



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 128.

An Act for draining, dividing, allotting, and inclosing *Deeping, Langtoft, Baston, Spalding, Pinchbeck,* and *Cowbit* Commons, within the Parts of *Kesteven* and *Holland*, in the County of *Lincoln*; and also for draining *Crowland Common* or *Goggushland*, and certain Lands and Grounds in the Parishes of *Bourn* and *Thurlby*, adjoining or lying contiguous to the North Bank of the River *Glen*, and certain inclosed Lands in *Deeping Fen*, and in the Parishes of *Spalding* and *Pinchbeck*, adjoining to the said Commons, and lying between the Rivers *Glen* and *Welland*; and also for rendering more effectual several Acts of Parliament heretofore passed for draining and preserving the several Lands, Grounds, and Commons herein-before mentioned, or certain Parts thereof. [27th June 1801.]

[*Loc. & Per.*]

26 S—T

WHEREAS

WHEREAS there are within the Parts of *Kesteven* and *Holland*, in the County of *Lincoln*, certain Commons called or known by the several Names of *Deeping Common* otherwise *Market Deeping Common*, and *Deeping Saint James Common*, *Langtoft Common*, *Baston Common*, *Cowbit Common*, and *Cowbit Wash*, *Spalding Common*, and *Pinchbeck South Fen*, containing in the Whole upwards of Thirteen thousand five hundred Acres, which lie in, adjoining, or near to the several Parishes of *Market Deeping*, *Deeping Saint James*, *Langtoft*, and *Baston*, in the said Parts of *Kesteven*, and to *Spalding* (including the Hamlets of *Cowbit* and *Peakhill*) and *Pinchbeck*, in the said Parts of *Holland*, and whereon Numbers of Persons, in respect of their Lands, Messuages, Houses, Toftsteads, and Hereditaments, situate in the said respective Parishes and Hamlets, and in the several Parishes, Townships, or Hamlets of *West Deeping*, *Tallington*, *Uffington*, *Barholm*, *Stow*, and the *White House* in *Greatford*; and Lands to the said House belonging, all of them situate in the Parts of *Kesteven* aforesaid, have for Time immemorial exercised certain Rights of Common to such Lands, Messuages, Houses, Toftsteads, and Hereditaments respectively belonging or appertaining: And whereas there are, in, near, or adjoining to the Parishes of *Spalding* (including the said Hamlets of *Cowbit* and *Peakhill*) and *Pinchbeck* aforesaid; a Common Fen called *Pinchbeck North Fen*, containing about Three thousand five hundred Acres, and several Drovers, Commons, and Waste Lands, containing about Eight hundred Acres, which are respectively Commonable to the Occupiers of certain Lands, Messuages, Houses, Toftsteads, and Hereditaments within the said last-mentioned Parishes and Hamlets, in certain Proportions: And whereas the King's most Excellent Majesty, in Right of His Crown, is Lord of the Manor of *East* and *West Deeping*, and the Most Noble *Brownlow* Duke of *Ancaster* and *Kesteven* is Lessee of the said Manor, under a Lease for Years granted of the same: And whereas the Right Honourable *Sampson* Lord *Eardley* is Lord of the Manor of *Spalding* with its Members; and His said Majesty, the said *Brownlow* Duke of *Ancaster* and *Kesteven*, as Lessee as aforesaid, and the said *Sampson* Lord *Eardley*, are respectively entitled to certain Manerial Rights and Privileges in, over, and upon the said Commons, Fens, Drovers, and Waste Lands, or some Parts thereof: And whereas Sir *Gilbert Heathcote* Baronet is Lord of the Manors of *Langtoft* and *Baston*, and as such claims to be entitled to certain Manerial Rights in, over, and upon some Part or Parts of the said Commons, Drovers, and Waste Lands; and also claims to be entitled to the Soil and Freehold of such Part or Parts of the said Commons, Drovers, and Waste Lands; and divers Lords and Ladies of several Manors extending over the Whole or some Part or Parts of the said respective Parishes, Townships, or Hamlets, or some of them, severally claim to be entitled, in different Proportions, to certain Manerial Rights and Privileges in, over, and upon the said respective Commons, Fens, Drovers, and Waste Lands, or some Part or Parts thereof: And whereas the said *Brownlow* Duke of *Ancaster* and *Kesteven* is Patron of the Rectory of *Uffington*, and the Reverend *Charles Peter Layard* Doctor in Divinity is Rector of the said Rectory: And whereas the Trustees of the Schools of *Oakham*, and *Uppingham*, in the County of *Rutland*, are Impropriators of the Rectory of *Barholm* and *Stow*, and Patrons of the Vicarages of the same Parishes, and the Reverend *Thomas Orme* Doctor in Divinity is Vicar of the said Parishes: And whereas His said Majesty is Patron of the Rectory of *Greatford*; and the

the Reverend *Henry Key Bonney* is Rector of the said Rectory: And whereas *William Willesby* Gentleman, *Theophilus Buckworth*, *Fairfax Johnson*, and *Charles Green*, Esquires, the Reverend *Maurice Johnson* Doctor in Divinity, the Reverend *George Maclellan* Clerk, *Fullwood Sanderson* and *William Rodgerson* Gentlemen, Feoffees of the Rectory Improprate and Church of *Spalding* aforesaid, are Patrons of the said Rectory and Church of *Spalding*; and the said *Maurice Johnson* is Minister of the said Parish and Parish Church, and also Lessee for Years under the said Feoffees of certain Tithes demised by the said Lease; and the said *Charles Green*, *Fairfax Johnson*, and *Maurice Johnson*, Governors of the Possessions of the Free Grammar School in *Spalding* aforesaid, of the Foundation of *John Gamlyn* and *John Blanke*, are Patrons of the Chapelry of *Wykeham*, in the said Parish of *Spalding*, and the Reverend *Walter Maurice Johnson* Clerk is Minister of the said Chapel, and certain other Trustees or Feoffees are Patrons of the Chapel of *Cowbit*, of which Chapel the Reverend *Joseph Mills* is Minister: And whereas the Master, Fellows, and Scholars of *Emanuel College*, in the University of *Cambridge*, are Improprators of the Rectory of *Pinchbeck* aforesaid, and *William Healey* Gentleman, is their Lessee for Years; and the Reverend *Thomas Heardson Wayet* Doctor in Divinity is Patron of the Vicarage of *Pinchbeck* aforesaid, and is also Vicar of the said Parish and Parish Church; and *William Vise* Gentleman is Proprietor of the Tithes of Flax arising within the said Parish: And whereas the said several Improprators, Rectors, Vicars, Feoffees, Trustees, or Ministers, in Right of their several Improprations, Rectories, Vicarages, Ministeries, and Chapelries, are respectively entitled to the Tithes arising, renewing, increasing, or payable within the said several Improprations, Rectories, Vicarages, Ministeries, and Chapelries, or to certain Moduses, Compositions, or other Payments in lieu thereof, in certain Shares and Proportions, except the Tithe of Flax in *Pinchbeck* aforesaid: And whereas the said several Commons, Drovers, and Waste Lands herein-before described or mentioned, and also a certain other Common adjoining or near to them, or some of them, called *Crowland Common* otherwise *Goggusland*, containing about One thousand two hundred Acres, Commonable only by the Occupiers of certain Lands, Messuages, Tenements, and Hereditaments in *Crowland* aforesaid, are frequently overflowed or otherwise annoyed by Water; and all the said Commons, Drovers, and Waste Lands, by reason of the low Situation and defective Drainage thereof, are of very inconsiderable Value: And whereas there are certain inclosed Lands adjoining upon the said Commons, Drovers, and Waste Lands, or some of them respectively, called *The Taxable and Free Lands in Deeping Fen*, containing in the Whole about Fifteen thousand Acres, certain Lands and Grounds in the Parishes of *Bourn* and *Thurlby*, North of the River *Glen*, and other inclosed Lands situate in the said Parishes of *Spalding* and *Pinchbeck*, lying between the Rivers of *Glen* and *Welland*, which are also annoyed by Water, and the Owners and Occupiers of the said inclosed Lands have frequently sustained very heavy Losses by the Inundation of their said Lands: And whereas it would be of considerable Advantage to all Parties concerned, materially benefit the circumjacent Country, and be of great public Utility, if all the said Commons, Drovers, and Waste Lands, and also the said inclosed Lands, were effectually drained, and the said Commons, Drovers, and Waste Lands (except the said *Crowland Common* or *Goggusland*) were divided and inclosed into certain parochial or other large

large Allotments, and the Commoners of such respective Districts or Parishes (except as to those Parishes or Districts whose Allotments are intended by this Act to be subdivided and inclosed) were all confined to such respective Allotments, and to take and enjoy their respective Rights of Common therein to the Exclusion of all others; and if the Allotments to be set out in respect of the Lands, Messuages, Tenements, Toftsteads, and Hereditaments in *Uffington, Barholm, Stow, The White House in Greatford*, and Lands thereto belonging, *Spalding, Cowbit, Peakhill, and Pinchbeck* aforesaid (in which respective Parishes, Places, Townships, and Hamlets the other Lands are already inclosed and exonerated of Tithes, or are intended so to be by this Act), were subdivided and allotted unto and among the several Persons and Parties interested in such last-mentioned parochial or other Allotments, according to the Value of their respective Shares and Interests therein, and thenceforth held in Severalty; and it hath been agreed that, in consideration of a proper Compensation, the parochial or other Allotments so intended to be subdivided and held in Severalty as last aforesaid, should also be discharged from Tithes; but the several beneficial Purposes aforesaid cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Commons called *Deeping Common* otherwise *Market Deeping Common*, and *Deeping Saint James Common, Langtoft Common, Baston Common, Cowbit Common, and Wash Spalding Common, and Pinchbeck South Fen*, shall be divided, set out, and allotted into parochial or general Divisions, by *George Maxwell of Fletton* in the County of *Huntingdon*, *Edward Hare of Castor* in the County of *Northampton*, *John Cragg of Threckingham* in the said County of *Lincoln*, and *William Golding of Donington* in the said County of *Lincoln*, Gentlemen, and their Successors, to be elected in manner herein-after mentioned; and they and their Successors shall be and they are hereby appointed General Commissioners for executing the several General Works of Drainage herein directed to be done and executed by the said General Commissioners, and for dividing, setting out, and allotting the same Commons into parochial or other general Parts and Shares, and for other the Purposes herein-after particularly mentioned, in order that the separate Part and Share of each Parish and Place therein may in the first Instance be fixed and determined, and a parochial or general Division and Allotment made thereof by the said General Commissioners, in manner herein-after mentioned; and that such Parts or Shares of the same Commons as shall by the said General Commissioners be set out and allotted as the Shares and Proportions of and for the said Parishes of *Spalding* (including the said Hamlets of *Cowbit and Peakhill*), and *Pinchbeck* respectively, and also the said Common Fen called *Pinchbeck North Fen*, and the said Drovers and Waste Lands within the said several Parishes of *Spalding* (including the said Hamlets) and *Pinchbeck*, shall be subdivided and allotted and inclosed by the said *George Maxwell, Edward Hare, and William Golding*, and their Successors, to be elected as herein-after mentioned; and they and their Successors shall be and they are hereby appointed Special Commissioners for subdividing, allotting, and inclosing such Parts of the said Commons as shall be so set out and allotted by the said General Commissioners, as the Shares and Proportions of and for the said Parishes of *Spalding* (including

General
Commis-
sioners.

Special Com-
missioners for
Spalding and
Pinchbeck.

(including the said Hamlets) and *Pinchbeck* respectively, and also for dividing, allotting, and inclosing the said Common Fen called *Pinchbeck North Fen*, and the said Drovers and Waste Lands, and for executing interior Works of Drainage within the same Parishes and Hamlets, and for putting this Act into Execution, as far as relates thereto respectively, in the Manner and subject to the Rules, Orders, and Directions herein-after contained; and that such Part or Share of the said Commons as shall by the said General Commissioners be set out and allotted as the Share and Proportion of and for the Parishes or Townships of *Uffington*, *Barholm*, and *Stow*, and the said *White House* in *Greatford*, shall be subdivided, allotted, and inclosed by the said *George Maxwell*, *Edward Hare*, and *John Cragg*, and their Successors, to be elected in Manner herein-after mentioned, and they and their Successors shall be and they are hereby appointed Special Commissioners for dividing, allotting, and inclosing such Parts of the said Commons as shall be so set out and allotted by the said General Commissioners as the Shares and Proportions of and for the said last-mentioned Parishes, or Townships and Places; and for executing interior Works of Drainage within the several parochial or general Allotments to be set out in respect of the several Parishes and Places in the said Parts of *Kesteven*, and for putting this Act into Execution as far as relates thereto respectively, in the Manner and subject to the Rules, Orders, and Directions herein-after also contained.

Special Commissioners for Uffington, Barholm, Stow, and Greatford.

II. And be it further enacted, That it shall be lawful for any Three of the said General Commissioners, or their Successors, to be elected as herein-after mentioned, to do and perform any Act, Matter, or Thing authorized to be done by the General Commissioners in pursuance of this Act, and to enforce such Powers and Authorities as are hereby given to and vested in them, as fully and effectually as if every such Power and Authority had been separately given to and vested in any Three of the said General Commissioners by express Words, throughout this Act, and the said General Commissioners may adjourn from Time to Time; and if Three of the said General Commissioners shall not appear at any Meeting in pursuance of this Act, then and in such Case the General Commissioners or Commissioner then present may adjourn such Meeting to a future Day, not exceeding Twenty-one Days from the Time of Adjournment, and shall give Notice thereof to the absent General Commissioners; and if the said General Commissioners shall differ or disagree in the Execution of any of the Powers hereby vested in them, and the Number of Commissioners shall be equally divided respecting the Matter in which they shall differ or disagree, it shall be lawful for the said General Commissioners, or any Three of them, and they are hereby required, by Writing under their Hands, to appoint a Person, not interested in the said Division, Inclosure, or Drainage, to act as a General Commissioner in the Execution of such Powers and Authorities hereby given, or other Matters or Things concerning which the said General Commissioners shall differ or disagree as aforesaid; and (such last-mentioned Commissioner having taken the Oath directed to be taken by Commissioners acting under this Act) the Decision respecting the Matter at Variance of all the said Commissioners, or of any Three of them, to be expressed by them in Writing under their Hands, shall be binding, final, and conclusive to all Parties and Persons interested and concerned therein, any

Three General Commissioners may act; One may adjourn.

If the General Commissioners equally divided, a Fifth Commissioner to be appointed by them.

Two Special Commissioners may act; One may adjourn.

thing herein contained to the contrary notwithstanding; and that it shall and may be lawful to and for any Two or more of the said respective Special Commissioners, or their respective Successors, to be elected as herein-after mentioned, to do and perform every Act, Matter, and Thing authorized to be done by the said respective Special Commissioners in pursuance of this Act, and to enforce such Powers and Authorities as are hereby given to and vested in them respectively, as fully and effectually as if every such Power and Authority had been separately given to and vested in any Two of the said respective Special Commissioners by express Words throughout this Act; and that the said respective Special Commissioners may adjourn from Time to Time; and if Two of the said respective Special Commissioners shall not appear at any Meeting in pursuance of this Act, then and in such Case the Special Commissioner for such respective Division then present may adjourn such Meeting to a future Day, not exceeding Twenty-one Days from the Time of Adjournment, and shall give Notice thereof to the absent Commissioners; any thing herein contained to the contrary thereof in anywise notwithstanding.

How a new Commissioner shall be appointed in the Place of George Maxwell;

the like instead of Edward Hare;

III. And be it further enacted, That if the said *George Maxwell*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die or refuse to act, or be disabled from acting, then and in every such Case it shall be lawful for the Surveyor General of His Majesty's Land Revenue for the Time being, and the Right Honourable Lord *Eardley*, his Heirs or Assigns, within Two Calendar Months next after such Death, Refusal, or Disability to act, shall be signified in Writing to the said Surveyor General for the Time being, and the said Lord *Eardley*, his Heirs or Assigns respectively, by the surviving or remaining General Commissioners, or any Two of them, and which they are hereby required to signify accordingly, to elect and appoint a Commissioner, not interested in the said Inclosure, Division, or Drainage, in the Stead of the said *George Maxwell*, or such other Commissioner so dying, refusing, or becoming disabled to act as aforesaid; and if the said *Edward Hare*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse to act, or be disabled from acting, then and in every such Case the remaining General Commissioners, or any Two of them, shall cause such Death, Refusal, or Disability to be published by Advertisement Twice in the *Lincoln, Rutland, and Stamford Mercury*, and *Cambridge Chronicle*, or some other Newspaper usually circulated in the said County of *Lincoln*; and it shall be lawful for the several Improprators, Rectors, Vicars, Feoffees, Trustees, Ministers, and Persons interested in the Tithes, or the Payments in lieu thereof, within the respective Parishes or Places entitled to Right of Common in and over any of the said Commons, Drovers, and Waste Lands intended by this Act to be divided and inclosed, or the major Part in Value of such Persons so interested (within Two Calendar Months next after the Publication of such Advertisement), by Writing under their Hands or the Hands of their respective Agents, to be appointed also in Writing, who shall be present at any Meeting convened for that Purpose, of which Fourteen Days previous Notice at least shall be given upon one of the Doors of each of the Churches or Chapels of the Parishes or Places having Right of Common as aforesaid, mentioning the Time and Place of such intended

tended Meeting, to elect and appoint a Commissioner, not interested in the said Division, Inclosure, or Drainage, in the Stead of the said *Edward Hare*, or such other Commissioner so dying, refusing, or becoming disabled as last aforesaid; and if the said *John Cragg*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse to act, or become disabled as aforesaid, then and in every such Case the remaining General Commissioners, or any Two of them, shall cause the same to be advertised as aforesaid, and it shall be lawful for the Majority of Proprietors of Common Right Messuages, Houses, and Toftsteads within the said Parishes and Places in the said Parts of *Kesteven*, except the several Impropiators, Rectors, Vicars, and other Tithe Owners as such, within the same Parts, within Two Calendar Months next after such Death, Refusal, or Disability to act, shall be advertised as aforesaid, by Writing under their Hands or the Hands of their respective Agents, to be appointed also in Writing, who shall be present at any Meeting convened for that Purpose, of which Fourteen Days previous Notice at least shall be given by the surviving General Commissioners, or any Two of them, upon one of the outer Doors of the Churches or Chapels of the respective Parishes or Places within the said Parts of *Kesteven*, having Right of Common as aforesaid, mentioning the Time and Place of such intended Meeting, to elect and appoint a Commissioner, not interested in the said Division, Inclosure, or Drainage, in the Stead of the said *John Cragg*, or such other Commissioner so dying, refusing, or becoming disabled as aforesaid; and if the said *William Golding*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse to act, or become disabled as aforesaid, then and in every such Case the remaining General Commissioners, or any Two of them, shall cause the same to be advertised as aforesaid, and it shall be lawful for the Majority of Proprietors of Common Right Messuages, Houses, and Toftsteads, having Right of Common within the said Parishes and Hamlets in the Parts of *Holland* aforesaid, including the said Parish of *Crowland*, except the several Impropiators, Rectors, Vicars, and other Tithe Owners as such within the same Parts, within Two Calendar Months after such Death, Refusal, or Disability shall be advertised as aforesaid, in like Manner to elect and appoint a Commissioner, not interested in the said Division, Inclosure, or Drainage, in the Stead of the said *William Golding*, or such other Commissioner so dying, refusing, or becoming disabled as aforesaid; and every such Election and Appointment of a new Commissioner shall be reduced into Writing, and signed by the Person or Persons making such Election and Appointment, and shall be delivered to the surviving or remaining General Commissioners, at their First Meeting next after making the same; and in case the said respective Parties, or any of them, shall not appoint any such new Commissioner or Commissioners within Two Calendar Months next after any such Death, Refusal, or Disability shall have been advertised or made known as aforesaid, or shall not deliver such Appointment as aforesaid, then the remaining General Commissioners, or any Two of them, shall and they are hereby authorized and required, from Time to Time, by Writing under their Hands, at any Time after Fourteen Days from the Expiration of the Time allowed to the said respective Parties for delivering such Appointment as aforesaid, to appoint one other Commissioner, not interested in the said Division, Inclosure, or Drainage, in the Place of such Commissioner or Commissioners so dying, refusing, or becoming disabled as aforesaid; and every such new Commissioner so to be appointed, having first taken and sub-

the like instead of John Cragg;

the like instead of William Golding.

scribed

scribed the Oath herein-after prescribed to be administered to him by such surviving or remaining General Commissioner or Commissioners, shall have the like Powers and Authorities for putting this Act into Execution, in all Respects whatsoever, both as a General and Special Commissioner, as the Commissioner in whose Place he shall have been so appointed and chosen is invested with by virtue of this Act.

Commission-
ers to be
sworn.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (otherwise than for the Purpose of giving Notice as herein-after directed of the First Meeting of the said Commissioners, and of administering the Oath to each other) until he shall have taken and subscribed the following Oath; (that is to say),

Oath.

‘ I Do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, act in the Execution of the Trusts reposed in me by virtue of an Act, passed in the Forty-first Year of the Reign of King *George* the Third, intituled [*here set forth the Title of the Act*].

‘ So help me GOD.’

Which Oath it shall and may be lawful for any One of the General Commissioners to administer, and they are hereby severally empowered and required to administer the same to each other; and the said Oath so taken and subscribed by each Commissioner, and also the Instrument of Appointment of every new Commissioner (if any such there shall be), and the Oath herein-after directed to be taken and subscribed by the Surveyor or Surveyors by them to be employed, shall be annexed to the Award of the General Commissioners herein-after directed to be made, and enrolled therewith.

Commission-
ers to appoint
Clerks.

