at any Time at seasonable Hours, by and at the Request of any of the Persons interested in such Accounts, paying to the Clerks a reasonable Fee for such Inspection and Perusal.

LVIII. Provided always, and be it further enacted, That no Tax or Assessment shall be rated, charged, or levied, for or in respect of any Lands or Grounds bounded or described as aforesaid, which are known and distinguished by the Name of *High Lands*, or which have not been subject to Inundations, or to be otherwise annoyed by Flood Waters; and if in the Case of any Tax to be assessed by the said General Commissioners, any Dispute shall arise whether any of such Lands or Grounds shall or shall not be deemed High Lands or Grounds, or have not been subject to Inundations, or otherwise annoyed by Flood Waters, the same shall be determined upon View by Five of the Commissioners elected or to be elected by and for the said Sixth District mentioned in the said recited Act, not having any Property in nor being elected by the said Fourth District; Two of which Commissioners shall be nominated by the Commissioners for the said Fourth District, or any Three or more of them, Two other of them by the Proprietor or Proprietors of the Lands and Grounds in Question, and the Fifth by such Four Commissioners so previously nominated as aforesaid; and if such Four Commissioners cannot agree in the Choice of a Fifth, he shall be nominated at the First subsequent Meeting of the said General Commissioners; and all such Commissioners, before they proceed to determine such Dispute, shall take an Oath well and truly, to the best of their Judgement and Knowledge, to determine whether such Lands or Grounds have been subject to Inundations, or otherwise annoyed by Flood Waters, or ought to be deemed Low Lands or Grounds liable to be taxed by virtue of this Act (which Oath any One or more of the said Commissioners for the said Sixth District is or are hereby empowered to administer), and such Commissioners shall set forth their Determination in Two distinct Writings, and shall sign the same; and One of such Writings shall be delivered to the Owner of such Lands or Grounds, and the other of such Writings shall be delivered to the Clerk to the said General Commissioners; and such Determination shall be binding and conclusive upon all Persons concerned therein.

For determining Disputes about High Lands.

LIX. And be it further enacted, That all Owners and Occupiers of Lands who are obliged of Right in that Behalf, shall from Time to Time

Outring and Division Dikes to be kept open by the Proprietors.  
make

make and keep their Outring or Division Dikes or Drains Nine Feet broad and Five Feet deep, and shall from Time to Time cause the same to be roaded and scoured, and Bridges and Tunnels to be laid therein, where necessary; and if any such Owner or Occupier shall refuse or neglect to do the same for the Space of Fourteen Days after receiving Notice in Writing, and signed by Two Commissioners of the said Fourth District, it shall and may be lawful to and for the Commissioners of the said Fourth District, or any Five or more of them, to cause and order the same to be done, and by Warrant under their Hands and Seals to levy the Charges attending the same by Distress and Sale of the Goods and Chattels of the Offender, returning the Overplus (if any), when demanded, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Tunnels may  
be laid for  
watering  
Cattle.

and moveable  
Staunches set  
down.

LX. And be it further enacted, That it shall and may be lawful for the said General Commissioners, or any Five or more of them, to license, order, or appoint such Tunnels, not exceeding Nine Inches Square, in and through any of the Banks of the said several Cuts and Drains respectively, for conveying Waters into the said *Wildmore Fen*, and the said *West* and *East Fens*, and the Low Lands and Grounds in the several Parishes, Townships, and Places aforesaid, to be drained under or by virtue of this Act, for the watering of Cattle in dry Seasons only, as the said General Commissioners, or any Five or more of them, shall think proper and requisite; and also to license, order, or appoint, or cause to be set down moveable Staunches in the said Cuts or Drains, so as such Staunches respectively be made no higher than will be necessary to turn the Waters into the said Tunnels, through the Banks of the said Cuts and Drains, for the Purposes aforesaid; and also to appoint proper Persons to look after the same, and to cause the Charges and Expences thereof to be paid and defrayed in such Manner as the said General Commissioners, or any Five or more of them, shall think proper (subject nevertheless to the Direction and Controul of the said General Commissioners, or any Five or more of them), upon Complaint to them made of any Damage being sustained thereby.

Penalty for  
damaging  
Works, &c.

LXI. And, for preventing the breaking down or damaging any of the Works which shall be made or altered in pursuance of this Act, or otherwise obstructing the Execution of the same, be it further enacted, That if any Person or Persons shall at any Time or Times hereafter wilfully or designedly demolish, pull down, break, spoil, or otherwise destroy or damage any Cut, Drain, Dam, Bank, Aqueduct, Culvert, Outlet, Sluice, Gowt, Clough, Engine, Bridge, Tunnel, or other Works which shall at any Time or Times hereafter be made or erected for the Purposes of this Act, all and every Person and Persons so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be punished in such Manner as Felons are directed to be punished by the Laws and Statutes of this Realm; or the Court may and are hereby empowered, if they shall think fit, in Mitigation of such Punishment, to award and impose such Fine or Imprisonment as such Court shall judge expedient; and if any Person shall obstruct, hinder, or molest the said Special Commissioners appointed  
in

in or by virtue of this Act, or any of them, or any Surveyor, Workman, or other Person or Persons who shall be employed by or under them or any of them in the Execution of this Act, or do any wilful Hurt or Mischief to prevent the carrying on, completing, and finishing the several Works intended to be done, performed, and executed by virtue of this Act, every such Person so offending, and being thereof convicted, shall for every such Offence forfeit and pay any Sum not exceeding Treble the Amount or Value of such Damage, Spoil, or Mischief.