V. And be it further enacted, That the said General and Special Commissioners shall respectively have Power, and they are hereby authorized to appoint a Clerk or Clerks, for the several Purposes that may be required of them by the said respective Commissioners, in the Execution of the Trusts hereby respectively vested in them, and such Clerk or Clerks from Time to Time to remove, and others to appoint, as to them shall seem meet.

Commission-
ers to give
Notice of
Meetings.

VI. And be it further enacted, That the said General Commissioners, and also the said Special Commissioners, within their respective Divisions, shall cause public Notice to be given at the Churches and Chapels of the several Parishes and Places interested in the Lands intended to be divided and inclosed, or drained in their respective Divisions, upon some *Sunday* immediately after Divine Service, or by Writing under their Hands to be affixed on one of the outer Doors of each of the said Churches and Chapels, and also by Advertisement to be inserted in some Newspaper circulating in the said County of *Lincoln*, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, at least Ten Days before any such Meeting shall be held (Meetings by Adjournment only excepted).

Allowances
to Commis-
sioners, and

VII. And be it further enacted, That out of the Money directed to be raised as herein-after mentioned, there shall be paid to each and every of

of the said Commissioners, as a Recompence for his Pains and Trouble, the Sum of Two Pounds Twelve Shillings and Sixpence a Day for every Day he shall be employed in the Execution of this Act, and in travelling to and from his own Dwelling House, for the Purposes of attending and returning from the several Meetings to be held under the Authority of the same; and that at all such Meetings the said Commissioners, and also the several Proprietors, their Attornies and Agents, shall pay their own Expences.

Commissioners and Proprietors to defray their own Expences.

VIII. And for the more just and regular Division of all the Commons, Drovers, and Waste Lands to be divided and inclosed in pursuance of this Act, and for the better ascertaining the same, and the due Execution of this Act; be it further enacted, That all the said Commons, Drovers, and Waste Lands, and also the ancient Inclosures, and other Lands and Grounds within the several Parishes and Places interested in the said Division and Inclosure, and also the said inclosed Lands in *Deeping Fen*, shall be surveyed and measured by such Person or Persons as the said General Commissioners shall appoint for that Purpose; and that such Surveyor or Surveyors shall be paid for the same such Sum or Sums of Money as the said General Commissioners shall order and direct; and such Surveys and Admeasurements shall be reduced into Writing, and the exact Quantity of the said respective Commons, Drovers, and Waste Lands, and also of all the said ancient Inclosures, and other Lands and Grounds, shall be therein set forth and ascertained; and the said Surveys and Admeasurements shall be laid before the said General Commissioners, as soon as conveniently may be after the same shall be completed, to be kept and made use of for the Purposes of this Act.

Commissioners to appoint Surveyors.

IX. And be it further enacted, That no Person shall be capable of acting as a Surveyor in pursuance of this Act, until he shall have taken and subscribed the following Oath:

‘ I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, make a true and distinct Survey, Admeasurement, and Plan, of all and every the Lands and Grounds which I shall be directed or appointed to survey, admeasure, and plan, under the Authority of an Act passed in the Forty-first Year of the Reign of King George the Third, intituled [*here set forth the Title of the Act*].

Surveyor's Oath.

‘ So help me GOD.’

Which Oath it shall be lawful for any one of the said General Commissioners to administer, and he is hereby empowered and required to administer the same accordingly.

X. And be it further enacted, That all or any of the said Commissioners and Surveyors, and also the Trustees to be appointed under or by virtue of this Act, together with every of their Assistants, Servants, Agents, and Persons employed by them at any Time for the Purposes and in Execution of this Act, shall have, and they are hereby vested with full Power and Authority, at any Time or Times whatsoever after the passing of this Act, to enter into, view, examine, survey, admeasure, and value, as well the said Commons, Drovers, and Waste Lands, as also

Power to enter Lands.

all other the Lands and Grounds both open and inclosed, lying within the said several Parishes or Places before named, or any of them, or intended to be drained, exchanged, or partitioned by virtue of this Act, and also to erect Mills or Engines, and make and repair Drains, Ditches, Banks, Sluices, Cloughs, Watercourses, and Bridges, or other Works within any of the Lands or Grounds hereby authorized to be divided and inclosed or drained respectively, as the Nature of the Case and the due Execution of this Act may require, subject nevertheless to such Restrictions with respect to the said inclosed Lands in *Deeping Fen* as herein-after mentioned.

Land to be set out for Main Drains and other Drains, and on the South Drove and North Drove, and next the Rivers Glen and Welland.

XI. And be it further enacted, That the said General Commissioners shall, in the first place, set out from the said Commons (lying between the Rivers *Welland* and *Glen*) One hundred and twenty Feet of Land in Breadth next adjoining to the several Banks of the said Rivers, for the Purpose of selling such Parcels of the said Commons so set out, together with the Herbage of the said Banks, to the said Adventurers, in manner and subject as well to such Communications across the same as herein provided for, as to the Right of the said Adventurers to get Earth for the Repairs of the said Banks, and shall also set out from *Pinchbeck North Fen* One hundred and twenty Feet of Land in Breadth adjoining to the North Bank of the said River *Glen*, to be allotted by the Special Commissioners for the said Parts of *Holland*, in common with the Residue of the same Fen, pursuant to the Directions herein contained, but subject as to the last-mentioned One hundred and twenty Feet to the Right of the Black Sluice Commissioners herein-after named, to get Earth for the Repairs of the said North Bank of the said River *Glen*, in as ample a Manner as the same Commissioners are now entitled to get and use the same, and shall also set out such Main Drains, and other Drains, Banks, and Forelands, as are herein directed to be made, at the joint Expence of the said Adventurers and Persons interested in the Commons lying between the said Rivers *Welland* and *Glen*, and likewise set out the Residue of the Drovers called *The South and North Drovers*, for the Purpose of selling such Residue of the said Drovers to the several Frontagers thereon, in manner herein-after also mentioned.

Public Roads to be set out.

XII. And be it further enacted, That the said General Commissioners shall, in the next place, set out all such public Carriage Roads, in, over, through, or upon the Lands and Grounds hereby directed to be divided and inclosed, as they in their Discretion shall think necessary and proper, so as such public Carriage Roads, in all Cases where Subdivisions of the said Commons or Fens, Drovers, and Waste Lands, are herein directed to be made, shall be and remain Forty Feet in Breadth at the least between the Ditches or Fences, and shall be well and effectually fenced out on both Sides by such of the Owners and Proprietors of Allotments on the Subdivision of the said parochial or general Allotments, so intended to be subdivided and inclosed, and within such Time as the same Commissioners shall by any Writing under their Hands direct or appoint; and that it shall not be lawful for any Person to erect any Gate across any of the said Carriage Roads, over or through the Lands to be subdivided and inclosed as aforesaid, or to plant any Trees in or near the Fences on the Sides thereof, at a less Distance from each other than Fifty Yards; and after the said public Carriage Roads shall have

been

been set out as aforesaid, the said General Commissioners shall, and they are hereby empowered and required, by Writing under their Hands, to appoint some proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and every such Surveyor shall cause such Part and Parts of the said Roads as shall be under his Direction to be properly formed and completed, and put into good and sufficient Repair, and shall be allowed such Salary or Reward, for his Trouble therein, as the same Commissioners shall, by Writing under their Hands, direct and appoint; which Salary or Reward, and also the Expences (over and above the Statute Duty) of forming the said Roads, and of putting the same in good and sufficient Repair, shall be paid by the said General Commissioners from and out of the Fund hereby directed to be raised for defraying the Expences of passing this Act, and in Part carrying the same into Execution; and that none of the Inhabitants of the said several Parishes or Places, other than the Persons interested in the Lands and Grounds hereby intended to be divided and inclosed, shall be charged or chargeable (over and above the Statute Duty) towards the forming and repairing of the said public Carriage Roads, until the same shall be made fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the Surveyor under whose Direction the same shall then be, by Writing under his Hand to be delivered to the Clerk of the Peace at some Quarter Sessions of the Peace, to be holden for the Parts in which the said Roads are respectively situated, and until such Certificates shall have been allowed and confirmed by the Justices at such Sessions, which said Certificates respectively shall be so delivered to the Clerk of the Peace, at the Quarter Sessions next after the Roads referred to by the same shall be formed, completed, and put into good and sufficient Repair as aforesaid, and within the Space of Two Years next after the Execution of the Award of the said General Commissioners, unless sufficient Reason be given to the Satisfaction of the said Justices that a further Time is necessary for that Purpose, in which Case the said Justices may, and they are hereby empowered to allow such further Time for the delivering in the said respective Certificates as they shall think proper, not exceeding One Year; and in case any such Surveyor shall neglect or refuse to deliver in such Certificates within the Time before limited, he shall forfeit and pay the Sum of Twenty Pounds, to be recovered by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the Parts or Division within which such Roads shall lie, rendering the Overplus (if any) to the said Surveyor, after deducting the Charges and Expences of such Distress and Sale, and such Penalty, when recovered, shall be applied towards repairing the same public Carriage Roads; and that when any such Certificate or Certificates shall have been delivered to the said Clerks of the Peace by the said respective Surveyors as aforesaid, and shall have been allowed and confirmed at such Sessions, the Roads to which such Certificate or Certificates shall relate, shall be from Time to Time supported and kept in Repair, in the same Manner as the other public Roads within the same Parish are by Law to be amended and kept in Repair; and that after such public Carriage Roads shall be set out and made, it shall not be lawful for any Person or Persons to use any other public Carriage Roads in, over, through, or upon the Lands or Grounds hereby directed to be divided and inclosed respectively; and that all former public Carriage

riage Roads through the said Lands and Grounds shall be deemed Part of the Lands and Grounds to be divided and inclosed by virtue of this Act; and the said General Commissioners shall, and they are hereby also required to set out all necessary Communications between the said parochial or general Allotments and the several private Estates adjoining thereto respectively, and also between the Banks of the said Main Drain along the said *North Drove* and *South Drove*, and the inclosed Lands in *Deeping Fen*, and across the said One hundred and twenty Feet of Land in Breadth herein directed to be sold to the said Adventurers, and the said other One hundred and twenty Feet in Breadth on the North Side of the said River *Glen*, so as to preserve all necessary Roads and Passages between the said Rivers of *Glen* or *Welland*, the said *Crowland Common* or *Goggushland*, and the Lands and Grounds herein directed to be set out in parochial or general Allotments, or subdivided under the Authority of this Act; and shall in and by their said Award order and direct by whom and in what Manner such private Roads, Ways, and Communications respectively, shall be repaired, maintained, and supported.

Allotments
for repairing
of Roads.

XIII. And be it further enacted, That the said General Commissioners shall and may, if they shall think necessary, dig and take Gravel, Silt, and other Materials from any Part of the Lands and Grounds hereby directed to be divided and inclosed, or set out into parochial or general Allotments, for the Formation of the said public Roads, and allot any Part of each parochial or other general Allotment, to be set out as herein is directed, for the future Repair of the several public Roads within the Parish or Place to which the same shall respectively belong, and also set out proper Allotments for the digging Clay and Mortar, so that such Allotments do not exceed Three Acres in any one of the said Parishes or Places; and that all the Grass and Herbage growing on any of the said public Roads and Places set apart for getting Materials for the Repair thereof, or for Clay or Mortar as aforesaid, shall be and are hereby vested in such Person or Persons to whom the Special Commissioners for the Division within which the same are respectively situate shall award the same.

Boundary
Line between
the Parts of
Kesteven and
Holland.

XIV. And whereas Doubts have arisen touching the Boundaries between the said Parts of *Kesteven* and *Holland*, upon such Parts of the said Commons as are known by the several Names of the *North Drove* and *South Drove*, and it is expedient such Doubts should be removed; be it therefore further enacted, That the said General Commissioners shall, as soon as may be after the passing of this Act, proceed to ascertain the said Boundaries, and upon such Evidence as can be obtained by them, either by Examination of Witnesses upon Oath (which Oath any one of the said General Commissioners is hereby empowered to administer), or of any Records or other Documents, to fix and determine the Boundary Line between the said Parts of *Kesteven* and *Holland*, upon the said *North Drove* and *South Drove* respectively; and that all Parts of the said Commons lying on the West Side of the said Boundary Line shall be and remain for ever thereafter within the said Parts of *Kesteven*, and shall be so deemed, taken, and considered for all Intents and Purposes whatsoever; and that all Parts of the said Commons lying on the East Side of the said Boundary Line shall be and remain for ever thereafter

thereafter within the said Parts of *Holland*, and shall be so deemed, taken, and considered for all Intents and Purposes whatsoever.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize any Person or Persons whomsoever to enter into or upon any Part or Parts of the inclosed Lands in *Deeping Fen*, except for the Purpose of surveying and admeasuring the same, and for regulating the several Water Engines thereon, as herein provided for, and for the Recovery of such Rates, Taxes, and Assessments as are herein authorized to be levied and raised.

Act not to extend to Deeping Fen, except for draining.

XVI. And be it further enacted, That all and every Person and Persons, and every Body Politic and Corporate, claiming any Manerial Right, or any Messuages, Houses, Toftsteads, Lands, Tenements, Tithes, Hereditaments, Right of Common, or other Right or Interest whatsoever, for or in respect of which any Allotment or Compensation is directed or intended to be made by virtue of this Act, shall and they are hereby required to deliver to the said General Commissioners, at or before their Second Meeting, or at such other Time as the said General Commissioners shall appoint for that Purpose, an Account in Writing under their respective Hands, or the Hands of their respective Agents or Attornies, containing a true and particular Description of the said Manerial Rights, and also the Messuages, Houses, Toftsteads, Lands, Tenements, Tithes, Right of Common, and other Hereditaments for which any Allotment or Compensation is claimed by them respectively, distinguishing therein the Open and Common Lands from the inclosed Lands, and the computed Quantities thereof respectively, and with what Messuage, House, or Toftstead the said Lands are occupied, with the Name of the Person occupying the same, and by what Tenure, and for what Estate the same, and every Part thereof, are then respectively held, and whether such Lands or Hereditaments are claimed to be held discharged of Tithes, or subject to a Modus or Customary Payment in lieu thereof; and no such Account or Claim shall afterwards be received by the said General Commissioners, except for some legal Disability or special Cause, to be allowed by the same Commissioners, all which said Claims or Accounts shall, at all seasonable Times, until after the final Determination shall have been made as herein provided for, be open to the Inspection and Perusal of all Parties interested or claiming to be interested in the Premises, their respective Agents or Attornies, who may take Copies thereof or Extracts therefrom respectively; and printed Copies or Abstracts of all such Claims shall be lodged with the Clerk or Clerks to the said General Commissioners, and also in such of the said Parishes and Places as the said General Commissioners shall appoint for that Purpose, of which Notice in Writing shall be fixed on one of the outer Doors of the several Churches and Chapels aforesaid, under the Hands of the said General Commissioners; and if any Person or Persons, or Body Politic or Corporate, interested or claiming to be interested in the Premises, shall have any Objection to offer to any such Account or Claim, the Particulars of such Objection shall be reduced into Writing, and signed by the Person or Persons, or sealed by the Body Politic or Corporate making the same, or signed by the Agent or Agents, Attorney or Attornies of such Person or Persons, Body Politic or Corporate respectively,

Claims to be delivered.

spectively, and shall be delivered to the said General Commissioners within such Time as they shall appoint for that Purpose; and no such Objection shall afterwards be received, unless for some legal Disability or special Cause to be allowed by the said General Commissioners.

Commissioners to determine disputed Claims.

XVII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of or Persons interested in any of the Lands or other Hereditaments intended to be divided and inclosed by this Act, touching or concerning any of their Claims, Estates, Rights, or Interests therein, or any Allotment or Compensation to be made in lieu thereof, it shall be lawful for the said General Commissioners, and they are hereby required, by the Examination of Witnesses upon Oath or Affirmation (which Oath or Affirmation any One of the said General Commissioners may administer), and by such other Enquiry, Information, Evidence, and Proof, as they shall think expedient; and by taking the Opinion of Counsel for their further Satisfaction in every Case where they shall deem it requisite, to hear, adjudge, and determine such Differences, both as to the Person or Persons to whom the Allotment shall be made; and as to the Specification of the Lands or Hereditaments about which the Difference shall arise, and what the Allotment in lieu of such Lands or Hereditaments should be; and in case the Party or Parties making any such Claims, or the Person or Persons objecting thereto, shall be dissatisfied with such Determination, and shall, by Writing under his or their Hand or Hands, or the Hands of their known Agents respectively, signify the same to the said General Commissioners, or any of them, within Twenty Days next after such Determination shall be made, in such Case, but not otherwise, it shall be lawful for the Person so dissatisfied with such Determination to have the subject of such Claim or Objection, in respect of which such Determination shall be made, tried at Law, by an Action to be brought by him or them against any Person or Persons in whose Favour any Determination shall have been so made, upon a feigned Issue, to be settled by the proper Officer of the Court where such Action shall be brought, in case the Parties differ about the same, such Action to be brought within Two Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action shall, and is and are hereby required to appear to such Action, accept a Declaration, and plead to Issue, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the First or Second Assizes to be holden for the County of *Lincoln* next after the Commencement of such Action; and the Verdict of the Jury on such Trial, if the same shall be satisfactory to the Court, shall be binding, final, and conclusive upon all the Parties interested therein, and the Costs and Charges of defending such Action, so far as the Defendant or Defendants therein shall be charged with Costs, shall be borne and paid either by the Defendant or Defendants, or by all or such of the Persons interested in the said Commons, Drovers, and Waste Grounds, in such Shares and Proportions as the said General Commissioners shall think reasonable, and shall, by Writing under their Hands, direct and appoint: Provided always, that all such Determinations of the said General Commissioners as shall not be objected to, by such Notice to be given to the said General Commissioners, or any One of them as aforesaid; or being so objected to, and the dissatisfied Parties respectively not causing such

such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive.

XVIII. Provided always nevertheless, That nothing herein contained shall authorize the said General Commissioners to hear and determine any Difference or Dispute which may arise touching the Right or Title to any Manerial Rights, Messuages, Houses, Toftsteads, Lands, Tithes, Tenements, Common Rights, or other Rights within the said several Parishes or Places interested in the said Division and Inclosure, or affected by this Act; for which the Parties may commence and prosecute such Suits or Remedies at Law or in Equity; as they shall be advised and think proper.

Commissioners not to determine upon Rights or Titles.

XIX. Provided also, That no Difference or Suit, touching the Title to any Lands or other Rights, shall impede or delay the said General or respective Special Commissioners in the Execution of the Powers respectively vested in them by virtue of this Act; but the Divisions and Inclosures hereby directed to be made shall be proceeded in, notwithstanding such Difference or Suit.

Suits not to impede the Inclosures.

XX. And be it further enacted, That in case any Person or Persons shall neglect or refuse to attend the said General Commissioners to give Evidence in any such Disputes or Differences as aforesaid, then the said General Commissioners shall and may; and they are hereby authorized and required, by Writing under their Hands directed to such Person or Persons so neglecting or refusing as aforesaid; to require such Person or Persons to attend them at such Time and Place as shall be specified in such Writing, to give Evidence in the Matters aforesaid; and all and every Person and Persons, upon being served with a Copy of such Summons, or having a Copy thereof left at his, her, or their respective Place or Places of Abode, Ten Days at the least before the Time to be appointed for such Attendance, is and are hereby required to attend the Commissioners issuing such Summons accordingly, and give Evidence to the best of their Knowledge touching such Disputes and Differences as aforesaid; and upon such Person or Persons not complying with or not obeying such Summons as aforesaid, except for some reasonable Excuse to the Satisfaction of the said Commissioners, such Commissioners issuing the same are hereby authorized and empowered, for every such Neglect, to levy or cause to be levied such Penalty as they shall think proper, not exceeding the Sum of Five Pounds, by Distress and Sale of the Goods and Chattels of every Person so refusing to obey such Summons as aforesaid, and apply the same in such Manner and in such Proportions as, in the Judgment of the same Commissioners, shall be most proper and advantageous for the Person or Persons on whose Behalf such Person or Persons was or were summoned as a Witness or Witnesses as aforesaid; and if the Person or Persons neglecting or refusing to comply with such Summons as aforesaid shall not have sufficient Goods or Chattels whereon to levy the said Penalty, that then and in such Case it shall be lawful for any One of His Majesty's Justices of the Peace for the Parts in which such Summons shall be issued, not interested in the said Inclosure, upon Application to him for that Purpose made, and a Certificate under the Hands of the Commissioners issuing such Summons laid before him, setting forth the Name or Names of the Person or Persons so summoned as a Witness or Witnesses, and his or their Non-compliance with or Dis-

For compelling Attendance of Witnesses.

obedience

obedience of such Summons, and not having sufficient Goods or Chattels whereon to levy the said Penalty, to issue his Warrant for apprehending such Offender or Offenders, and upon his or their Refusal or Neglect to pay the said Penalty, and all incidental Costs, Charges, and Expences, to commit such Offender or Offenders to the House of Correction for any Time not exceeding the Space of Three Calendar Months.

Expences of Claims objected to and disallowed, to be paid by the Persons concerned therein.

XXI. And be it further enacted, That all Costs and Charges to arise, or be occasioned in or relating to the investigating, settling, or determining any Claim or Claims which in pursuance of this Act shall be made before or delivered to the said General Commissioners, and which shall or may be objected to or disputed, shall, if such Claim or Claims be finally disallowed, be either borne or paid by the several Claimants whose Claims shall have been so finally disallowed, or at the Expence of all the said Proprietors of or Persons interested in the said Commons, Drovers, and Wastes, and ancient inclosed Lands, or at the Expence of such One or more of them only as shall be a Party or Parties to or interested in such Claim or Claims respectively, or in such Proportions by each of the said Parties as the said General Commissioners shall order, direct, and appoint; and shall be recovered in like Manner as Penalties to be incurred under this Act are herein directed to be recovered.

General Ascertainment of Rights between the Proprietors interested in the respective Parts of Kesteven and Holland.

XXII. And be it further enacted, That the said General Commissioners shall and they are hereby authorized and required, as soon as conveniently may be after the said public Carriage Roads shall be set out as aforesaid, in the next place to proceed in ascertaining the Rights and Interests of the several Persons and Parties interested in the Division and Inclosure of the said Commons, called *Deeping Common* otherwise *Market Deeping Common*, and *Deeping Saint James Common*, *Langtoft Common*, *Baston Common*, *Cowbit Common*, and *Cowbit Wash*, *Spalding Common*, and *Pinchbeck South Fen*, by the Ways and Means herein-after mentioned; and if upon such Ascertainment it shall be found that the aggregate Value of the Rights and Interests in the said Commons, in respect of Messuages, Houses, Toftsteads, Lands, and Hereditaments within the said Parts of *Kesteven*, shall exceed the Proportion of the said Commons herein declared to be situated within the same Parts, that then and in such Case, in addition to that Portion of the said Commons so declared to be within the Parts of *Kesteven*, the Residue of such Rights and Interests shall be compensated for by and out of such Portion of the same Commons as is herein declared to be situate within the said Parts of *Holland*; and that in like Manner, if the Rights and Interests in the said Commons, in respect of Messuages, Houses, Toftsteads, Lands, and Hereditaments, within the said Parts of *Holland*, shall exceed the Proportion of the said Commons herein declared to be within the same Parts, then and in such Case, in addition to the Portion or Share of the said Commons so declared to be within the said Parts of *Holland*, the Residue of such last-mentioned Rights and Interests shall be compensated for by and out of such Portion of the said Commons as is herein declared to be situate within the said Parts of *Kesteven*; provided, that in the Ascertainment of all such Rights and Interests as aforesaid, the said General Commissioners shall adjudge and determine whether the Owners and Proprietors of Messuages, Houses, and Toftsteads, shall have an equal Share in respect thereof, or what Proportion the

How Rights shall be ascertained.

the Share of such Owners and Proprietors of Messuages and Houses shall bear to the Share of such Owners and Proprietors of Toftsteads.

XXIII. And whereas by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for improving the Outfall of the River Welland in the County of Lincoln, and for the better Drainage of the Fen Lands, Low Grounds, and Marshes, discharging their Waters through the same into the Sea, and for altering and improving the Navigation of the said River Welland, by means of a new Cut to commence below a certain Place called The Reservoir, and to be carried from thence through the inclosed Marshes and open Salt Marshes into Wyberton Roads, between the Port of Boston and a Place called The Scalp, and for disposing of the bare or White Sands adjoining to the said River, and for building a Bridge over the said Cut*, the Owners and Proprietors of or Persons severally interested in *Crowland Common, Washes, and Fodder Lots*, and in the Lands and Grounds intended to be divided and inclosed by virtue of this Act, except the said North Fen, Drovers, and Waste Lands in *Spalding and Pinchbeck* aforesaid, are subject or liable to the Payment of a certain annual Acre Rate, Tax, or Assessment, towards defraying the Charges and Expences of executing the several Works of Drainage in and by the said last-mentioned Act directed and authorized to be done and executed, in common with the Owners and Proprietors, or Persons interested in other Lands and Grounds by the same Act intended to be drained, in such Proportion, and with such Powers of recovering the said Rate, Tax, or Assessment, as in the same Act is expressed: And whereas the Rate, Tax, or Assessment due and payable in respect of the said *Crowland Common, Washes, and Fodder Lots*, and of such of the Lands and Grounds intended to be divided and inclosed by virtue of this Act, as are chargeable therewith, has not been raised, paid, or discharged, and there now remains a considerable Sum in respect of such Rate, Tax, or Assessment, due to the Persons authorized by the said recited Act to receive and recover the same; be it therefore further enacted, That for defraying the Costs, Charges, and Expences herein-after directed to be raised and paid by Sale of Land, and for paying such Arrear of the said Rate, Tax, or Assessment as shall accrue and become due up to the Twenty-fourth Day of *June* One thousand eight hundred and two, as well in respect of the said *Crowland Common, Washes, and Fodder Lots*; as of the said other Commons liable to the Payment thereof respectively, it shall be lawful for the said General Commissioners, and they are hereby authorized and required, after setting out for Sale to the said Adventurers such One hundred and twenty Feet of Land in Breadth, next adjoining to the Banks of the said Rivers *Welland* and *Glen*, as herein-before directed, to sell and dispose of so much of the said *Crowland Common*, and such further Part or Parts of the said other Commons respectively, liable to the Payment of such Arrears, as will raise a Sum sufficient for the Purposes herein mentioned; and such Sale or Sales shall be made by Auction unto the best Bidder or Bidders, at a public Meeting to be held by the said General Commissioners, in pursuance of Advertisement to be Twice inserted in *The Cambridge Chronicle*, and *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper usually circulated in the County of *Lincoln*, at least Twenty Days before such Sale shall be made, and that Fifteen *per Centum* at least of the

Recital of
the Welland
Act.

Power to sell
Part of the
Commons
and Fens to
defray the
Arrears of
Taxes due
under the
Welland Act,
the Expences
of obtaining
this Act, &c.

[*Loc. & Per.*]

26 Z

Money

Money for which such Land shall be sold, shall, at the Time of such Sale, be by the Purchaser or Purchasers thereof deposited in the Hands of the said General Commissioners, and the Remainder of the said Purchase Monies shall be paid to the same Commissioners within Six Calendar Months next after such Sale; and in case such Remainder shall not be so paid within the Time limited for that Purpose, then the Money deposited by such Purchaser or Purchasers at the Time of such Sale shall be forfeited, and the Lands purchased by such Defaulters shall again be put up to Sale in manner aforesaid; and that the Receipt or Receipts of the said General Commissioners, for the said Purchase Monies for the Lands so sold, shall be a good and sufficient Discharge, or good and sufficient Discharges to the Purchaser or Purchasers of the said Premises, for so much of the Purchase Monies as in such Receipt or Receipts shall be expressed to be received; and that such Purchaser or Purchasers, after such Receipt or Receipts, shall not be obliged to see to the Application of such Purchase Monies, or any Part thereof, or be answerable or accountable for the Misapplication or Non-application thereof, or of any Part thereof; and the Lands so to be sold shall, upon Payment of the full Purchase Money for the same, be conveyed as Freehold of Inheritance in Fee Simple unto the respective Purchasers thereof; and a Conveyance thereof by Lease and Release, made and executed by the said General Commissioners, shall be valid and effectual in the Law to vest the same in such respective Purchasers and their Heirs accordingly; and out of the Money arising by such Sale or Sales, the said General Commissioners shall, and they are hereby authorized and required, in the first place, to pay unto the Commissioners acting under the said recited Act of the Thirty-fourth Year of His present Majesty's Reign, commonly called *The Welland Commissioners*, or the Treasurer, Banker, or other Person by them duly authorized to receive the same, the Amount of all such Arrears of the said Rate, Tax, or Assessment, due or to accrue due under the said Act, up to the Time herein-before mentioned, in respect as well of the said *Crowland Common* and of the Washes and Fodder Lots as of the other Commons respectively liable to such Arrear, for which said several Payments the Receipt of the said *Welland Commissioners*, their Treasurer or Banker, shall be a good and sufficient Discharge to the Person or Persons paying the same, for the Sum in such Receipt expressed to be received; and the Residue of the said Monies so to arise from such Sale or Sales shall be applied by the said General Commissioners, subject to the Directions and Restrictions herein contained, towards defraying the Costs, Charges, and Expences attending the soliciting and obtaining this Act, and of carrying the same into Execution; and all the Costs and Charges of surveying, admeasuring, planning, valuing, dividing, and allotting the said Commons, and also the said North Fen, and the said Drovers and Waste Lands, and the Costs and Charges of surveying, admeasuring, planning, and valuing all such Lands and Grounds lying within the said several Parishes or Places interested in the Lands and Grounds so to be divided and inclosed or drained, or any of them, or to be exchanged or partitioned by virtue of this Act, as are necessary to be surveyed, admeasured, planned, and valued for the due Execution of this Act, and also the necessary Expences of first forming, making, and putting in good and sufficient Repair such public Carriage Roads as aforesaid, and of paying a Salary to the Surveyor or Surveyors thereof, and of discharging such Part of the Expence

7

of

of making the several Bridges, Drains, and other Works of Drainage, as is herein directed to be defrayed by the said General Commissioners, and also the Expence of fencing the said parochial or general Allotments from each other, and of preparing and enrolling the Award or Instrument as herein-after mentioned, and all other the necessary Charges and Expences to be incurred in the due Execution of this Act, or that the said General and Special Commissioners, or any Person or Persons acting under them, shall be put unto in respect thereof, not herein otherwise provided for; and in case there shall be any Deficiency after such Sale as aforesaid, then the said General Commissioners shall set out for Sale such further Portion or Portions of the said *Crowland* Common, and the said other Commons respectively, as they shall judge sufficient in Value, when sold, to pay and defray the Residue of such Costs, Charges, and Expences; and it shall be lawful for the said General Commissioners to sell, convey, and assure in like Manner such further or other Part or Parts of the said Commons as shall be sufficient, when sold, to defray the Residue of the said Costs, Charges, and Expences, and answer the several Purposes aforesaid.

XXIV. And be it further enacted, That it shall and may be lawful for the said General Commissioners, and they are hereby required to sell and dispose of so much of the said *Pinchbeck* North Fen, or of the Droyes within the said several Parishes and Hamlets of *Spalding, Cowbit, Peakhill,* and *Pinchbeck*, as will raise a Sum sufficient to pay and discharge all Taxes, Rates, and Assessments, due or to accrue due to the said *Black Sluice* Commissioners in respect of the said North Fen, up to the Twenty-fifth Day of *March* next after Possession shall be given of the Allotments out of the said North Fen, to be made in pursuance of this Act, and also a Sum sufficient to make such Compensation for any Lease or Leases of any Part of the said North Fen that may have been granted by the Commissioners acting under the Authority of Two several Acts passed in the Fifth and Tenth Years of His present Majesty herein-after recited, or either of them, as the said General Commissioners shall think just and reasonable, in case any such Lease or Leases shall be vacated before such Possession shall be given of the said Allotments as aforesaid, to be ascertained in such and the like Manner as is herein directed in other Cases where Leases are vacated by the said General Commissioners under the Authority of this Act, and to convey the Land so sold in manner before provided for with respect to other Lands hereby directed to be sold; and in case the said General Commissioners shall not from Time to Time pay or cause to be paid to the said *Black Sluice* Commissioners, or their Treasurer for the Time being, such further Taxes for the said North Fen, when and as soon as they shall become due and payable, until the Twenty-fifth Day of *March* next after Possession shall be given of the Allotments to be made in pursuance of this Act, then it shall and may be lawful to and for the said *Black Sluice* Commissioners, or any Five or more of them, and they are hereby authorized and empowered to tax and charge all the Allotments to be made in the said North Fen with such equal Rates and Taxes as shall be requisite and necessary to raise such Sum or Sums of Money as shall or may be due and in arrear for the Taxes of the said Fen; and if any Person or Persons whose Allotment or Allotments shall be so taxed by the said *Black Sluice* Commissioners shall refuse or neglect to pay such Tax for the Space of Twenty Days after Demand

Power to
sell Part of
Pinchbeck
North Fen,
&c. to defray
Taxes, &c.

Demand made by the Collector or Collectors of the said Taxes, then it shall and may be lawful for the said *Black Sluice* Commissioners, or any Five or more of them, and they are hereby authorized, by Warrant or Warrants under their Hands and Seals, to empower their Collector or Collectors to levy the same by Distress and Sale of the Goods or Chattels which shall be found on the Allotment or Allotments of the Person or Persons so refusing or neglecting as aforesaid; and if no sufficient Distress can be found on the said Allotments for levying the said Taxes, the said Allotments chargeable therewith shall remain a Security for Payment thereof; and the said *Black Sluice* Commissioners, or any Five or more of them, shall in such Case, after Default in Payment for Three Calendar Months, be and they are hereby authorized and empowered to enter into and upon the said Allotments, 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 to the Owner or Owners of such Allotments, or his, her, or their Agent, when demanded: Provided nevertheless, that nothing herein contained shall prevent or restrain the said *Black Sluice* Commissioners, or any Person or Persons acting under their Authority, from inclosing or leasing any Part of the said North Fen, in such and the like Manner, and for the like Purposes, as they are authorized to do at the Time of passing this Act, unless the said General Commissioners shall pay the Monies which they are hereby authorized and directed to raise and pay to the said *Black Sluice* Commissioners as aforesaid.

Powers of the *Black Sluice* Commissioners saved.

Schedules of Allotments to be delivered to the *Black Sluice* Commissioners.

XXV. And be it further enacted, That the Special Commissioners for the Parts of *Holland* shall, within Six Months after Possession shall be given of the Allotments to be made by them in the said North Fen, deliver or cause to be delivered to the said *Black Sluice* Commissioners, or to their Clerk for the Time being, an Account in Writing signed by them, containing the Names of the several Persons to whom Allotments shall be made by virtue of this Act, and the Quantities in Statute Measure of the Acres, Roods, and Perches of the Lands which shall be allotted to each Proprietor respectively, and without being entitled to receive any Compensation for the said Account from the said *Black Sluice* Commissioners.

In setting out Lands for Sale, due Regard to be had to the Interest of the respective Parties.

XXVI. Provided, and it is hereby further enacted, That in setting out such Lands for Sale as aforesaid, the said General Commissioners shall have due Regard to the Rates, Taxes, or Assessments owing or to accrue due to the said *Welland* Commissioners, in respect of the said *Crowland* Common, Washes, and Fodder Lots, and the general Works of Drainage, Costs, and Charges to be made and borne in respect of the same Lands, and also to the Costs, Charges, and Expences to be incurred, and the Taxes owing or to accrue due to the said *Welland* Commissioners, in respect of the Shares or Proportions of the said Commons so to be allotted to the Proprietors of Messuages, Houses, Toftsteads, Lands, and Hereditaments within each of the said Divisions of *Kesteven* and *Holland* as aforesaid, to the Intent that the respective Persons and Parties

Parties interested therein may bear no more than a due Proportion of such Rates, Taxes, Costs, Charges, and Expences.

XXVII. Provided also, That if there shall be any Surplus remaining of the Monies arising from the Sale of the Lands herein-before directed to be sold for the Purposes aforesaid, after Payment of the several Rates, Taxes, Assessments, Costs, Charges, and Expences to which the same are directed to be applied as aforesaid, such Surplus shall be laid out in such further Works of general Drainage, or in supporting those to be made as herein directed, or for such other Purposes of this Act as the said General Commissioners shall order or direct.

Surplus Money arising from Sales how to be applied.

XXVIII. And be it further enacted, That if any Surplus Money arising by Sale of Land as aforesaid, or any Money which shall be agreed, adjudged, or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, shall belong to any Corporation, Feme Covert, Infant, Lunatic, 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 Commissioners or Trustees, 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, 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, or Hereditaments, or affecting any 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, or 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 meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, 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 meantime 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, and

Directing the Application of Purchase Money exceeding 200l.

[*Loc. & Per.*]

27 A

Hereditaments,

Hereditaments, so hereby directed to be purchased, in case such Settlement or Purchase were made.

Application where the Compensation does not exceed 200^l. nor less than 20^l.

XXIX. Provided always, and be it further enacted, That if any Surplus Money arising by Sale of Land as aforesaid, or any Money so agreed, adjudged, or awarded to be paid for any Lands, Tenements, 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 exceed Twenty Pounds, 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 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 by the said Commissioners or Trustees, (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.

Directing the Application of Purchase Money under 20^l.

XXX. Provided also, and be it further enacted, That where such Surplus Money, or such Money so agreed, adjudged, or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of 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 Commissioners or Trustees 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.

General Commissioners to pay the Monies received by them to a Banker, and to keep Accounts.

XXXI. And be it further enacted, That all other Monies which shall be raised or received by the said General Commissioners, or by their Order, or for their Use, under and by virtue of this Act, over and above what is herein provided to be paid to the said *Welland* Commissioners, or the Treasurer, Banker, or other Person by them duly authorized to receive the same, shall, as often as the same shall amount unto the Sum of Fifty Pounds, be paid into the Hands of some Banker, or of such other Person or Persons as shall be approved by a Majority in Value of the said Proprietors in each of the said Parts, who shall be present at the First Meeting of the said General Commissioners (and in the Notice of which Meeting shall be expressed the Intention of the said Commissioners to appoint such Banker, or other Person or Persons), to be there placed to the Account of the said General Commissioners; and that the Monies so paid in shall not afterwards be issued out of the Hands of such Banker,

or

or other Person or Persons, without an Order under the Hands of the said General Commissioners, specifying the Sum to be paid, the Person to whom the same is made payable, and the Service for which the same is due; and the same Commissioners are hereby required to keep a Book of Accounts, and to enter or cause to be entered therein all Sums of Money received and paid by them in the Execution of this Act, and to file Vouchers for all such Payments; and it shall be lawful for any Five or more of the Proprietors interested in the said Inclosure and Drainage, and their Agents, duly authorized, to examine and inspect the said Accounts and Vouchers at any Meeting of the said Commissioners to be held under the Authority of this Act, and to settle and allow such Accounts, and for that Purpose any Five of the said Proprietors are hereby authorized to call a Meeting of the said Commissioners, by Advertisement in the *Lincoln, Rutland, and Stamford* Newspaper, in case no Meeting shall have been held by them for the Space of Six Calendar Months previous to such Advertisement; and upon the final Settlement of the said Accounts, the Balance (if any) shall be repaid to the Proprietors, in proportion to the Sums they respectively paid or contributed thereto: Provided always, that the said Commissioners shall not be accountable for the Money so lodged with the said Banker, or other Person or Persons, so long as the same shall remain in his or their Hands, nor shall any One of the said Commissioners, not signing the said Orders, be accountable for the several Sums for which the said Orders shall be given by the others of the said Commissioners.

Commissioners not to be answerable for such Banker, nor for each other.

XXXII. And be it further enacted, That the said General Commissioners shall, and they are hereby authorized and required, as soon as conveniently may be after such final Adjudications and setting out Lands for Sale as aforesaid, and after setting out the several Drains, Banks, and Forelands herein directed, and the said One hundred and twenty Feet in Breadth of Land next the said Rivers *Welland* and *Glen*, together with the Herbage of the said Banks, to make a parochial or general Division of the Residue of that Portion of the said Commons which shall be set out in respect of the Rights and Interests of the several Owners and Proprietors of Messuages, Houses, Toftsteads, Lands, and Hereditaments in the several Parishes and Places of *Market Deeping, West Deeping, Deeping Saint James, Langtoft, Baston, Tallington, Uffington, Barholm cum Stow*, and the said *White House* in *Greatford*, and Lands thereto belonging, in the Parts of *Kesteven* aforesaid, according and in proportion to the Number of ancient Commonable Messuages, Houses, and Toftsteads, and to the Value of the several Lands and Hereditaments in each of the said last-mentioned Parishes and Places in the said Parts of *Kesteven*, so as aforesaid to be adjudged entitled to Rights of Common, or interested in the same Commons, reckoning, upon such Division into parochial or general Allotments within the said Parts of *Kesteven*, a Toftstead as only entitled to One Half in proportion to a Commonable Messuage or House, and such Commonable Messuages, Houses, and Toftsteads, as entitled in the Aggregate to Three Fifth Parts, and the said Lands to the remaining Two Fifth Parts of such Portion of the said Commons, and shall also make a parochial or general Division of the Residue of that Portion of the said Commons which shall be set out in respect of the Rights and Interests of the several Owners and Proprietors of Messuages, Houses, Toftsteads, Lands, and Hereditaments in the several Parishes and Hamlets of *Spalding, Cowbit, Peakhill,*

General Commissioners to divide the Residue of the Commons, &c. into parochial Allotments.

Peakhill, and *Pinchbeck*, in the said Parts of *Holland*, into Two distinct and separate Parts and Shares, one of them in respect of the Rights and Interests in *Spalding*, *Cowbit*, and *Peakhill* aforesaid, and the other of them in respect of the Rights and Interests in the said Parish of *Pinchbeck*, to be respectively ascertained as herein directed.

Expences of
Division
Fences of pa-
rochial Allot-
ments, &c.

XXXIII. And be it further enacted, That the Expence of all Division Fences, Bridges, Gates, Ditches, and Watercourses for dividing and separating such respective parochial or general Allotments from each other, shall be paid and defrayed out of the Monies to arise by Sale of Land for the Purposes of this Act; and that all such Division Fences, Bridges, Gates, Ditches, and Watercourses shall at all Times thereafter be repaired, scoured, and maintained by and at the Expence of such Person and Persons, Parish, Township, or Place respectively, to whom or to which the same shall be allotted, and in such Manner as the said General Commissioners shall in and by their said Award, or by any Writing under their Hands, in the meantime order, direct, or appoint.

Allotments
for Tythes in
Kesteven.