LXII. And be it further enacted, That the Penalty or Forfeiture for any Offence against this Act, (the Recovery whereof is not herein-before otherwise directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any One Justice of the Peace for the said Parts of *Lindsey* or Division of *Holland* respectively, wherein the Offender shall be or reside, which Warrant such Justice is hereby empowered to grant, upon the Confession of the Party offending, or upon the Oath of any credible Witness, (which Oath such Justice is hereby empowered to administer), rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and for Want of sufficient Distress, such Justice is hereby empowered and required to commit the Offender to the House of Correction for such Parts or Division as aforesaid respectively, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied; and that all such Penalties and Forfeitures (the Application whereof is not herein-before otherwise directed) shall be paid to the said Special or General Commissioners, and shall be applied and disposed of for the Purposes of this Act or the said recited Act.

For Recovery  
and Appli-  
cation of  
Penalties.

LXIII. And be it further enacted, That all and every Person or Persons who, in any Examination upon Oath or Affirmation to be taken by virtue of this Act, shall give false Evidence before any Justice or Justices of the Peace, or before any of the said Special or General Commissioners touching any Matter or Thing relating to the Execution of this Act, shall and may be prosecuted for the same, and being thereof convicted, shall be deemed guilty of Perjury, and shall be subject and liable to such Pains, Punishments, and Disqualifications, as by the Laws and Statutes of this Realm Persons convicted of wilful and corrupt Perjury are subject and liable to.

For punishing  
Persons giv-  
ing false Evi-  
dence.

LXIV. And be it further enacted, That all and every Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or to the same Effect; (*videlicet*),

Form of  
Conviction:

• **B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 • *A. B.* is convicted before \_\_\_\_\_ of His Majesty's Jus-  
 • tices of the Peace for the Parts of *Lindsey*, [or, the Division of *Holland*,  
 • in the County of *Lincoln*, as the Case may be] by virtue of an Act made  
 • in the Forty-first Year of the Reign of His Majesty King *George* the  
 • [Loc. & Per.] \_\_\_\_\_ Third

Third [here insert the Title of the Act; specifying the Offence, and the Time and Place when and where the same was committed, as the Case may be]. Given under our Hands and Seals, [or, my Hand and Seal] the Day and Year aforesaid.

Appeal to the Quarter Sessions.

LXV. And be it further enacted, That all Persons who shall think themselves aggrieved by the Order, Conviction, or Judgement of any Justice or Justices of the Peace, upon Account of any Offence committed or supposed to be committed against this Act, or any Penalties to be levied by virtue thereof, may appeal to the Justices of the Peace for the said Parts of *Lindsey* or Division of *Holland* respectively, against any such Order, Conviction, Judgement, or Penalty, at the next General Quarter Sessions of the Peace to be held for the said Parts or Divisions respectively, after the Cause of such Appeal shall happen, first entering into a Recognizance, with Two sufficient Sureties, to the Satisfaction of the said Justices, to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said Justices in the said General Quarter Sessions, in case such Order and Judgement shall be affirmed; and the said Justices in their said General Quarter Sessions are hereby authorized and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of *Certiorari*, or otherwise, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Limitation of Actions.

LXVI. And be it further enacted, That if any Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be brought and laid in the said County of *Lincoln*, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence, without specially pleading the same, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass, or Judgement be given against him, her, or them, upon Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants shall recover Treble Costs, for which he, she, or they shall have the like Remedy as where Costs are awarded.

Powers of the Commissioners of the *Witham* Act not to be prejudiced.

LXVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, obstruct, prevent, or defeat any of the Works made or to be made in pursuance of the said recited Act, or to empower the said Special Commissioners acting by virtue of this Act, or any of the Proprietors interested in the said Drainage, to invalidate, lessen, alter, or take away any of the Rights, Powers,

Powers, and Authorities which by the said recited Act were vested in all or any of the Commissioners acting under the same Act (except such Rights, Powers, and Authorities as are altered or taken away by this Act) but that the same shall be and continue as fully to all Intents and Purposes (except as aforesaid) as if this Act had never been made; any Thing herein contained to the contrary thereof in anywise notwithstanding.

LXVIII. And be it further enacted, That this Act shall be deemed, Publick Act. 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 the same being specially pleaded.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1802.