XXXIV. And be it further enacted, That the said Special Commissioners for the said Parts of *Kesteven* shall, and they are hereby required, after the several Drains, Banks, Forelands, Roads, and Allotments for Repair of Roads and Banks respectively shall be set out as herein directed, to set out unto and for the said *Charles Peter Layard*, as Rector of *Uffington* aforesaid, the said Trustees of the Schools of *Oakham* and *Uppingham* aforesaid, Impropriators of *Barholm with Stow* aforesaid, and the said *Thomas Orme*, Vicar of *Barholm with Stow* aforesaid, and the said *Henry Key Bonney*, Rector of *Greatford* aforesaid, and their respective Successors, so much and such Part or Parts of the respective parochial or general Allotments, herein directed to be set out in respect of Messuages, Houses, Toftsteads, Lands, and Hereditaments in the said several Parishes of *Uffington* and *Barholm with Stow*, and *Greatford* aforesaid, as in the Judgment of the Commissioners setting out the same shall be equal in Value to One Ninth Part of each such parochial or general Allotment; and shall in the next Place set out and allot unto and for the King's most Excellent Majesty, and the said Duke of *Ancaster* and *Kesteven*, his Lessee, or such other Lord or Lords, Lady or Ladies of any Manor or Manors as shall be finally adjudged to extend over the same, such further Part or Parts of the said parochial or general Allotments in the Parishes and Places last aforesaid, as in the Judgment of the same Special Commissioners shall be equal in Value to One Fortieth Part of each such parochial or general Allotment, after the several Roads, Drains, and Compensation for Tythes are set out as herein-before directed, and shall divide such Manerial Allotments among the respective Persons interested therein, according to their several Rights and Interests in such respective Allotments.

Allotments
to the Lords
of Manors.

Allotments
for Tythes
of *Spalding*,
&c.

XXXV. And be it further enacted, That the said Special Commissioners for the said several Parishes and Hamlets in the said Parts of *Holland*, shall, and they are hereby required (after setting out Land for Sale as aforesaid, and after the several Drains, Banks, Forelands, and Roads, and Allotments for Repairs of Roads and Banks respectively, shall be set out as herein directed) to set out and allot unto and for the said Feoffees of the Rectory Impropriate and Church of *Spalding* aforesaid, and

and the said *Maurice Johnson* as their Lessee, and Minister of *Spalding* aforesaid, the said *Walter Maurice Johnson*, and his Successors, Ministers of *Wykeham* aforesaid, in case he and they shall be found entitled to any Tythes, and the said *Joseph Mills*, and his Successors, Ministers of *Cowbit* aforesaid, so much of the said North Fen and Drovers, and of the said Commons herein declared to be situate within the said Parish of *Spalding*, as in the Judgment of the same Special Commissioners (Quantity, Quality, and Situation considered) shall be equal in Value to One Fifth Part of all such ancient inclosed Arable Lands, and One Ninth Part of all such ancient inclosed Meadow and Pasture Lands within the said Parish of *Spalding*, as are respectively liable to the Payment of Tythes, and also equal in Value to all such Moduses or Customary Payments in lieu of Tythes, as have been usually and are now paid in respect of any such ancient inclosed Lands, and to One Ninth Part of such of the Lands and Grounds intended by this Act to be divided and inclosed, as are herein declared to be situate within the said Parish of *Spalding*; and the same Special Commissioners shall, and they are hereby required in like Manner to set out unto and for the Master, Fellows, and Scholars of *Emanuel College* in the University of *Cambridge* for the Time being, Impropropriators of *Pinchbeck* aforesaid, and the said *William Healey* their Lessee, the said *Thomas Heardson Wayet* and his Successors, Vicars of *Pinchbeck* aforesaid, and the said *William Vise*, and his Heirs, Owners of the Tythe of Flax within the said Parish of *Pinchbeck*, so much of the said North Fen and Drovers, and of the said Commons, as are herein declared to be situate within the said Parish of *Pinchbeck*, as in the Judgment of the same Commissioners (Quantity, Quality, and Situation considered) shall be equal in Value to One Fifth Part of all such ancient inclosed Arable Lands, and Two Seventeenth Parts of all such ancient inclosed Meadow and Pasture Lands within the said Parish of *Pinchbeck*, as are respectively liable to the Payment of Tythes, and also equal in Value to all such Moduses or Customary Payments in lieu of Tythes, as have been usually and are now paid in respect of any such ancient inclosed Lands, and to One Ninth Part of such of the Lands and Grounds intended by this Act to be divided and inclosed, as are herein declared to be situate within the said Parish of *Pinchbeck*; and it is hereby declared, that in settling such respective Proportions as aforesaid, within the said respective Parishes, all Reed Lands shall be deemed and taken to be Pasture Land.

Allotments
for Tythes in
Pinchbeck.

XXXVI. And be it further enacted, That nothing herein contained shall prejudice the Rights of the several Tythe Owners in respect to the Tythes of the Lands directed to be sold from the said Commons, for the Purposes herein mentioned, but that the said General Commissioners shall, in setting out the said parochial or general Allotments, make a Deduction therefrom to the Value of such Tythes, and allot the Lands so deducted unto and amongst the several Impropropriators, Rectors, Vicars, Ministers, and Tythe Owners, in proportion to the Value of their respective Rights and Interests therein.

Tythe to be
paid for
Land sold for
Arrears of
Taxes.

XXXVII. And be it further enacted, That the same Special Commissioners shall, and they are hereby required, as soon as may be after receiving the Claims as herein directed, to ascertain and adjudge what inclosed Lands and Grounds are Arable and Pasture, or Meadow respectively, at the Time of passing this Act, within the said respective Parishes and Ham-

Ascertain-
ment of
Arable and
Grass Land.

lets of *Spalding, Cowbit, Peakhill, and Pinchbeck*, and on such Ascertainment and Adjudication the same shall respectively be liable to contribute in the several Proportions aforesaid, to the Allotments herein directed to be set out in lieu of Tythes as aforesaid; provided that the Adjudication of the said Commissioners shall not affect the Rights of the respective Persons and Parties interested in the Tythes of the said Lands, until they shall respectively enter upon the Allotments to be set out in lieu thereof.

If Lands subject to a Modus, Proprietors to have a Deduction in respect thereof.

Power to try Rights to Tythe Allotments by a feigned Issue.

XXXVIII. Provided always, and be it further enacted, That in all Cases arising as well in the said Parts of *Kesteven* as in the said Parts of *Holland*, where any Lands, Tenements, or Hereditaments, having Right of Common over any such parochial or general Allotment as is herein directed to be subdivided and inclosed, are held discharged of Tythes, or are subject to a Modus or customary Payment in lieu thereof, the Owner of such Lands, Tenements, or Hereditaments shall have and be entitled to such Share and Proportion of the Tythe Allotments in respect of the Share and Interest of such Lands, Tenements, and Hereditaments, in the Lands and Grounds to be subdivided and inclosed, as shall be equal to such Tythes, or to the Difference in Value between the same, to be ascertained as aforesaid, and the Modus or customary Payment in lieu thereof, and the said respective Special Commissioners shall make a Deduction from the said several Tythe Allotments accordingly in Favour of such Owners or Proprietors; provided that if any Tythe Owner shall be dissatisfied with the Directions herein contained, respecting the Appropriation of the Lands to be set out in lieu of the Tythes of any Allotment to be made in respect of Lands, Tenements, or Hereditaments held discharged of Tythes, or liable only to a Modus or customary Payment in lieu thereof, it shall be lawful for the Person or Persons interested therein or affected thereby, to try his, her, or their Right to any such Lands so to be set out in lieu of Tythes as aforesaid by a feigned Issue, to be had in such and the same Manner, and within such and the same Time as is herein directed with respect to other Issues to be had and taken under the Authority of this Act; and that all such Costs, Charges, and Expences, as the Defendant or Defendants in such Action shall incur or be put unto by reason thereof, shall be borne, defrayed, and raised by a Rate or Assessment upon the several Persons interested in such Exemptions, according to such their Interests, and be recovered by Entry and Perception of the Rents and Profits of the Premises respectively charged therewith, under the Order and Direction of the said General Commissioners.

Inclosed Lands to be allotted in lieu of Tythes, where the Proprietors have not sufficient Commonable.

XXXIX. Provided, and it is hereby enacted, That in all Cases where any Owner or Proprietor of ancient inclosed Lands, Tenements, or Hereditaments intended to be exonerated of Tythes, Moduses, or Customary Payments in lieu of Tythes, shall not be entitled to any Allotment in the Lands and Grounds to be subdivided and inclosed, or where the Allotment to which such Owner or Proprietor is entitled shall be insufficient for the Purpose of exonerating such ancient inclosed Lands, Tenements, and Hereditaments from Tythes, Moduses, or Customary Payments in lieu thereof as aforesaid, it shall be lawful for the said Special Commissioners, and they are hereby required to set out and allot for the several Persons and Parties interested in such Tythes, Moduses, and customary Payments respectively, so much and such Part or

Parts of the ancient inclosed Lands, Tenements, and Hereditaments belonging to such Owner or Proprietor as shall be sufficient to compensate for the same, after the several Proportions aforesaid; and the Lands that would otherwise have been set out in Compensation of such Tythes, Moduses, or Customary Payments, shall be considered as Part of the Residue of the Lands intended by this Act to be divided and inclosed, and be set out and allotted accordingly.

XL. And be it further enacted, That the said Special Commissioners for the said Parts of *Holland*, after setting out Roads, Drains, and Allotments for Tythes and Repairs of Roads as aforesaid, shall, and they are hereby required to set out unto and for the said Lord *Eardley*, either solely or jointly with such other Lord or Lords, Lady or Ladies of any Manor or Manors extending over any Part of the parochial or general Allotments to be set out in respect of Messuages, Houses, Toftsteads, Lands, and Hereditaments in *Spalding*, *Cowbit*, *Peakhill*, and *Pinchbeck* aforesaid, as shall be finally adjudged to be entitled thereto, so much and such Part of the same Allotments, as in the Judgment of the said Special Commissioners shall be equal in Value to One Fortieth Part of the then Residue of such parochial or general Allotments, and also of the Drove and Waste Lands in the said respective Parishes and Places last mentioned, and shall either allot such Land solely to the said Lord *Eardley*, or otherwise divide the same between the said Lord *Eardley* and such other Lords or Ladies as shall be interested therein, according to their several Rights and Interests in such respective Allotments.

Allotmentsto Lords of Manors in the Parts of Holland.

XLI. And be it further enacted, That all such Allotments so to be set out and allotted in respect of Manerial Rights as aforesaid, shall be had and taken by the several Persons to whom the same shall be respectively allotted, in lieu and full Bar of and Compensation for all Right of Soil in the Lands and Grounds so directed to be subdivided and inclosed; and that all such Allotments to be set out and allotted in respect of Tythes as aforesaid, shall in like Manner be had and taken in lieu of, and full Satisfaction and Compensation for all Tythes, both Great and Small, Moduses, Compositions, Ecclesiastical Dues, and Payments whatsoever, as well in respect of the Lands and Grounds so directed to be subdivided and inclosed, as also in respect of the ancient inclosed Lands, Tenements, and Hereditaments in *Spalding* (including the said Hamlets of *Cowbit* and *Peakhill*) and *Pinchbeck* aforesaid, (Mortuaries, *Easter* Offerings, and Surplice Fees only excepted).

Allotmentsto Lords of Manors to be in Satisfaction of their Right to the Soil.

Allotmentsto Tythe Owners to be in Satisfaction of Tythes.

XLII. And be it further enacted, That after the said Allotments shall have been set out as aforesaid, the said respective Special Commissioners shall subdivide and allot all the then Residue of the said North Fen Drove and Waste Lands in the Parishes of *Spalding* and *Pinchbeck* aforesaid, and of the several parochial or general Allotments hereby directed to be set out for the several Parishes and Places of *Uffington*, *Barholm cum Stow*, *Greatford*, *Spalding*, and *Pinchbeck* aforesaid, unto and amongst the several Owners and Proprietors of ancient Commonable Messuages, Houses, Toftsteads, Lands, and Hereditaments, in the Proportion and in the Manner following; (that is to say), Three Fifth Parts thereof unto and

Subdivision of parochial Allotments.

and amongst the several Owners and Proprietors of ancient Commonable Messuages, Houses, and Toftsteads, interested therein respectively, according to the Number but without Regard to the Value of such their respective Messuages, Houses, and Toftsteads, and the remaining Two Fifth Parts thereof unto and amongst the several Owners and Proprietors of Lands in each such Parish, Hamlet, and Place appertaining to such Messuages, Houses, and Toftsteads so interested as aforesaid, in proportion to the Value of such their respective Lands, to be ascertained by the said General Commissioners as herein-before is directed; provided that upon such Subdivisions as aforesaid, the Owners and Proprietors of Toftsteads in the said Parts of *Kesteven*, shall have and be entitled only to Half the Compensation that shall be adjudged to belong to Messuages or Houses, and that in the said Parts of *Holland*, the Compensation in respect of Messuages, Houses and Toftsteads, shall be equal; and provided also, that in allotting the said One hundred and twenty Feet in Breadth out of the said North Fen, subject to the Right of the said *Black Sluice* Commissioners, for getting Earth for the Repairs of the North Bank of the said River *Glen*, the said Special Commissioners for the Parts of *Holland* shall allot the same to be grazed only with Sheep, and no Fences shall be made across the same, without the Consent of the said *Black Sluice* Commissioners.

Proprietor of Allotments in Cowbit Wash to have Satisfaction for Earth taken by the Adventurers.

XLIII. And it is hereby further enacted, That if the Proprietor or Proprietors, Occupier or Occupiers, of any Allotment or Allotments to be set out and awarded in *Cowbit Wash*, shall at any Time sustain Loss or Damage by reason of the said Adventurers of *Deeping Fen* taking Earth or Soil from any such Allotment or Allotments for Repair of the North Bank of the said River *Welland*, pursuant to the Powers vested in them for that Purpose, and for which Compensation shall not be recoverable of the said Adventurers; the Trustees in whom the Herbage of the Banks and Forelands of the Main Drains is vested shall and they are hereby required, by and out of the Rents and Profits of the said Herbage, and also by and out of the Rates and Taxes to be raised by them under the Authority of this Act, to make such Recompence and Satisfaction to the Proprietor or Proprietors, Occupier or Occupiers, sustaining such Loss or Damage, to be ascertained and determined by such Ways and Means as the said Commissioners shall in and by their said Award order and direct.

Encroachments within Twenty Years to be deemed Part of the Common; &c.

XLIV. And be it further enacted, That all Encroachments which have been made upon the said Commons or upon the said North Fen and Drovers, or other Lands and Grounds intended by this Act to be divided and inclosed, within the Space of Twenty Years next preceding the Twenty-fourth Day of *June* One thousand eight hundred and one, and all Encroachments which shall be made after the passing of this Act, or for which the Possessor or Possessors pay an Acknowledgment or Acknowledgments to the Lord or Lords, Lady or Ladies of any Manor within any of the said Parishes or Places interested in the said Division and Inclosure, and none other, shall be deemed Part of the Lands and Grounds hereby intended to be divided and inclosed; and in case any Difficulties or Disputes shall happen to arise touching what are Encroachments, or whether the same have been made within the Time aforesaid, such Difficulties and Disputes shall be settled and determined by the said General Commis-

Commissioners, who shall have Power to examine Witnesses on Oath or Affirmation, and examine and [receive such other Evidence as they shall think proper, and shall set out and allot unto such Person or Persons, being entitled to Right of Common upon the said Commons or upon the said North Fen, and other uninclosed Lands and Grounds as are and shall be in Possession of any such Encroachment or Encroachments, all and every of the Lands or Grounds comprehended therein, for and in Part of the Allotment to be so made to them respectively by virtue of this Act; and in case the Person or Persons having made such Encroachment or Encroachments respectively, shall have no such Right of Common as aforesaid, and shall desire to be the Purchaser of such Encroachment or Encroachments respectively, and signify such his, her, or their Desire in Writing, under his, her, or their Hand or Hands respectively, to the said General Commissioners, at any Meeting to be held in pursuance of this Act, either agreeable to Notice or in consequence of Adjournment, then and in all such Cases, and also where it shall happen that the Encroachment or Encroachments made by any Person or Persons entitled to Allotments, shall be greater or more (Quantity and Quality considered) than the Allotment or Allotments amount unto which belong to the Person or Persons in Possession of such Encroachment or Encroachments respectively, the said General Commissioners are hereby directed and required to charge all such Persons for the Whole or Part of the said Encroachments, as the Case shall be, at the Rate of Thirty-two Years Purchase, on the Gross Annual Value of the Grounds comprehended in such Encroachment or Encroachments, according to its original intrinsic Value, and the Value of the Residue of the said Lands and Grounds so intended to be divided and inclosed, without Regard to the Improvement made thereon; and the said several Sums of Money so charged as aforesaid, shall be recoverable by the said General Commissioners in a summary Way, or by an Action at Law, to be brought against the Person or Persons in Possession of such Encroachment or Encroachments, and shall be paid by the said General Commissioners into the Hands of a Banker or other Person, in Manner herein directed, for the Purposes of this Act; and the said Encroachments shall, on Payment of the said several Sums of Money so to be charged as aforesaid, either from and immediately after the Execution of the Award of the General Commissioners hereinafter directed to be made, or at such other Time as the said General Commissioners shall, by any Writing under their Hands and Seals, direct or appoint, vest in the several Persons so paying for the same as Freehold Estates of Inheritance; any Law, Usage, or Custom of Courts within the said Manors, or any of them, to the contrary thereof in anywise notwithstanding.

XLV. And be it further enacted, That in case any Person or Persons shall, between the Time of passing this Act and the Time of making the Award of the General Commissioners herein-after directed, cut, dig, take up, carry, or lead away in Carts, Waggon, or otherwise, any Turf or Sods from any Part of the Lands and Grounds hereby directed to be divided and inclosed, except upon his, her, or their own specific Allotment or Allotments, every such Person or Persons so offending shall, on Conviction thereof before any Justice of the Peace for the Divisions or Parts of *Kesteven* or *Holland*, within which the Offence shall be committed, by Confession of the Party offending, or by the Oath or Oaths of One

Penalty for
digging Turfs.

[*Loc. & Per.*]

27 C.

or

or more credible Witness or Witnesses, for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and the Evidence of any Witness or Witnesses shall be admissible, notwithstanding his, her, or their being Owner or Occupier in the Lands and Grounds where such Offence shall be committed; and the said respective Justices are hereby required to take Cognizance of such Offences, and to proceed to Conviction accordingly, and on Non-payment of such Penalty to commit the Offender to the House of Correction for the Division or District in which the Offence shall be committed, for any Term not exceeding Three Months, unless such Penalty shall be sooner paid.

For Recovery
of Penalties.

XLVI. And be it further enacted, That all Penalties and Forfeitures imposed by or under the Authority of this Act, or the Award to be made in pursuance thereof, shall be levied and recovered in a summary Way before any One Justice of the Peace for the Division or Parts wherein the same shall be incurred, not interested in the Matter in question, for which Purpose it shall be lawful for any such Justice of the Peace, upon Complaint made to him, to summon the Party accused, and the Witnesses on both Sides, and upon the Appearance or Contempt of the Party accused, to examine such Witnesses upon Oath, which Oath every such Justice is hereby empowered and required to administer, and upon such Evidence to give Judgment accordingly, and to condemn the Party accused (Proof of the Accusation being made to the Satisfaction of the said Justice, by One or more Witness or Witnesses as aforesaid) in such Penalties and Forfeitures as he or she shall have incurred, and to levy such Penalties and Forfeitures by Distress and Sale of his or her Goods and Chattels, together with reasonable Costs; all which Penalties and Forfeitures, the Application whereof is not particularly directed by this Act, shall, when and so often as the same shall be levied, be paid and applied to and for such Uses, Intents, or Purposes of this Act, as the said General Commissioners, by any Writing or Writings as aforesaid, or in and by their said Award, shall order, direct, or appoint, other than and except such Penalties as shall be imposed by the said respective Special Commissioners, which shall be paid and applied to and for such Uses, Intents, or Purposes of this Act, as the Special Commissioners imposing the same shall in like Manner order, direct, or appoint.

Owners re-
quired to ac-
cept their
Allotments.

XLVII. And be it further enacted, That all and every Person and Persons to whom any Allotment or Allotments shall be made, or whose Estates shall be partitioned or exchanged by virtue of this Act, shall, and they are hereby required to accept his, her, or their respective Allotments, Shares, Partitions, and Exchanges, at such Time as the General or respective Special Commissioners setting out the same shall, by their said Award or by any other Writing under their Hands, direct and appoint, of which Notice shall be given some *Sunday*, immediately after Divine Service, in the several Churches and Chapels of the respective Parishes and Hamlets interested therein, or within which such Allotment or Allotments shall be situate, a Copy of which Notice shall also be affixed on the Doors of the said Churches and Chapels; and in case any Person or Persons shall neglect or refuse to accept his, her, or their Share or Allotment, Shares or Allotments, Partition or Partitions, Exchange or Exchanges, within the Time mentioned in the said Award or in the said Notice as aforesaid, such Person or Persons so neglecting or refusing, shall be

be totally excluded from any Estate, Interest, Right of Common or other Property whatsoever, in, over, and upon any Allotments set out by virtue of this Act, or Lands and Hereditaments partitioned or exchanged, except such respective Allotments, Partitions, or Exchanges, as they shall be severally entitled to by virtue of this Act.

XLVIII. And be it further enacted, That from and after the Publication of such Notice as aforesaid, or at such other previous Time as the said General or respective Special Commissioners publishing the same shall appoint, by any Writing under their Hands, to be published in like Manner, all Tithes, Moduses, and Compositions in lieu of Tithes, and also all Right of Common in, over, and upon the Lands and Grounds comprized in such Notice, shall cease and be for ever extinguished; and the several Lands and Grounds so set out and allotted unto the several Persons who, by virtue of this Act, shall be entitled to the same, shall be and are hereby vested in them respectively, in full Bar, Satisfaction, and Compensation of and for all such Tithes, Moduses, and Compositions, Right of Common and other Right whatsoever, in, over, and upon the Lands and Grounds so set out and allotted in pursuance of this Act:

Tythe and
Right of
Common to
cease.

XLIX. And be it further enacted, That as soon as may be after the respective Allotments for Tithes shall be set out as herein is directed, the same shall be respectively subdivided amongst the several Tithe Owners according to their several and respective Rights and Interests therein, by the said respective Special Commissioners, and, according to such Subdivision, shall be inclosed on all such Sides or Parts thereof as the Special Commissioners setting out the same shall not order or direct to be fenced, by any other Person or Persons, with a good and sufficient Ditch, Eight Feet wide and Four Feet deep, and the Expence thereof shall be paid out of the Fund herein provided for defraying the Charges and Expences attending the Subdivision of the parochial or general Allotment, within which such Tithe Allotments shall be respectively situate; and the same shall for ever thereafter be maintained and kept in Repair by the several Persons and Parties interested in such Tithe Allotment for the Time being.

Allotments in
lieu of Tythes
to be subdivi-
ded and
fenced.

L. And be it further enacted, That the Residue of the Lands in such parochial or general Allotments, so intended to be subdivided as aforesaid, shall be fenced by and at the Expence of the several Proprietors to whom the same shall be respectively allotted, and the Fences at all Times for ever thereafter repaired and maintained by and at the Expence of such Proprietors respectively, and in such Proportion and Manner as the respective Special Commissioners setting out the same shall, in and by their Award, or any other Writing under their Hands, direct or appoint; and in case any Person or Persons to whom any Allotment or Allotments shall be set out as aforesaid, shall neglect or refuse to inclose the same within such Time and in such Manner as the same Commissioners shall, in their said Award, or by any other Writing under their Hands, direct or appoint, then and in such Case it shall be lawful for the Commissioners setting out the same to enter into and upon, and to let and set to any Person or Persons whomsoever, the Land so as aforesaid to be allotted to such Person or Persons as shall have so refused or neglected to make such Fences thereon as by the said Award or Writing shall be directed to be made, and to hold and enjoy the same until the same Commissioners shall,

General
Fencing.

out

out of the Rents and Profits thereof, or otherwise on account thereof, have received and taken to themselves so much Money as shall be necessarily expended in and about inclosing such Land, and a reasonable Allowance for their Trouble and all Charges attending the same; and until such Inclosure and Fence shall be completed, it shall not be lawful for any such Person or Persons so neglecting or refusing as aforesaid, or his, her, or their Tenant or Tenants, to sue for or recover any Damage which he, she, or they may sustain by the Estray of any other Person's Beast or Beasts, Cattle or Sheep, into such uninclosed Allotment, or to impound such Beast or Beasts, Cattle or Sheep, so estraying as aforesaid.

Convenient
Gaps to be
left.

LI. Provided always, That convenient Openings shall be left in the said Fences, for the Space of Six Calendar Months next ensuing the Execution of the said Award or Instrument, for the Passage of Cattle and Carriages, unless the same Special Commissioners shall, by any Writing under their Hands, direct the contrary.

Guardians,
&c. to accept.

LII. And be it further enacted, That the Guardians, Husbands, Trustees, Committees, Executors in Trust, or Attornies of any Person or Persons being Minors, under Coverture, Lunatics, or beyond the Seas, or otherwise incapable by Law to accept such Allotments so to be made as aforesaid, shall be, and are hereby enabled and required to accept thereof for the Use of such Person or Persons; and such Acceptance shall be, and is hereby declared to be as valid and effectual, as if the Person or Persons to or for whom the same shall be made respectively, was or were capable of acting for himself, herself, or themselves.

Non-accept-
ance not to
bar.

LIII. Provided nevertheless, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, Executor in Trust, or Attorney, shall not exclude or in anywise prejudice the Claim or Acceptance of any Infant, Feme Covert, or other Person under such Disability or Incapacity as aforesaid, who shall claim within Twelve Calendar Months next after such Disability or Incapacity is removed, or of any Person or Persons entitled as Heir or in Remainder after the Death of any Person or Persons so dying under such Disability or Incapacity, who shall claim or accept their respective Shares or Allotments within Twelve Calendar Months next after their respective Right, Title, or Interest shall have descended, vested, or accrued.

Regulations
of Allotments
not subdivi-
ded.

LIV. And be it further enacted, That it shall be lawful for the said General Commissioners, by any Writing or Writings under their Hands, from Time to Time until the Execution of the said Award, and from and after the Execution thereof, for the Owners or Proprietors of Four Fifth Parts in Value of the Messuages, Cottages, Toftsteads, Lands, and Hereditaments in each of the several Parishes and Places aforesaid, having Right of Common on such of the parochial or general Allotments of the said Commons as shall remain unsubdivided, either under this Act or any other Act or Acts for subdividing the same, from Time to Time and at any Time or Times, by Writing under their Hands, to make such Rules or Orders for regulating the Manner of using and occupying the same, and of stocking the same with Cattle, Sheep, and other Stock, and for limiting and stinting the Number and Kinds of the said Stock (each
Person

Person entitled to such Common Rights and other Rights and Hereditaments, continuing nevertheless to be entitled to a just Proportion according to the Extent of his Interest) and for limiting the Times and Seasons of stocking, and such other Rules, Orders, and Regulations, for the better Management and more convenient Enjoyment thereof, as they shall from Time to Time think proper, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests; and also from Time to Time, by Writing under the Hands of the said Commissioners and of the Owners or Proprietors of Four Fifth Parts in Value for the Time being respectively, of such Messuages, Houses, Toftsteads, Lands, and Hereditaments, to annul, repeal, or alter all or any such Rules, Orders, and Regulations, and make such others as they shall deem expedient, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests; and such Rules, Orders, and Regulations, from the Time of their being so signed and deposited in the Parish Chest of the Parish in which such parochial or general Allotment shall be situate, shall be binding upon and observed by all Persons interested in the said Allotments, in respect of which such Rules, Orders and Regulations shall be made.

LV. And be it further enacted, That the said General Commissioners shall and may borrow and take up at Interest, of any Person or Persons who shall be willing to advance and lend the same, such Sum and Sums of Money as they shall from Time to Time think necessary, for paying and defraying the said Arrear of Taxes herein provided for, and the Costs, Charges, and Expences of and relating to the passing of this Act, and the lawful Interest thereof, and also such other Costs, Charges, and Expences as shall from Time to Time be incurred in and about the carrying this Act into Execution, until the same can be raised by Sale of Land as aforesaid, which said Sum and Sums of Money so to be borrowed, shall be and the same are hereby charged on all the said Commons, and also on the said North Fen and Drovers, until the same shall be repaid by the money to be raised by Sales as aforesaid, with lawful Interest for the same, from the Time each respective Sum shall be advanced; and the said General Commissioners shall have Power, if they shall see Occasion, to grant a Term or Terms of Years in any Part or Parts of the said Commons, North Fen, and Drovers, and to let or set the same or any Part thereof, for the best and most improved Rent that can be had, for securing the said Monies so to be advanced, with Interest as aforesaid; and during such Term of Years the Mortgagee or Grantee of the said Lands, or any Part thereof, shall be at Liberty to recover the same, or any Part thereof, by Ejectment or otherwise, and hold the same discharged of any Right of Common therein, unless the Principal Money borrowed on Credit as aforesaid, and the Interest thereof in Arrear, be paid and satisfied: Provided nevertheless, That no Part or Parts of the said Commons, North Fen, or Drovers, shall be let, set, or held, otherwise than for the depasturing of Cattle, or mowed for Hay, or converted to Tillage, until after the same shall have been subdivided and allotted.

For enabling
Commissioners to borrow
Money.

LVI. And be it further enacted, That it shall be lawful for any Proprietor or Proprietors of any Allotment or Allotments to be made by virtue of this Act, or of any ancient inclosed Lands discharged of Tithes

Power to
borrow Mo-
ney.

under the Authority of this Act, being Tenants for Life or Lives, or in Tail, and also for any Husbands, Guardians, Trustees, Committees, or Attornies, or any Person acting as Guardians, Trustees, Committees, or Attornies of any of the said Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for the Lessee or Lessees of any Corporation Sole or Aggregate, and to and for any Mortgagees, Trustees, or other Persons in Possession, or any of them (other than and except the said Impropiators, Rectors, and Vicars respectively, or other Persons in respect of their Allotment or Allotments for Tithes and Glebe, and such Persons from whose Allotments Lands shall be deducted as aforesaid) by and with the Consent and Approbation of the said Commissioners, to be testified under their Hands and Seals, from Time to Time, after such Allotments and Divisions shall be made and published as aforesaid, and either before or after the Execution of the said Award, to charge the Lands and Grounds which shall be allotted to such Proprietors respectively by virtue of this Act, or the ancient inclosed Lands discharged of Tithes as aforesaid, with any Sum or Sums of Money for and towards their respective Portions of the Expences of inclosing, ditching, and fencing their respective Allotments, not exceeding Two Pounds for each Acre of the Lands and Grounds so to be allotted, and not exceeding for such ancient inclosed Lands so exonerated from Tithes, the Gross Sum paid or the Proportion of the several Expences which shall have been incurred in respect of their being discharged of Tithes as aforesaid; and for securing the Re-payment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise the said Lands and Grounds to such Person or Persons as shall advance any Sum or Sums respectively, for any Term or Number of Years, so that such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to surrender the same, when such Sum or Sums of Money, with the Interest thereof, shall be fully paid and satisfied; and every such Grant, Mortgage, Lease, or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended, without any Fine or Recovery, and notwithstanding the Want of legal Title, or any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance, of, upon, affecting, or concerning the same Grounds, Lands, and Premises, or any Part thereof, then in being or capable of taking Effect to the contrary.

Tenants to keep down Interest of Money borrowed.

LVII. Provided nevertheless, and be it enacted, That every such Tenant or Tenants for Life or Lives, or in Tail, and all and every other Person or Persons who shall so mortgage or charge his, her, or their respective Allotments or ancient inclosed Lands as aforesaid, shall pay and keep down the Interest of the Principal Money so to be borrowed; and that no Person or Persons in Reversion or Remainder of the Premises so to be charged or mortgaged as aforesaid, shall be liable to or charged with the Payment of more than One Year's Interest for any such Principal Money preceding the Time of the Death of such Tenant or Tenants for Life or Lives, or other Person or Persons respectively.

Tenant for Life, &c. empowered by Deed or Will to charge Allotments.

LVIII. And be it further enacted, That it shall be lawful for any Tenant or Tenants for Life or Lives (except as before excepted), and for any Tenant or Tenants in Tail of any Allotment or Allotments to be made by virtue and in pursuance of this Act, or of any ancient inclosed Lands discharged

discharged of Tithes as aforesaid, by any Deed or Deeds in Writing, or by his, her, or their last Will and Testament in Writing, to be duly executed, to charge such Allotment or Allotments and ancient inclosed Lands respectively, with such Sum or Sums of Money as shall be appointed by the said Commissioners to be paid, and which shall accordingly have been paid by such Tenant or Tenants for Life or Lives, or in Tail, for his, her, or their Expences of inclosing, ditching, and fencing their respective Allotments, so as the same do not exceed the Sum of Two Pounds an Acre of such Allotment or Allotments, nor more for such ancient inclosed Lands than the Sum paid in respect of such ancient inclosed Lands, discharged of Tithes as aforesaid, and by such Deed or Deeds, or last Will and Testament, to direct and appoint the Money to be charged on such Allotment or Allotments, and ancient inclosed Lands respectively, so to be paid to such Person or Persons as he, she, or they shall think fit, with Interest for the same, to commence from the Day of the Death of such Tenant or Tenants for Life or Lives, or in Tail respectively.

LIX. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any Right of Common in or upon the said Commons, North Fen, Drovers, and Waste Lands hereby directed to be divided and inclosed, or any of them, at any Time before the Execution of the Award of the said Commissioners, to sell and dispose of his, her, or their Right of Common in or upon the same Commons or Fens, Drovers, and Waste Lands, or any of them, or the Allotment to be set out upon the Subdivision of any particular or general Allotment in lieu thereof, separate and apart from the Messuage, House, Toftstead, or Land in respect of which he, she, or they shall be entitled to such Right of Common or Allotment; and on a Conveyance or Surrender thereof being made and executed, every such Sale being set forth and specified in the Award of the said Commissioners, shall be good, valid, and effectual in Law; but the same shall remain subject nevertheless to such Mortgages or other Incumbrances as before the passing of this Act affected the Messuages, Houses, Toftsteads, Lands, and Hereditaments, in respect whereof such Allotments shall have been made.

Common Rights may be sold separate from Houses.

LX. And be it further enacted, That for the more convenient Situation and Disposition of the Farms and Lands in the said several Parishes, Hamlets, and Places in which any Lands or Grounds intended to be hereby divided and allotted are respectively situate, it shall be lawful for all or any of the Proprietors, whether Guardians, Husbands, Trustees, Committees, Feoffees of Church, School, or Poor Estates, Executors, or Life Tenants, or otherwise seised of or interested in Estates within the same respectively, to exchange all or any of his, her, or their Messuages, Houses, Toftsteads, old Inclosures, or other Lands and Grounds, or new Allotments to be made by virtue of this Act, Rents, Revenues, or other Rights or Interests within any of the said several Parishes, Hamlets, or Places, for any other Messuages, Houses, Toftsteads, old Inclosures, or other Lands and Grounds, or new Allotments as aforesaid, Rents, Revenues, or other Rights or Interests within any of the said several Parishes, Hamlets, or Places, or any adjoining Parish, Hamlet, Township, or Place, and also for joint Tenants and Tenants in Common, or any other Person seised of any undivided Shares or Interests in any Messuages, Houses, Toftsteads, old Inclosures, or other Lands and Grounds, or new Allotments

Power of Exchange.

Allotments as aforesaid, Rents, Revenues, Rights, or Interests, or having or holding any intermixed Lands, Grounds, or Hereditaments with each other, where their several Boundaries or Limits are not exactly known, within any of the said Parishes, Hamlets, and Places, or within any adjoining Parish, Hamlet, Township, or Place, to make Partition thereof, so as all and every such Exchange or Exchanges, Partition or Partitions, be made with the Consent and Approbation of the said respective Special Commissioners under this Act, and the Agreement for making the same be certified to them by some Writing, signed by the Parties so exchanging or making Partition, or their Guardians, Agents, or Attornies, and such Agreement, Consent, and Approbation, be specified and declared in the said Award or Instrument to be executed by the said Special Commissioners in pursuance of this Act; and every such Exchange and Partition so made as aforesaid, shall be set out by the same Special Commissioners by Metes and Bounds, and shall be good, valid, and effectual in Law, to all Intents and Purposes whatsoever, notwithstanding any Want of Title in the Parties or Persons exchanging or making Partition as aforesaid, or any of them; provided that no such Exchange or Partition as aforesaid, shall be made of any Lands or other Hereditaments belonging to any Ecclesiastical Benefice, without the Consent in Writing of the Lord Bishop of the Diocese, or the Ordinary and the Patron thereof respectively, nor of any Lands or Hereditaments belonging to the Crown, without the Consent in Writing of the Surveyor General for the Time being.

Power for
Vicar to lease
new Allot-
ments.

LXI. And be it further enacted, That it shall be lawful for the several Rectors of appropriate Rectories, Vicars, and Ministers respectively, interested in any Allotment or Allotments to be set out in respect of Tithes, upon the Subdivision of any parochial or general Allotment, by and with the Consent and Approbation of the Lord Bishop of *Lincoln*, for the Time being, and the Patron thereof respectively, and also for the said *Maurice Johnson*, as Lessee as aforesaid, to grant any Lease or Leases to any Person or Persons of all or any Part or Parts of the Lands and Grounds to be allotted or assigned in Exchange to the said appropriate Rectors, Vicars, and Ministers respectively, by virtue of this Act, for any Term not exceeding Twenty-one Years in Possession, to be computed from the *Lady-day* or *Michaelmas*, which shall first happen after the Execution of the said Award, so as the best improved yearly Rent that can be reasonably had be taken; and so as no Fine, Foregift, or other improper Consideration be paid or contracted to be paid for the granting of any such Lease or Leases, and so as no such Lease or Leases be made dispunishable for Waste, and so as the Rents reserved in every such Lease be made payable Quarterly to the Rector, Vicar, or Minister granting the same, and his Successors for the Time being, and that Power of Re-entry on Non-payment of such Rent or Rents, and other usual and necessary Powers and Covenants, be contained therein, and so as the Lessee or Lessees in every such Lease or Leases do execute a Counterpart or Counterparts of the same; any Law, Usage, or Custom to the contrary notwithstanding.

Leases to be
vacated.

LXII. And be it further enacted, That it shall be lawful for the said respective Special Commissioners, at any Time previous to the Execution of the said Award, in all Cases where they in their Discretion shall deem it necessary or expedient for the due Execution of this Act, by any Writing or Writings under their Hands, to determine and make void all
or

or any of the Leases or Agreements for Leases, at Rack Rent, or from Year to Year, then subsisting, of all, every, or any Part or Parts of the Tithes for which a Compensation is herein directed to be made, or of the Lands and Grounds which are hereby directed to be exonerated from Tithes, or which shall be exchanged by virtue of this Act, or of any Commonable Interest in any of the parochial or general Allotments by this Act directed to be subdivided and inclosed, either as to the Whole thereof, or as to some Part or Parts only, and at such Time or Times in the Year as the said Commissioners shall in their Discretion think most convenient and expedient, according to the Circumstances of the Case; and in all Cases where any such Leases or Agreements shall be determined as aforesaid, the same Commissioners shall ascertain and declare whether any and what Sum or Sums of Money in the Gross ought to be paid, or any and what Deduction or Abatement in the reserved Rent or Rents ought to be made by the Lessors or Landlords to the Lessees or Tenants, as a Compensation and Satisfaction for such Determination of their respective Leases or Agreements; and such reduced Rents, so ascertained and declared as aforesaid, shall respectively become payable or commence at such Time or Times, and in such Manner as the same Commissioners shall direct and appoint, and shall be recovered in like Manner as the original Rent reserved by such Lease or Agreement would have been by Law recoverable; and in all Cases where any Sum or Sums of Money in the Gross shall, by the said respective Special Commissioners, be ascertained as a Compensation to be paid by the Lessor, for determining such Lease or Agreement, the same shall be actually paid before such Lessors respectively are put into Possession of the respective Lands and Hereditaments and Right of Common, or of the Allotments in respect of such Tithes as aforesaid, so discharged from such Lease or Agreement; and in all Cases where such subsisting Leases or Agreements shall continue in Force as to the Whole or any Part or Parts of the Hereditaments therein comprized, it shall be lawful for the said Commissioners in like Manner to ascertain and declare whether any and what additional Rent or Rents ought to be paid by the Lessees or Tenants to the Lessors or Landlords, for or in respect of any Improvement in the annual Value of the Hereditaments comprized in such Leases or Agreements respectively, upon Account of the same being exonerated from Tithes, and exchanged respectively, or by the said Commons, Drovers, and Wastes being divided and inclosed by virtue of this Act; and such additional Rents so ascertained and declared as last aforesaid, shall commence at such Time or Times as the said Commissioners shall direct and appoint, and shall afterwards be payable and recoverable in like Manner as the Rents originally reserved would have been payable and recoverable if this Act had not passed; and it shall be lawful for the said Commissioners in like Manner to settle, ascertain, and declare the Course of Husbandry to be used by such Lessees or Tenants, during the Remainder of their subsisting Leases and Agreements, in all Cases where they shall deem it necessary or proper so to do; provided, that when any Leases or Agreements for Leases at Rack or extended Rents, or from Year to Year, shall be then subsisting, of any Lands, Tenements, or Hereditaments not intended to be exonerated from Tithes or exchanged by virtue of this Act, for or in respect whereof such Lessees or Tenants hold or enjoy any Commonable Interest in any of the Lands and Grounds intended to be divided and inclosed, such Lessees or Tenants shall respectively be entitled to such and the like Right of Common in, over, and

upon the parochial or general Allotment to be set out for the Parish or Place in which such Lands, Tenements, and Hereditaments are respectively situate, and which shall not be subdivided under the Authority of this Act, subject to the Regulations herein authorized, as such Lessees or Tenants had or enjoyed in respect of the said Lands or Hereditaments before the passing of this Act, in the said Lands and Grounds intended to be set out in any such parochial or general Allotment.

Allotments to be of the same Tenures, and to go with the same Use, as the Estates in lieu of which they were made.

LXIII. And it is hereby further enacted and declared, That the several Lands, Tenements, and Hereditaments, which shall be respectively allotted and exchanged by virtue of this Act, shall, upon the Allotment and Exchange thereof respectively, become and be of the same Tenure, and be held under the same Rents and Services, and go and remain to the same Persons, for the same Estates and Interests, and to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoos, Limitations, Conditions, Covenants, Debts, Charges, and Incumbrances, and Provisions of every Kind, and in the same Manner as the Hereditaments in respect whereof the same Lands, Tenements, and Hereditaments shall be respectively allotted and exchanged, would belong or stand, or be limited to or upon, or be subject unto, if such Allotment and Exchange thereof had not been made, or this Act had not been passed, except as to such Leases and Agreements at Rack Rent as shall be determined under this Act, or where any other Provisions of this Act shall be to the contrary; but such Allotments shall nevertheless be subject to such Charges and Incumbrances thereon, as shall be made in pursuance of this Act.

Gates may be erected across private Roads.

LXIV. And be it further enacted, That all and every of the Proprietors of the Allotments to be made by virtue of this Act, shall have full Power and Liberty, from Time to Time, and at all Times after the setting out of such Allotments, to set up and continue any Fence or Fences, and Gate or Gates, in the same, in and across any Road or Roads (except Turnpike Roads and public Carriage Roads) to be made by virtue of this Act, through or against his, her, or their respective Allotments, for keeping out Cattle, and to prevent their destroying any Banks, Drains, Trees, Plants, Quicksets, or Fences, which shall be made or planted for fencing or inclosing any of the Lands and Grounds hereby directed to be divided and inclosed, so as no such Fence or Gate shall in anywise prevent or hinder any Person or Persons who shall have Right to pass upon any such Road, from passing and repassing thereon, and through such Gates respectively.

Private Roads.

LXV. And be it further enacted, That the said respective Special Commissioners shall, and they are hereby authorized and required, before they respectively subdivide any parochial or general Allotment under the Authority of this Act, to set out, ascertain, and appoint such public Horse Roads and Footways, and private Carriage and Drift Roads and Ways, and also such Banks, Ditches, Drains, Watercourses, Bridges, Gates, Stiles, and other Conveniencies, in, over, and through such parochial or general Allotments so intended to be subdivided, as they shall think requisite, and the same shall respectively be made and erected, and at all Times thereafter repaired, cleansed, maintained, and kept in Repair, at such Times, and by such Person or Persons, Proprietor or Proprietors,

Proprietors, and in such Manner, as the said respective Special Commissioners by their Award, when the same shall be executed, and in the meantime and until the Execution thereof, by any Writing under their Hands, shall respectively order, direct, or appoint; and the Grass and Herbage growing or arising on any of the said private Ways or Roads to be set out as last aforesaid, shall at all Times be and remain for the Use and Benefit of such Person or Persons, and for such Purposes as the Special Commissioners setting out the same shall, by their said Award, order and direct.

LXVI. Provided nevertheless, That nothing in this Act contained shall authorize the said respective Special Commissioners to turn, alter, stop up, or discontinue any public Road, or public or private Communication, which shall be set out by the said General Commissioners as herein directed, in, over, or through any of the Lands and Grounds intended to be divided and inclosed.

Not to stop up or turn any public Road.

LXVII. And whereas by virtue of Two Acts of Parliament, the One passed in the Sixteenth and Seventeenth, and the other in the Twenty-second Years of the Reign of King *Charles* the Second, and of Two several other Acts passed in the Eleventh Year of the Reign of King *George* the Second, and in the Fourteenth Year of the Reign of His present Majesty, certain Powers and Authorities were vested in the Adventurers and Persons in such Acts respectively named, for draining and preserving *Deeping Fen*, and other Fens therein mentioned, and they were thereby required to drain and preserve the same in Manner therein directed, in which said Fens were included the said *Crowland Common* otherwise *Gogusland*, and all the Commons or Fens hereby intended to be divided and inclosed (except the said Drovers and Waste Lands in the Parishes of *Spalding* and *Pinchbeck*): And whereas by and under the Direction of the Commissioners acting under Two several Acts of Parliament, the one passed in the Fifth Year of His present Majesty's Reign, intituled *An Act for draining and improving certain Low Marsh and Fen Lands, lying between Boston Haven and Bourn, in the Parts of Kesteven and Holland, in the County of Lincoln*, and the other passed in the Tenth Year of the same Reign, for amending and rendering the said former Act more effectual, the said *Pinchbeck North Fen*, although Part of the said Lands so required to be drained by the said Adventurers, was included in the Drainage provided for by the said last-mentioned Acts: And whereas the said enclosed taxable and free Lands in *Deeping Fen*, being Part of the Fens so intended to have been drained, were in consequence of such Undertaking, and as a Recompence for carrying the said Works of Drainage into Execution, vested in the said Adventurers or Persons named in the said Act of the Sixteenth and Seventeenth of *Charles* the Second, immediately on the passing thereof, and the Adventurers or Owners of the said taxable Lands are liable, in respect of their said Lands, to make, support, and maintain certain Works of Drainage, by the said several Acts relating to the Drainage of *Deeping Fen*, some or one of them, required to be made, supported, and maintained: And whereas by the said Act passed in the Thirty-fourth Year of His present Majesty's Reign, the said Adventurers are required to enlarge, deepen, and scour out a certain Drain called *The Vernatts Drain*, running from *Spalding Common* through the several Parishes of *Spalding* and *Pinchbeck*, from the Sluice across the

Recital of former Acts for draining Deeping Fens, &c.

Recital of 5 and 10 G. 3.

Adventurers by 34 G. 3. required to deepen, &c. Vernatts Drain.

Outfall

Present
Works of
Drainage in-
sufficient.

Further
Works of
Drainage to
be made.

Drainage
Works to be
made by the
Adventurers.

Outfall of the said Drain, at or near a Place called *The Reservoir*, to a certain Place called *Shotbolts Bridge*, of the Dimensions and in Manner in the same Act mentioned; and from the said Bridge Southwards, the said Adventurers are by the same Act required to scour out and cleanse the Bottom of the said *Vernatts Drain*, so as to continue the Level therein-mentioned unto the Termination of the said Drain at *Spalding Common*: And whereas by reason of the Insufficiency of some of the present Works of Drainage, the Restriction the said Adventurers are subject to by an Interruption in draining the said Lands through *Pode Hole* Sluice for a certain Number of Days in each Year, the imperfect Condition of the River *Glen*, and the Banks thereof, the defective State of the Outfall, and various other Causes, a very considerable Part both of the open and inclosed Lands intended to have been drained by and under the Authority of the said several Acts relating to the Drainage of *Deeping Fen*, are subject and liable to be inundated or annoyed by Water, as herein-before mentioned: And whereas the said Owners and Proprietors of free Lands, and Persons interested in the said Commons lying between the Rivers *Welland* and *Glen*, although respectively entitled to be protected and indemnified against the Costs and Charges of such Works of Drainage, for draining and preserving their said Lands and Commons, as are required to be done and maintained by the said Adventurers, under the Authority of the said several Acts, some or one of them, relating to the Drainage of *Deeping Fen*, yet notwithstanding such Exemption and Protection, the said free Land Owners and Commoners, together with the said Adventurers, and the Commissioners acting under the said Two Acts of the Fifth and Tenth Years of His present Majesty's Reign, commonly called *The Black Sluice Commissioners*, being desirous to obtain a better Drainage for all the said Lands, and more effectually to protect the same from Injury by a Breach in any of the Banks of the said Rivers, have for those Purposes agreed that the several Works of Drainage herein-after directed shall be made, erected, maintained, and supported by and at the Expence of the respective Trust Proprietors and Persons, and in the Proportions herein-after mentioned; be it therefore enacted, That as soon as the said *Welland* Commissioners shall have made or caused to be made so much of the navigable River or Cut required to be done by the said Act of the Thirty-fourth Year of His present Majesty, as extends from below a Place called *Shepherd's Hole* at or near *Hootons Gibbet*, in the Parish of *Surfleet*, to, through, and over the open Salt Marshes in the same Parish, and from thence across the open Salt Marshes in the Parish of *Fosdike*, near to *Fosdike Inn*, there to fall into the present Course of the River *Welland*, and shall also have made or caused to be made a Dam or Bank across the present Channel of the said River *Welland*, between *Shepherd's Hole* and *Hootons Gibbet*, of such Width, Height, and other Dimensions, as in the Judgment of the Commissioners, executing the said Works shall be sufficient to stem the Tides, and to resist and turn the Waters discharged thereby into the said new Cut; the said Adventurers, their Heirs and Assigns, shall, at their own proper Costs and Charges, well and effectually enlarge, deepen, and scour out the said *Vernatts Drain*, from *Shotbolts Bridge* to *Pode Hole*, to the clear Width of Thirty Feet Bottom at least, upon the same Level as the Bottom of the said Drain from *Shotbolts Bridge* to the present Sluice, across the Outfall of the said Drain, at or near the Reservoir, and in such Manner as to preserve a Batter of at least Three Feet in every Foot of Height from the Bottom thereof, to the Surface of the adjoining Lands,

and shall lay all the Earth to be taken out of the said Drain, together with so much of the present Banks as will be necessary to be removed, in order to complete such Drain in Bank-fashion, sloping the said Earth in Front at least Eighteen Inches for each Foot in Height, and leaving a Foreland or Cess of Fifteen Feet at the least between the Edge of each Bank and the Side of the said Drain next adjoining thereto, and shall erect or cause to be erected good and sufficient Carriage, Draught, and Horse Bridges over the said Drain, in all such Situations where Bridges of those Descriptions now are, with a clear Water Way to each such Bridge of Thirty Feet at the least, and shall in like Manner enlarge, widen, deepen, and scour out a certain Drain in the said Parish of *Pinchbeck*, called *Blue Goat Drain*, from the East End thereof near to and above the Sluice across the River *Glen*, at its Outfall, to the Termination of the said *Blue Goat Drain* at or near the Turnpike Road, and from such Termination shall make another Drain extending therefrom in a Westward Direction, up to the *Dozens Bank*, of the several Dimensions following; (that is to say), from the East End of the said *Blue Goat Drain* to the Branch therefrom herein-after mentioned, at or near the Turnpike Road, of Ten Feet Bottom, and thence to the *Dozens Bank*, such other Drain to be gradually reduced, so as to be of the Width of Six Feet at the Bottom, at the Termination thereof at the said *Dozens Bank*; and that the Slopes of the said *Blue Goat Drain*, from the East End thereof up to *Stickwith Gowt*, shall not be less than Two Feet for each Foot in perpendicular Height, and the Forelands or Cesses between the said Drain, and the respective Banks thereof, for the Space aforesaid, shall be Ten Feet, the Earth taken out of the said Drain to be laid Bank-fashion, and the said Banks formed with a Slope of Eighteen Inches for each Foot in Height, on the Sides next the Drain up to the said *Stickwith Gowt*, and from thence the Slopes of the said Drain to be Eighteen Inches for every Foot of perpendicular Height, the Forelands or Cesses to be Six Feet in Width, and the Earth also to be laid in Bank-fashion, with Slopes next the Drain of One Foot to every Foot in Height, on an Average; and shall also make and erect a Sluice of Fourteen Feet clear Water Way at or near the Junction of the said *Blue Goat Drain* with the River *Glen*; and the said Adventurers shall also make a certain other Drain, branching from the said last described Drain, at or near the said Turnpike Road, and extending thence to the *Vernatts Drain*, and so much farther on the South Side of the said *Vernatts Drain*, as may be found expedient for the Purposes herein-after mentioned, with a clear Bottom of Six Feet at the least, on the same Level with the Bottom of the said *Vernatts Drain*, and shall also make a Culvert under the said *Vernatts Drain* of not less than Three Feet Diameter, the Cess between the last-mentioned Drain, and the respective Banks thereof, to be not less than Six Feet, the Batter of such Banks, and the precise Situation and Depth of such Culvert and Sluice, to be respectively ascertained and determined upon by the said General Commissioners, to the Intent the same Drain and Culvert may be so situate, and formed of such Width, Strength, Depth, and Capacity, as to drain so much of the Lands in the said Parishes of *Spalding* and *Pinchbeck*, lying between the *Westload Drain* and the River *Glen*, as are so situated as to discharge their Waters through the said *Blue Goat Drain* and Sluice into the said River; and shall also rebuild all such Bridges as shall be removed by enlarging the said *Blue Goat Drain*, as the same Commissioners shall deem necessary.

Power for Proprietors of Lands in Spalding, &c. to erect Mills for discharging the Waters from such Lands into Vernatts Drain.

LXVIII. Provided always, That it shall and may be lawful to and for the Proprietors of Lands in *Spalding* and *Pinchbeck*, lying between the said *Vernatts* and *Westload Drains*, and the West of the Two Plank Bridge, at their own Costs and Charges to make and erect any Mill or Mills, Engine or Engines, for discharging the Waters from such Lands only into the said *Vernatts Drain*, at the same perpendicular Height as is herein provided with respect to the other Mills herein authorized to be made and erected under the Authority of this Act, so that such Proprietors, or any of them, do not wilfully permit or suffer any other Lands than those last above described to be drained by means of such Mills or Engines.

Adventurers to deepen, &c. Parts of the River Welland.

LXIX. And be it further enacted, That the said Adventurers shall also well and sufficiently scour out and deepen the Bed of the said River *Welland* from *Spalding Locks* upwards, and apply the Earth taken out of the same in strengthening the North Bank of the said River, and shall also remove or cause to be removed the Buildings and Wharf belonging to *Francis Goodwin* Boatwright, and straighten the said River *Welland* in the Place where the same are now standing, making such Compensation to the said *Francis Goodwin* for the Value of such Buildings, as the said General Commissioners shall order and direct; provided that nothing herein contained shall be construed to give the said Adventurers any Power or Authority to continue the Land Doors or Upstream Doors of the Staunch across the said River *Welland*, at or near *Spalding Locks*, to the Prejudice of the Lands lying above the same, or to vary, alter, add to, or diminish the Powers now vested in the said Adventurers, relating to the said Doors.

Penalty on causing Obstructions, &c. in the River Welland.

LXX. And be it further enacted, That if any Person or Persons shall throw or cast any Bricks, Tiles, Dirt, or Rubbish, into any Part of the River *Welland*, or moor any Boat, Barge, or other Vessel, in the Current of the Waters passing through the Town of *Spalding* by the same River in Times of Flood, or shall leave any Waggon, Cart, or other Carriage, or any Horse, Mare, Gelding, Ass, or Mule, tied or fastened for the Space of Half an Hour at any One Time, or shall shew any Stallion, or hold up or expose for Sale any Horse, Beast, or other Quadruped, on the Banks or Roads, or either of them, on the Side of the said River extending from *Spalding High Bridge* to the said Locks, called *Spalding Locks*, he, she, or they so offending shall, on Conviction before any One of His Majesty's Justices of the Peace for the said Parts of *Holland*, on the Evidence of One or more credible Witness or Witnesses, forfeit and pay the Sum of Thirty Shillings for every Boat, Barge, or other Vessel so moored, and Five Shillings for every such Waggon, Cart, or other Carriage, or Horse, Mare, Gelding, Ass, or Mule so tied or fastened, and for every Stallion shewn, or Horse, Beast, or other Quadruped so held up or exposed for Sale, and the Sum of Twenty Shillings for every such other Offence so committed; and the said Justices for the said Parts of *Holland*, or any of them, are and is hereby required to take Cognizance of such several Offences, and to proceed to Conviction accordingly, and on Non-payment of such Penalty, to commit the Offender to the House of Correction for the said Parts of *Holland*, for any Term not exceeding Two Months, unless such Penalty shall be sooner paid.

LXXI. Provided also, and it is hereby further enacted, That when and so soon as the said *Vernatts Drain* and *Blue Goat Drain* and *Sluice*, and the Drain extending from the said *Blue Goat Drain* to *Dozens Bank*, and also the said Branch from the said *Blue Goat Drain*, and the said Culvert under and several Bridges over the said Drains shall be respectively formed, erected, and completed, to the Satisfaction of the said *Welland Commissioners* for the Time being, and certified in such and the like Manner as the Satisfaction of the same Commissioners, respecting the Execution of the Works thereby directed to be done by the said Adventurers, is required to be certified under and by virtue of the said Act of the Thirty-fourth Year of His present Majesty, then and from thenceforth the said several Drains and Banks, except the said *Vernatts Drain*, and the Banks thereof, Culvert, Sluice, and Bridges, shall for ever thereafter be repaired, supported, and maintained by the several Dike Reeves for the Time being of the said Parishes of *Spalding* and *Pinchbeck*, in such and the like Manner, and by such Ways and Means as the several other Works of Drainage in the said respective Parishes, under the Management of the said Dike Reeves, are respectively repaired, supported, and maintained; and the Power vested in the Commissioners of Sewers by the said recited Act of the Fourteenth Year of His present Majesty's Reign, or by any other Act or Acts whatsoever, to shut down the Sluice Doors at *Pode Hole* for Twenty-eight Days in any one Year, to be reckoned from the First Day of *January* in one Year to the First Day of *January* in the succeeding Year, and also the Right of draining the said Land in *Spalding* and *Pinchbeck* into the said *Vernatts Drain*, by Means of the Tunnels now lying in or through either of the Banks thereof, or by any other Means whatsoever, shall from thenceforth cease and determine; and it shall not be lawful for the said Commissioners of Sewers, or any Person or Persons authorized by them, at any Time thereafter to stop the said Sluice and Doors set down at *Pode Hole* as aforesaid, except as herein-after mentioned; and that all Power, Jurisdiction, and Authority of the Court of Sewers, as well over the said *Vernatts Drain* and the Banks thereof (except such Power as is herein specially reserved) as over the said Sluice called *Pode Hole Sluice*, shall cease and be for ever extinguished; and the said *Vernatts Drain* so enlarged, deepened, and scoured out, together with the Banks thereof, and also the said *Pode Hole Sluice*, shall vest in the said Adventurers of *Deeping Fen*, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding, in as full and ample a Manner, to all Intents and Purposes, as such Drain and Sluice would have vested in the said Adventurers by and under the Authority of the said recited Act of the Thirty-fourth Year of His present Majesty, upon the Completion of the said *Vernatts Drain*, and the several other Works of Drainage by the said Act provided to be done between the said *Vernatts Drain* and the Outfall at *Wyberton Roads*, to such Satisfaction as aforesaid.

Regulation as to maintaining Drains, &c. after certain Works of Drainage are completed.

LXXII. Provided always, and it is hereby further enacted, That it shall not be lawful for the said Adventurers to take away the said *Pode Hole Sluice*; and in case any Breach or Goole in the Bank, either of the said River *Welland* or *Glen*, shall happen, it shall be lawful for the said Commissioners of Sewers, and they are hereby authorized and required to shut down the Doors of the said *Pode Hole Sluice*, and keep the same shut down until the said Breach or Goole shall be stopped and made secure

Adventurers not to take away *Pode Hole Sluice*.

secure to the Satisfaction of the said General Commissioners: Provided nevertheless, that as soon as the said River *Welland*, from *Spalding Locks* upwards, shall have been scoured and deepened as herein directed, and the said Buildings taken down and removed to the Satisfaction of the said *Welland* Commissioners, and certified by them as aforesaid, the Power so reserved to the said Commissioners of Sewers of shutting down the Doors of the said *Pode Hole Sluice*, in case of such Breach as aforesaid, shall be and the same is hereby annulled and made void; any thing herein contained to the contrary thereof in anywise notwithstanding.

Power for
Dike Reeves,
&c. to repair
Breaches in
the Banks of
Vernatts
Drain.

LXXIII. Provided also, and it is hereby further enacted, That notwithstanding the Abolition of the Power of the Commissioners of Sewers over the said *Vernatts Drain* and *Pode Hole Sluice*, upon the Completion of the said Works, and such Notice thereof as herein directed, if any Goole or Gooles, Breach or Breaches, Overflowing or Overflowings of Water, shall, after the said Drain and Sluice shall so vest in the said Adventurers, or at any other Time previous thereto, happen to be in, over, or through either of the Banks of the said *Vernatts Drain*, to the Annoyance of any of the Lands in the said Parishes of *Spalding* and *Pinchbeck*, or either of them, it shall and may be lawful to and for the Dike Reeves or Surveyors of Sewers for the Time being, of either of the said Parishes where the said Goole or Gooles, Breach or Breaches, Overflowing or Overflowings of Water shall happen, forthwith to take and repair the same, and to levy and recover the Costs and Charges thereof in such and the like Manner as the said Dike Reeves or Surveyors, or any of them, are now entitled to levy and recover the Costs and Charges of repairing any Goole, Breach, or Overflowing, in, through, or over either the said *Dozens Bank*, or the Bank called *Hawthorn Bank*, under or by virtue of the said recited Act of the Sixteenth and Seventeenth Year of His said Majesty King *Charles* the Second, or of any other Act whatsoever; and if such Goole, Breach, or Overflowing cannot be effectually taken and amended by reason of the Height of the Water in the said *Vernatts Drain*, it shall in such Case, but on no other Account whatsoever, be lawful for the said Dike Reeves or Surveyors to make a complete Dam across the said *Vernatts Drain*, as near as may be to the Place where such Breach, Goole, or Overflowing shall happen, the better to enable them to take and repair, or prevent the same respectively, doing as little Damage, and removing such Dam as soon afterwards as may be; but the said Adventurers, their Heirs or Assigns, shall not be liable to answer for or make good any Damage or Loss that shall or may happen in or to the Lands or Grounds of any Person or Persons whomsoever, upon account of any Goole, Breach or Overflowing, except as to the Costs and Charges of taking such Breach or Goole, or preventing such Overflowing in Manner aforesaid, and making and afterwards removing such Dams, and making Satisfaction for the Lands to be taken or cut for that Purpose: Provided always, that it shall be lawful for the said Adventurers to use the Foreland on the North Side of the said *Vernatts Drain*, as a haling Way for the Purpose only of using a Spade Machine through the same, and also to erect, support, and maintain proper Gates and Stiles across the said Foreland; and that if any Person or Persons shall plow, dig, or make any Grip through either of the Banks of the said *Vernatts Drain*, or the Forelands thereof,

thereof, or shall intermeddle with the said Banks, or either of them, except for the Purposes herein provided for, he, she, or they shall, on Conviction before any Justice of the Peace for the said Parts of *Holland*, forfeit for every such Offence not less than Ten Shillings or more than Twenty Shillings, at the Discretion of such Justice, the same to be recovered in like Manner as other Penalties incurred under this Act are herein directed to be recovered.

LXXIV. Provided, and it is hereby enacted, That the Grass and Herbage of the Banks and Forelands of the said *Vernatts Drain*, and of the several other Drains herein directed to be enlarged or made by the said Adventurers, through the inclosed Lands and Grounds in the said Parishes of *Spalding* and *Pinchbeck*, shall belong to and remain the Property of the respective Persons whose Lands adjoin upon the said Banks, for the Space such Lands adjoin thereon respectively.

LXXV. And be it further enacted, That if at any Time the Waters from such of the Lands in the Parishes of *Spalding* and *Pinchbeck*, lying between the *Westload Drain* and the *River Glen*, as are intended to drain through and by the said *Blue Goat Drain*, shall, by reason of the Height of the Water in the said *Vernatts Drain*, or at the Outfall thereof, be prevented or impeded in running from the said Lands into the said *Blue Goat Drain*, or from being discharged into the said *River Glen*, it shall be lawful for the Owners and Proprietors of the said Lands, or the major Part of them in Value, by Writing under their Hands, or the Hands of their known Agents, at a Meeting to be held in the Parish Church of *Pinchbeck* on the *Wednesday* Three Weeks next after Notice shall be given upon One of the Doors of the said Parish Church, under the Hands of Seven or more Owners or Proprietors of Two hundred Acres of Land in the Whole, of holding such Meeting, to erect and build One or more Mill or Engine, Mills or Engines, for discharging the said Waters into the said *River Glen*, and to cut and make such Drain or Drains through the said Lands and Grounds as they shall think necessary or requisite for the free Passage of the Water to such Mill or Engine, Mills or Engines; and the Charges and Expences of making and executing the several Works of Drainage herein last authorized, and of using and supporting the same, shall, from Time to Time for ever thereafter, be borne, paid, and defrayed by an equal annual Acre Rate or Tax, to be charged upon the Owners and Proprietors of the Lands and Grounds in *Spalding* and *Pinchbeck* aforesaid, lying between the said *Westload Drain* and *River Glen*, and draining by the said *Blue Goat Drain*, and be recovered and received by such Officer or Officers, and by such Ways and Means, under the Authority of the said Court of Sewers, as the Dike Reeve Rates in respect of such Lands shall from Time to Time be raised and levied; and that by and out of the Monies so to be recovered and received, all such Damages as shall be sustained by the Owners or Occupiers of Lands used in forming such Works of Drainage (in case the Parties interested cannot agree upon the Compensation to be made for the same), shall be assessed by a Jury, to be impannelled and sworn in like Manner as is herein provided for respecting Damages to be incurred in the Execution of this Act.

General Commissioners may purchase Lands.

Bodies Politic may contract for the Sale of the Lands.

Persons refusing or neglecting to treat ;

Commissioners may issue their Warrants to the Sheriff to summon a Jury.

LXXVI. And be it further enacted, That the said General Commissioners shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which the said General Commissioners shall judge necessary to be cut, dug, taken down, or otherwise made use of for the Purposes of this Act, for the Purchase of such Lands, Tenements, or Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damage they may sustain, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees 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, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seised of or interested in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised of or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said General Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said General Commissioners for any Recompence or Compensation to be made for the Damage which may be done to any such Lands, Tenements, and Hereditaments by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, or Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said General Commissioners, or by reason of Absence shall be prevented from treating, then and in every such Case the said General Commissioners are hereby empowered 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 should be immediately interested in such Matter, then to One of the Coroners of the said 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 resident within the County of *Lincoln*, and qualified according to the Laws of this Realm to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in

such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve may 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 that 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 Challenge against any of the said Jurymen; and the said General Commissioners are hereby empowered, by Warrant or Warrants under their Hands and Seals, from Time to Time as Occasion may 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 may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy, and such Jury upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said General Commissioners or any One of them, is and are hereby empowered to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for any Losses or Damages that shall or may be sustained as aforesaid, and to settle and ascertain in what Proportion the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises; and the said General Commissioners shall give Judgment for such Purchase Monies or Recompence so as aforesaid to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced by the said General Commissioners, shall be final and conclusive to all Intents and Purposes, against all Parties, Bodies Politic, Corporate, and Collegiate, and all Persons whomsoever.

Jurors may be challenged.

Verdict of Jury, etc. to be final.

LXXVII. Provided always, and be it further enacted, That if any such Sheriff or his Deputy, or the said Coroner, shall make Default in the Premises, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds; and if any Person so summoned as aforesaid on such Jury shall not appear, or appearing refuse to be sworn, or being sworn refuse to give his Verdict, or in any other Manner wilfully attempt to avoid or neglect his Duty, contrary to the true Intent and Meaning of this Act, and if any Person so summoned to give Evidence shall not appear, or appearing refuse to be sworn or examined or to give Evidence, or being of the People called *Quakers* shall refuse to affirm or to be examined to give Evidence, every Person so offending respectively, having no reasonable Excuse to be allowed by the said General Commissioners, shall for every such Offence forfeit and pay such Sum as the said General Commissioners shall appoint, not exceeding the Sum of Five Pounds for every such Offence.

Penalty on Sheriff's Neglect.

LXXVIII. 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 Behalf of the said General Commissioners, before the summoning of any such Jury for or in respect of any of the Matters aforesaid, that then all the Expences of such Jury and the Witnesses attending in consequence thereof, and of taking such Inquisition, shall be paid by the said General Commissioners out of the Monies to arise

Expences of the Jury and Witnesses, by whom to be borne.

arise 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 General Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, or Hereditaments and Premises, upon or in respect of which such Jury shall have been summoned.

sd.
Verdicts to be recorded.

LXXIX. And be it further enacted, That all Agreements, Contracts, Sales, and Conveyances, and all Determinations of the said General Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, being first signed by such of the said General Commissioners as shall be present at the making such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to and kept by the Clerk of the Peace amongst the Records of the Quarter Sessions of the Peace for either of the said Parts of *Kesteven* or *Holland* aforesaid, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same or true Copies thereof respectively, attested by such Clerk of the Peace or his Deputy, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take Copies thereof, paying for every Copy not exceeding Seventy-two Words the Sum of Two-pence, and so in Proportion for any Number of Words; and immediately on such Payment, and Entry of such Agreements, Contracts, Sales, and Conveyances, Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, all the Estate, Right, Title, Inheritance, Use, Trust, Property, Possession, Benefit, Claim, and Demand whatsoever, both at Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in and to or out of the said Messuages, Lands, Tenements, and Hereditaments, shall vest in the said General Commissioners and Trustees herein-after provided to be chosen respectively for the Time being, who shall be deemed in Law to be in the actual Seisin or Possession thereof respectively, to all Intents and Purposes whatsoever, as fully and effectually as if all and every such Person and Persons having any Estate in the Premises had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seisin, Fine, Recovery, or any other legal Mode of Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand whatsoever, of the Person or Persons to whose Use such Payments shall be made, but also extend to, and be deemed and construed to bar the Dower or Dowery of the Wife and Wives of such Person and Persons, and his, her, and their Issue, and all Estates Tail in Reversion or Remainder, and all and every other Person and Persons whomsoever, as fully and effectually as a Fine and Recovery, or either of them, would do, if levied or suffered by all the proper Parties in due Form of Law.

Payment for Land cut and covered by Works of the Adventurers.

LXXX. And be it further enacted, That all the Lands and Grounds which shall be cut through and covered by such Works of Drainage herein provided to be made, by and at the Expence of the said Adventurers, within the old inclosed Lands in the several Parishes of *Spalding* and *Pinchbeck*, shall be paid for by the said Adventurers, their Heirs and

and Assigns; and the Value of such Lands and Grounds shall be ascertained and recovered in like Manner as the Value of other old inclosed Lands and Grounds within any of the said Parishes, which have been cut through and covered by Works done by the said Adventurers, are provided to be ascertained and recovered by any of the said Acts relating to the Drainage of *Deeping Fen*.

LXXXI. Provided, and it is hereby enacted, That if after the Expiration of Two Years next after the said General Works of Drainage herein provided for are made and completed, it shall appear to the said General Commissioners that the several Mills and Engines that have been erected by the said Adventurers for the Purpose of Drainage, and are now standing, or any of them, and which are the Property of the said Adventurers, shall be found useful for the Purpose of throwing Water to such increased Height as is herein provided for, the same shall be used for that Purpose accordingly; and the said General Commissioners shall and they are hereby required, out of the Monies to be raised under the Authority of this Act, for the general Purpose of Drainage, to pay and allow unto the said Adventurers so much and such Sum and Sums of Money as the said Mills and Engines, or such of them as shall be so used for the Purpose of Drainage as aforesaid, shall, in the Judgment of Two disinterested Persons to be indifferently named by the said General Commissioners and Adventurers respectively, be valued at, fixed, and determined; and in case of their Disagreement therein, as shall be fixed and determined by a Third Person, to be named by the said Two Referees, whose Determination shall be final; and the Amount of such Valuation shall be paid within Six Months next after the same shall be so ascertained; but in case it shall appear to the said General Commissioners, at the Expiration of the Time aforesaid, that the said Mills or Engines are not useful or necessary for the Purpose of Drainage, (and in such Case they are hereby required to signify the same in Writing under their Hands, to be delivered to the said Adventurers, or their Treasurer for the Time being), it shall be lawful for the said Adventurers, at any Time or Times that they shall think proper, to take down and remove the same, or such of them as shall not be used for the Purpose of Drainage as aforesaid, and convert the Materials thereof to and for their own Use and Benefit; any thing herein contained to the contrary in anywise notwithstanding.

LXXXII. And be it further enacted by the Authority aforesaid, That the General Commissioners herein appointed shall, and they are hereby required, as soon as conveniently may be after the passing of this Act, to cause the several general Works of Drainage to be made, erected, done, and executed as follows; (that is to say), One Main Drain or Cut commencing at the said *Pode Hole*, and extending from thence to a Drain called *The Rampart Drain*, of the Depth of not less than Five Feet and Six Inches, and of the Width of not less than Twenty-four Feet at the Bottom, and proceeding along the Course of the said *Rampart Drain*, and enlarging the same Drain to such Depth and Width as aforesaid, so as to become a Part of the same Main Drain or Cut, and from thence extending the said Main Drain of the same Depth and Width, in as direct a Course as may be, to the East End of a certain Part of the said Commons called *The South Drove*, and from the said East End along the Middle

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of

of the same Drove to the West End thereof, and from thence still further Westwardly, until the same Main Drain or Cut shall communicate with the Cross Drain or Cut herein directed to be made upon such of the said Commons as are herein declared to be within the said Parts of *Kesteven*; and that the said General Commissioners shall also make a Branch from the said Main Drain or Cut, to communicate with the said *Crowland Common*, as near as may be at the Middle of the North Boundary thereof, and such Main Drain from the East End of the said *South Drove* to its Junction with the said Cross Drain, and also the said Branch thereof, shall be of such Dimensions as the said General Commissioners shall find necessary for the Purpose of affording Earth with which to make sufficient Banks to contain the Waters therein; also One other Main Drain or Cut, commencing at the said *Pode Hole*, and extending from thence along the Course of the Drain, called *The Eighteen Feet Drain*, to the East End of a certain Part of the said Commons called *The North Drove*, and enlarging the same Eighteen Feet Drain to the Depth of not less than Five Feet and Six Inches, and the Width of not less than Twenty-four Feet at the Bottom, and extending the same Main Cut or Drain from the East End of the said *North Drove*, along the Middle thereof, as near as may be, to the West End of the same Drove, and from thence still further Westwardly, until the same Main Drain or Cut shall communicate with the said Cross Drain or Cut so directed to be made upon such of the said Commons as are declared to be within the said Parts of *Kesteven*, which said Main Drain or Cut last described, so far as the same extends Westwardly from the said *Eighteen Feet Drain*, shall in like Manner be of such Dimensions as the said General Commissioners shall find necessary for affording Earth with which to make sufficient Banks to contain the Waters therein; also One other new Drain or Cut across the several Commons herein declared to be within the said Parts of *Kesteven*, commencing at or near the said North Bank of the River *Welland*, and extending from thence to or near the South Bank of the Counter Drain after mentioned, such new Drain or Cut to communicate with the Two last described Main Drains or Cuts, and to be of the Width of not less than Eighteen Feet at the Bottom, and of the Depth of not less than Five Feet; and the said General Commissioners shall also cleanse and enlarge the Drain, called *The Counter Drain*, extending from *Pode Hole* to the Tunnel, discharging the Waters of *Thurlby Fen Pastures*, under the said River *Glen*, of such Dimensions as they shall find necessary for affording Earth sufficient with which to embank both Sides of the said Counter Drain, and shall also cleanse and scour the Drain, called *Hills Drain*, of such sufficient Width and Depth as the said General Commissioners shall deem requisite, for the Use of the said Owners of inclosed Lands in *Deeping Fen*, and of the Allotments to be set out from the said Commons as a Main Drain for the Purposes of this Act, and the Slopes of all the said Drains shall not be less than Eighteen Inches in each Foot of perpendicular Height, and all the Earth taken therefrom shall be formed into regular Embankments, with Forelands of not less than Ten Feet on each Side of the said Drains; and the said General Commissioners shall erect and build all such Bridges over the said several Drains as to them shall seem fit and expedient, and of such Dimensions as to admit of the free Passage of Boats under the same, provided that no Horses or other Quadrupeds shall be used in haling the said Boats; and shall also erect proper Bridges and Tunnels across the several Mill Drains, discharging

ing Water into the Main Drains in the *North* and *South Drowes*, with proper Doors to the said Tunnels; and shall also cause a certain Drain called *King Street Dike*, so far as the said Drain extends by the Side of the Parish of *Greatford*, to be deepened Two Feet on an Average, and from the South End of the said Parish of *Greatford* to the South End of the Hamlet of *Stow*, shall cause the said *King Street Dike* to be made of the same Depth and Dimensions with the other Part thereof, when so deepened as aforesaid, and the Earth formed into a Bank where necessary, on the East Side of the same Drain.

LXXXIII. And be it further enacted, That the said General Commissioners shall also make a Catchwater Drain, at or near the Western Boundary of the said Commons, in such Direction as may best avoid Injury to the Lands lying between the same and *King Street Dike*, and of such Dimensions as the said General Commissioners shall think necessary.

A Catchwater
Drain.

LXXXIV. And be it further enacted, That the several Drains, Bridges, Tunnels, and other Works of Drainage last herein described, and directed to be made and executed by the said General Commissioners, shall be made by and at the Expence of the said Owners and Proprietors of taxable and free Lands in *Deeping Fen*, and the said several Owners and Proprietors of Messuages, Houses, or Toftsteads, Lands and Hereditaments, interested in such of the said Commons, including the said *Crowland Common*, as lie between the Banks of the Rivers *Welland* and *Glen*, in such Shares and Proportions as the respective inclosed Lands and the same Commons bear in Quantity to each other; and that the Part or Share of such Charges and Expences as is herein directed to be borne and defrayed by the Owners and Proprietors of taxable and inclosed free Lands in *Deeping Fen*, together with the Value of the said One hundred and twenty Feet of Land in Breadth, next adjoining to the several Banks of the said Rivers *Welland* and *Glen*, and of the Herbage of the said Banks, to be ascertained as herein directed, shall be raised and paid by an equal Acre Rate or Tax upon all such inclosed taxable and inclosed free Lands so lying between the Banks of the said Two Rivers respectively chargeable therewith, and be recovered by the said General Commissioners, by entering upon the Lands and Grounds respectively charged therewith, and receiving the Rents and Profits of such Lands and Grounds, until the Share and Proportion of the said Charges and Expences payable in respect thereof, together with such Value as aforesaid of the said One hundred and twenty Feet in Breadth against the said Banks, and of the Herbage of the said Banks, and the Costs and Charges of such Entry, shall be fully paid and satisfied; or otherwise the said General Commissioners shall and may borrow the same on Mortgage, pursuant to the Power herein-after contained for that Purpose; and that the Part or Share of such Charges and Expences so directed to be borne and defrayed by the Owners and Proprietors of Messuages, Houses, or Toftsteads, Lands and Hereditaments, so interested in the said Commons, including the said *Crowland Common*, shall be paid and discharged by and out of the Monies to be raised by Sale of Lands herein authorized to be made for the Purposes herein expressed.

Bridges over
Main Drains,
&c. to be paid
for at a joint
Expence.

LXXXV. And be it further enacted, That the said General Commissioners shall cause a Post or Stone to be affixed as near as may be to the

Posts or
Stones to be
affixed, with

Marks denoting certain Regulations.

the present Sluice at *Pode Hole*, and the same to be marked in a permanent Manner, at the Height of Seven Feet Eight Inches perpendicular above the Level of the Floor of the said Sluice, and shall also cause One other Post or Stone to be affixed at the End of every Mile in Length, extending Westward from the said *Pode Hole* Sluice by the Side of the said several Main Drains herein directed to be made from the said Sluice, through the said Commons and through the said *North Drove* and *South Drove* respectively, until the same Main Drains join the Cross Drain herein provided for, and each of the said Posts or Stones shall be marked in a permanent Manner, so as to denote the before-mentioned perpendicular Height; and another Mark shall be made in like Manner on each of the said Posts and Stones, so as to denote the exact Height of One Inch for each Mile in extent Westwardly, above the original Mark at or near *Pode Hole* aforesaid; and it shall not be lawful for the Owners or Proprietors of taxable or free Lands situate within *Deeping* inclosed Fen aforesaid, or of Lands to be allotted by virtue of this Act, or of any other Act for draining, dividing, and inclosing the said Common called *Crowland Common*, or for any other Person or Persons whomsoever, to continue any Mill, Engine, or other Device already erected, or to erect or cause to be erected any Mill, Engine, or other Device, without constructing the Water Wheels with the Wallowers thereof, of such Dimensions and Height as in the Opinion of the said General Commissioners and Trustees respectively, will prevent the raising and discharging Water into any of the said Main Drains, above the Heights of the several and respective Marks of One Inch for every Mile so to be made on such of the said several and respective Posts or Stones as shall be situate nearest thereto, and to the Eastward respectively of the several Mill Drains communicating or to communicate with the said several Main Drains; and in case any Mill, Engine, or other Device shall be continued or erected so as to raise or discharge Water into any of the said Main Drains above the perpendicular Height of One Inch in a Mile in extent, so directed to be marked on the said Posts or Stones respectively, it shall be lawful for the said General Commissioners at any Time before the Execution of the Award herein directed, and after the Execution thereof, for the Trustees for the Time being in whom the internal Works of Drainage in the said Commons are hereby vested, upon due Proof of the Fact, to the Satisfaction of such Commissioners and Trustees respectively, to order the same to be absolutely taken down and removed by any Person or Persons whomsoever; any thing herein contained to the contrary thereof in anywise notwithstanding.

Power to erect Engines to throw to a greater Height if necessary.

LXXXVI. Provided, and be it further enacted, That if the said general Works of Drainage shall be found insufficient or inadequate to drain the Lands and Grounds intended to be drained thereby, without the Aid of Engines or Mills to raise the Water to a greater Height than herein-before provided for, the said General Commissioners or Trustees for executing the said General Works of Drainage shall and may erect, build, and use such Engine or Engines at or near the Situation of the present Engines discharging the Waters from *Hills Drain* into the *Welland*, as in their Judgment shall be requisite or necessary for the Purpose of raising the Waters to such greater Height as may be expedient for better effecting such Drainage; and that all such Engines or Mills so to be erected as last aforesaid, shall be taken and considered as Part of the

the said General Works of Drainage, and be paid for, and afterwards from Time to Time repaired, supported, and maintained at such joint Expence as aforesaid.

LXXXVII. And it is hereby enacted, That the several Main Drains, Engines, Bridges, and other Works of Drainage directed to be done at such joint Expence as aforesaid, except the Herbage of the Banks and Forelands of the said Main Drains, shall for ever after the making thereof be and remain vested in the Trustees for preserving such General Works of Drainage, but without Prejudice to the Right of the said Adventurers to the said *Hill's* Drains and the Mills thereon.

LXXXVIII. And be it further enacted, That the Residue of the said *North* and *South Drovers*, after the Drains through the same, with the Banks and Forelands of such Drains, shall have been set out as herein directed, and also the said One hundred and twenty Feet of Land in Breadth against the North Bank of the River *Welland*, and the South Bank of the River *Glen*, for the Space the said Banks respectively adjoin the said Commons, together with the Herbage of the said Banks, shall be valued by the said General Commissioners in Conjunction with a like Number of Persons, not interested in the Premises, to be named by and on the Part of the said Adventurers and Owners of free Lands in *Deeping* inclosed Fen, in such and the like Manner as Trustees for preserving the General Works of Drainage are herein-after directed to be appointed; and in case the said Commissioners, and the Persons so to be appointed by the said Adventurers and Owners of free Lands, shall not agree in Opinion respecting the Value of the said Drovers and Lands, and Herbage of the said Banks, the same shall be valued by an Umpire to be named by the said General Commissioners, and the Persons so appointed by the said Adventurers and Owners of Free Lands, and the Money at which such Parts of the said Residue of the *North* and *South Drovers*, and of the said One hundred and twenty Feet in Breadth, and Herbage of the said Banks shall be so valued as aforesaid, shall, as soon as may be after the said Main Drains through the same Drovers are completed, be paid into the Hands of the said *Welland* Commissioners, and on Payment for such One hundred and twenty Feet of Land in Breadth next the said Rivers, and for the Herbage of the said Banks, the said Land and Herbage shall vest, and the same are hereby declared to be vested in the said Adventurers, their Heirs and Assigns, with Power to let or set the same, to be grazed only with Sheep, under such Penalty as by them shall from Time to Time be deemed expedient; and the said General Commissioners shall, and they are hereby required to convey such Frontage Land by Lease and Release to such several Owners and Proprietors, and the Lands so to be conveyed shall be held and enjoyed by such and the same Tenure, in such and the same Manner, and under, upon, and subject to such and the same Uses, Trusts, Charges, and Incumbrances, except the Tax called *The Adventurer's Tax*, as the inclosed Lands respectively belonging to such Owners and Proprietors abutting on the said Land so to be conveyed as aforesaid, are subject and liable to; and it shall be lawful for the said Owners and Proprietors who shall respectively pay the Amount of the Valuation of the Lands so to be conveyed as aforesaid, to charge and subject the same Lands, and also

so much of the inclosed Lands of such respective Owners and Proprietors abutting on the same respectively, not exceeding in Quantity the Land so fronting thereon as aforesaid, by Grant, Mortgage, Lease, or Demise, with such Sum or Sums of Money as the said Owners and Proprietors shall respectively pay as aforesaid, and it shall likewise be lawful for the said Adventurers and Owners of inclosed Free Lands, by Grant, Mortgage, Lease, or Demise, to charge and subject all the said inclosed Lands with and to the Payment of such Sum or Sums of Money as they shall respectively be required to pay as and for their respective Shares and Proportions of the Charges and Expences of such Works of Drainage as are herein directed to be made at such joint Expence as aforesaid, together with Interest for the same from the Time of the Payment thereof, which Sum or Sums of Money so to be charged as aforesaid shall be payable within One Year next after the Decease of every such Mortgagor respectively, with the Interest thereof, to be computed from his, her, or their respective Decease, to such Person or Persons as such respective Mortgagor shall respectively, by any Deed or Will duly executed and attested, direct and appoint, and in Default of such Direction or Appointment, to his, her, or their Executors or Administrators respectively; and every such Grant, Mortgage, Lease, or Demise, and also every such Charge by Deed or Will, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding any Want of Title, Settlement, Will, Use, Trust, Remainder, Mortgage, or other Incumbrances, of or upon the said Lands and Hereditaments, Rights, and Estates, or any Part thereof, then in being or capable of taking Effect to the contrary; and in case any of the said Owners or Proprietors shall neglect or refuse to pay the Money at which such Part of the Lands called *The South Drove* and *North Drove*, abutting on their said respective inclosed Lands, shall be so valued, within the Space of Six Calendar Months next after such Valuation (and Notice thereof in Writing under the Hands of the said General Commissioners given to such respective Owners or Proprietors, or their known Agents), or shall neglect or refuse to pay for their respective Shares and Proportions of the said several Works of Drainage required to be done and executed at such joint Expence as aforesaid, for the Space of Three Calendar Months after Payment thereof shall be required by the said General Commissioners, it shall be lawful for the said General Commissioners, at any Time or Times after such Neglect or Refusal, to charge such respective Lands, or any of them, or any Part or Parts thereof, and also the inclosed Lands abutting on the same respectively, not exceeding in Quantity such Frontage Lands, with the Amount of the Sum or Sums at which the said *North* and *South Drovers*, or any Part or Parts thereof, shall be so valued as aforesaid, and likewise to charge all the said inclosed Lands of each such Owner or Proprietor so neglecting or refusing to pay his or her Share and Proportion of such joint Expence as aforesaid, with their respective Shares and Proportions of the said Charges and Expences, with lawful Interest for the same respectively; and for the Purpose of raising such Sum or Sums of Money, and for the better securing the Payment thereof, with Interest, by Writing under their Hands and Seals to convey, in the Way of Mortgage, for Term of Years or otherwise, such respective Lands, or any Part or Parts thereof, to the Person or Persons who shall lend or advance

Power for
General Com-
missioners to
mortgage
Lands if Pur-
chase Money
not paid.

vance such Sum or Sums of Money as aforesaid, or as he, she, or they, or his, her, or their Executors or Administrators, shall respectively appoint; and every such Conveyance by way of Mortgage for Term of Years or otherwise, as shall be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended; so as every such Conveyance by way of Mortgage or otherwise, 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.

LXXXIX. And be it further enacted, That all and every Person and Persons to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act, or who shall be entitled to the Money thereby secured, may from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, and their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, and the Principal Monies and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest in and to the same, unto any Person or Persons whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients at Law or in Equity, for recovering or obtaining the Possession of the Premises so to be mortgaged, demised, and assigned, in case of Non-payment of the Principal Monies to be thereby secured, or any Part thereof, as is or are used, taken, or pursued in Cases of the like Nature.

Such Mortgages may be assigned.

XC. And be it further enacted, That the said General Commissioners shall and they are hereby authorized and required well and sufficiently to enlarge, deepen, and scour out the said River *Glen*, straiten the Course thereof where necessary, and enlarge and strengthen the Banks of the said River, from the said Place called *The Reservoir* to a certain Place called *Kate's Bridge*, of such Dimensions and in such Manner as in the Judgement of the said General Commissioners shall be requisite and necessary for the Protection of the Lands lying on each Side thereof, and to admit the Passage of the Waters along the said River in Times of Flood with such Facility as the present Main Bridges across the said River, and the Sluice at the Outfall thereof, will admit of their being discharged through the same respectively; and shall also make or cause to be made so much of the Banks of the River *Welland* as adjoin to any Part of the Lands and Grounds in the several Parishes and Places of *Tallington, West Deeping, Market Deeping, and James Deeping*, or any of them, and also of any other Stream or Streams of Water running through the same Parishes or Places respectively, or through the Parish of *Thurlby*, of such sufficient Height and Strength as they shall think necessary to prevent any such Waters from breaking or overflowing the said Banks, or any of them, and for that Purpose to take Earth out of the Bed of the said River *Welland*, or other Streams, or from the Lands adjoining thereto respectively (making Satisfaction for the same), and to remove the said Banks, or any of them,

General Commissioners to enlarge and deepen the Rivers *Glen* and *Welland*, &c.

them, as they in their Discretion shall think necessary; and that the Costs, Charges, and Expences of executing all the said Works shall be paid and borne by the several Persons and Parties, Bodies Politick and Corporate, now respectively liable to the Repairs of such Banks, in Conjunction with the Owners and Proprietors interested in the Drainage of the said Commons lying between the said Rivers *Welland* and *Glen*, in such Shares and Proportions as to the said General Commissioners under all Circumstances shall seem just and equitable, and as they shall in and by their Award, or any Writing or Writings under their Hands, previous to the Execution thereof, order or appoint; and such respective Banks (except as hereinafter mentioned) after the said General Commissioners have completed the same, shall be from Time to Time and at all Times thereafter repaired, supported, maintained, and upheld of such sufficient Height and Strength, by such Person or Persons, Bodies Politick and Corporate, and subject to such Regulations, Orders, Directions, and Determinations as the said General Commissioners shall in and by their said Award, or other Writing, order, direct, or appoint; and the Officer or Officers, or other Person or Persons, having the Direction of the Repairs of such Bank or Banks, shall from Time to Time and at all Times for ever have Power, and he and they is and are hereby empowered and required to make Rates upon the several Persons interested in the said *Crowland* and other Commons lying between the said Rivers, and other Persons and Parties, Bodies Politick and Corporate, now liable to the Support and Reparation of the said respective Banks, for the Repair and Preservation thereof, in such Proportions as the said General Commissioners shall in and by such Award or other Writing direct or appoint; and in case any Person or Persons, Bodies Politick or Corporate, chargeable with any Rate or Rates made by the said General Commissioners, or by such Officer or Officers or other Person or Persons as aforesaid, shall neglect or refuse to pay his, her, or their Part or Parts thereof for the Space of Fourteen Days after Demand made thereof, the same shall and may be levied and recovered by such Officer or Officers, or other Person or Persons, by Distress and Sale of the Goods and Chattels, in any Place whatsoever, of the Person or Persons, Bodies Politick and Corporate, so rated or charged as aforesaid, by Warrant under the Hand and Seal of any Justice of the Peace acting for the County, Division, Parts, or Place where such Goods or Chattels may be found (which Warrant any One Justice as aforesaid is hereby duly authorized to grant) and the Overplus of the Money so levied, after such Rate or Rates, and the Charges and Expences of such Distress and Sale are paid and satisfied, shall be returned, upon Demand, to the Owner or Owners of such Goods or Chattels; and in case any Dispute shall arise in respect to the Proportion of the Repairs of the said respective Banks, or by whom, or in what Shares and Proportions the said Charges and Expences ought to be borne and defrayed, it shall be lawful for the said General Commissioners, and they are hereby authorized and required to examine Evidence upon Oath (which Oath any One of the said General Commissioners may administer), and on such Evidence, or by such Enquiry, Ways and Means, as to the said General Commissioners shall be satisfactory, to determine every such Dispute, which Determination shall be final and conclusive to all Parties; and if any Person or Persons shall be lawfully convicted of having wilfully or maliciously broke, thrown down, damaged, plowed, or destroyed the said respective Banks, or any

Part or Parts thereof, or of making or laying down any Tunnel, Inlet, or Outlet in or through the same, such Person or Persons shall be adjudged guilty of Felony, and shall be subject to the like Pains and Penalties as in Cases of Felony, and the Court by or before whom such Person or Persons shall be tried and convicted, shall and may have Power and Authority, either to transport the Offender for the Term of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, or to award such Sentence as the Law directs in Cases of Petit Larceny.

XCI. Provided always, That such Parts of the said Banks of the said River *Glen* as are now supported and maintained by the said *Black Sluice* Commissioners and the Trustees of the *Bourn Eau* Navigation respectively, from and after the said General Commissioners shall have enlarged and strengthened the same as herein-before is directed, shall be repaired, maintained, and supported by and at the Costs and Charges of the said *Black Sluice* Commissioners and the said Trustees of the *Bourn Eau* Navigation, in such Shares and Proportions as they are now severally liable by Law to support the same, and with, under, and subject to the same Powers and Authorities as if this Act had not been made.

Black Sluice Commissioners, and Trustees of Bourn Eau Navigation, to support their Proportions of Glen Banks.

XCII. Provided, and it is hereby enacted, That if at any Time after such Enlargement and Improvement of the said River *Glen*, as herein-before directed, the several Persons and Parties, Bodies Politic and Corporate, who now are or shall be liable to the Repairs of the North Bank of the said River, from the *Reservoir* to *Pinchbeck Bars* or *Dove Hurn*, shall at any Time neglect or refuse to support, maintain, and keep their respective Portions of the said Bank of such Dimensions as shall be directed in and by the Award of the said General Commissioners, or by any Writing previous to the said Award, or shall suffer the same at any Time to be of less Dimensions in any respect, either in Height, Width, or Strength, than the South Bank of the said River being opposite thereto, it shall be lawful for the said *Black Sluice* Commissioners, after Ten Days Notice in Writing to the Officer having the Care of, or to the Person or Persons, Bodies Politic or Corporate, liable to such Repairs, to amend, enlarge, or strengthen such Part or Parts of the said North Bank to the Dimensions expressed in such Award, or other Writing, or to the then Dimensions of the South Bank of the said River, at the Option of the said *Black Sluice* Commissioners, by and at the Costs and Charges of such Person or Persons, Bodies Politic or Corporate, liable as aforesaid, and to recover the Monies expended thereby, by such Ways and Means as the said General Commissioners are herein authorized to levy and recover the Charges and Expences of enlarging the said River *Glen* under the Authority of this Act.

Power for Black Sluice Commissioners to repair North Bank of River Glen, incase certain Persons neglect so to do.

XCIII. Provided always, That if in the enlarging, deepening, and scouring of the said River *Glen*, as herein-before is directed, it shall be found necessary to lower the Tunnel now lying under the same River, by which certain Lands belonging to Sir *Gilbert Heathcote* Baronet, called *Bourn South Fen* Pastures, and *Thurlby Fen* Pastures, are now drained,

[Loc. & Per.]

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Power to lower the Tunnel of Sir Gilbert Heathcote Baronet, lying under the River Glen.

the said General Commissioners shall and they are hereby authorized and empowered to lower the same Tunnel so much as the intended Depth of the same River may require; provided that the said Sir *Gilbert Heathcote*, his Heirs or Assigns, shall not be at any Costs, Charges, or Expences in lowering the same Tunnel; and that when lowered it shall be and continue of the same Materials, and of the same Dimensions and Capacity for discharging the Waters running through the same, as the Tunnel in its present State now is.

Saving the Right of Sir *Gilbert Heathcote* to the Tunnel under the *Glen*.

XCIV. Provided always, and it is hereby further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said General Commissioners, or any other Commissioners or Persons acting under or by virtue of this Act, after the said Tunnel shall have been once lowered as aforesaid, again to take up, alter, or remove the same; and that nothing herein contained shall prejudice, impeach, or defeat the Right of the said Sir *Gilbert Heathcote*, his Heirs or Assigns, to drain and keep drained the said *Bourn South Fen Pastures* and *Thurlby Fen Pastures*, in the same Manner and by the same Methods, Ways, and Means, as the said Lands are now, or can or may be drained; any thing herein contained to the contrary notwithstanding.

XCV. Provided, and it is hereby further enacted, That the said *Black Sluice* Commissioners shall not be rated or assessed in a greater Proportion towards the Costs, Charges, and Expences of executing the several Works relating to the Enlargement of the said River *Glen*, than the Extent of the Bank of the said River now maintained by the said *Black Sluice* Commissioners bears to the Whole Extent of both the Banks of the said River, from the said Reservoir to *Kates Bridge*, due Regard being had to the present State of the respective Portions of the said Banks.

If Adventurers, &c. neglect to appoint Persons to value, then General Commissioners to value.

XCVI. Provided always, That in case the said Adventurers and Owners of Free Lands in *Deeping* inclosed Fen shall neglect or refuse to appoint such Persons as aforesaid, to value the said Lands and Herbage on their Parts, for the Space of Six Months after the passing of this Act, or if the Persons so appointed shall neglect or refuse to proceed in the said Valuation at such Time and Place as the said General Commissioners shall name, and of which they shall give at least One Month's Notice in Writing to the Treasurer to the said Adventurers, or shall leave such Notice at his Dwelling House or usual Place of Abode, it shall be lawful for the said General Commissioners to proceed to and make such Valuation; and either of the said Valuations, so made as aforesaid, shall be final and conclusive.

Directions as to Monies and Taxes payable to Welland Commissioners.

XCVII. And be it further enacted, That the Amount of the Valuation of the said One hundred and twenty Feet of Land in Breadth, and of the Herbage of the said Banks, and the Money to arise by Sale of such Residue of the said *South Drove* and *North Drove* respectively, shall, on Payment thereof, be applied by the said *Welland* Commissioners in Part Discharge of the respective annual Rates, Taxes, and Assessments, which shall accrue due under the said Act of the Thirty-fourth Year of the Reign of His Majesty, after Payment of such Arrears as aforesaid

aforesaid, in respect of and in due Proportion to the Interest of the several Persons who shall, on such Adjudications, be eventually found to be interested in the said last-mentioned Lands and Grounds so to be sold as aforesaid; and all such further annual Rates, Taxes, and Assessments, to accrue due under the same Act, in respect as well of all or any of the Lands sold under the Authority of this Act, as of the several Allotments so to be set out on such Subdivisions as aforesaid, shall be and the same are hereby charged respectively as well on the Lands so sold as on such respective Allotments, and the same shall from thenceforth be recoverable when in Arrear and unpaid in like Manner as the Rates, Taxes, and Assessments, charged by virtue of the said Act of the Thirty-fourth Year of His present Majesty, on the said inclosed Lands in *Deeping Fen*, are recoverable under the Authority of the said Act; and all such further annual Rates, Taxes, and Assessments, to accrue due under the same Act, in respect of the several parochial or general Allotments so left unsubdivided as aforesaid, shall be and the same are hereby charged on the said several parochial or general Allotments; and it shall be lawful for the said *Welland* Commissioners to recover the said last-mentioned Rates, Taxes, and Assessments, in such and the like Manner as the Rates, Taxes, and Assessments over the Whole of the said Commons or uninclosed Fens were, by the said Act of the Thirty-fourth Year of His present Majesty's Reign, recoverable before the passing of this Act.

XCVIII. And be it further enacted and declared, That on the Completion of the several Works of Drainage hereby directed to be done by the said General Commissioners at such joint Expence as aforesaid; and from and immediately after the Election of Trustees for the Purpose of continuing and preserving the said Works, the several Powers and Authorities granted to the said General Commissioners under the Authority of this Act, or vested in the said Adventurers by virtue of all or any of the Acts relating to the Drainage of *Deeping Fen*, so far as relate to or concern such of the said Works of Drainage as are hereby required to be done and executed in or upon any of the Lands and Grounds intended to be divided and inclosed, and all other Powers and Authorities whatsoever enabling the said Adventurers to make and execute any Works of Drainage in, through, over, or upon the same Lands, except such Powers and Authorities as are preserved or given to them by this Act, shall cease and determine; any thing herein contained to the contrary notwithstanding.

Power of Commissioners to cease upon the Election of Trustees.

XCIX. And in order that such Banks, Drains, Engines, and other Works of Drainage, as are herein directed to be done and executed by and at such joint Expence as aforesaid, may be maintained, supported, and kept in Repair; be it further enacted, That at any Time after the Expiration of Three Years from the Execution of the said Award or Instrument, or at such earlier Time or Times as the said General Commissioners shall, by Writing under their Hands, to be fixed on the principal Door of the several Parish Churches and Chapels in the several Parishes, Townships, or Hamlets, interested in the said Drainage, declare the said Works of Drainage to be completed (and so at any Time after the Expiration of every Three succeeding Years from the Time of every Election of Trustees as herein mentioned), it shall be lawful for any Two or more Proprietors of One hundred Acres each of the

Trustees to be chosen for supporting the Works.

Lands

Lands and Grounds intended to be drained by virtue of this Act, to cause public Notice to be given in any Newspaper usually circulated in the said County of *Lincoln*, that the Owners or Proprietors of the said inclosed Lands in *Deeping Fen*, and of the said Commons lying between the said Rivers *Glen* and *Welland*, intended to be drained as aforesaid, or their Deputies or Agents, to be appointed by Writing under their Hands, will meet at some Public House either in the Town of *Spalding* or *Market Deeping* aforesaid, on the *Thursday* Three Weeks then next after such Notice, between the Hours of Eleven and Twelve of the Clock in the Forenoon, then and there to make Choice of proper Persons to be Trustees for the further putting this Act into Execution; and it shall and may be lawful for all and every the Proprietors and Owners of the same Lands and Grounds so intended to be drained as aforesaid, or his or their Deputy or Agent present at such Meeting, to vote for Trustees for the Purposes aforesaid, in Manner following; (that is to say) every Owner or Proprietor of One hundred Acres of Adventurers taxable inclosed Land in *Deeping Fen* shall be entitled to vote for Four such Trustees; every Owner or Proprietor of One hundred Acres of inclosed free Land in *Deeping Fen* shall be exclusively entitled to vote in the Choice of Two other such Trustees; and every Owner or Proprietor of One hundred Acres of the Lands and Grounds lying between the said Rivers *Glen* and *Welland*, intended by this Act to be subdivided and inclosed, and also such of them as shall be chosen by any certain Number of Owners of Lands so to be subdivided and inclosed, whose Allotments taken together shall amount to One hundred Acres, or by the several Proprietors interested in the said parochial Allotments, situate between the said Rivers so to be left unsubdivided by virtue of this Act, in the Proportion of every One hundred Acres of such unsubdivided parochial Allotments, shall be in like Manner entitled to vote in the Choice of Five other such Trustees; which said respective Persons so to be elected Trustees as aforesaid, shall continue to act in the Execution of this Act, for the Space of Three Years from the Time of such Election, until the Election of others in their Stead as herein mentioned, and no longer; and such Trustees as shall be from Time to Time so respectively chosen by a Majority of such Votes, the same being certified by Writing under the Hands of the respective Persons so chusing them, in a Book to be kept for that Purpose, with the Papers and Records of the Proceedings of the said Trustees, shall be and are hereby appointed Trustees for putting in Execution the Powers and Authorities hereby given to and vested in them, and they are hereby fully authorized and empowered to support and maintain, or cause to be supported and maintained, all such Main Drains or Cuts, and such other Drains, Banks, Bridges, Mills, Engines, and other Works of Drainage, within, through, over, or upon the said Commons or Fens (except the said *North Fen* and *Droves*) as are herein directed to be made, erected, and built by the said General Commissioners, at such joint Expence as aforesaid; and when any of the said Trustees shall die, refuse, or become incapable to act in the Execution of this Act, it shall be lawful for the Proprietors or Owners by whom such Trustee or Trustees was or were originally elected, to chuse a Trustee in the Stead of each such Trustee dying, becoming incapable, or refusing to act, in the same Manner as the Trustee in whose Room such Election is had is herein directed to be chosen; and such Trustee being so chosen and certified, shall have the same Powers as
the

the Trustee in the Stead of whom he shall be so chosen would have had by virtue of this Act.

C. Provided, and it is hereby enacted, That every Owner and Proprietor of inclosed, taxable, or free Lands, and of the said Commons when subdivided and inclosed, having Three hundred Acres of Land or upwards, over and above One hundred Acres in respect whereof he or she is entitled to vote in the Choice of Trustees as aforesaid, shall severally have and be entitled to an additional Vote in the Choice of such Trustees in respect of each Three hundred Acres, over and above the said One hundred Acres, for which a Vote is authorized to be given as aforesaid.

Owners of Lands to have additional Vote for every 300 Acres.

CI. And be it further enacted, That the said General Commissioners or Trustees respectively, or the major Part of the Trustees present at any Meeting to be held in pursuance of this Act, shall, and they are hereby empowered to make Orders and give Directions for the better and more regular Management of all the said Works of Drainage so to be made and executed at such joint Expence as aforesaid, and also to appoint such Clerk or Clerks, Collector or Collectors, Receiver or Receivers, or such other Officer or Officers as they shall think needful for the superintending or carrying on of any such Works, and for collecting the Rates or Assessments which shall be made or assessed by virtue of this Act, and from Time to Time to remove, displace, or appoint all or any of them, as often as they the said General Commissioners or Trustees shall see Cause; and all and every such Clerk or Clerks, Collector or Collectors, Receiver or Receivers, or such other Officer or Officers so to be appointed as aforesaid, before they shall act in the Execution of their several Offices, shall give such Security to the said General Commissioners or Trustees for the due Execution of their respective Offices and Trusts, as the same Commissioners or Trustees shall in their Discretion think fit.

Commissioners and Trustees to direct the Works of Drainage, and to chuse Officers.

CII. And be it further enacted, That every such Clerk, Receiver, or other Officer, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, whenever thereunto required, give unto the said General Commissioners or Trustees true and perfect Accounts in Writing under their respective Hands of all Monies which shall have been by them respectively collected and received, and how and to what Uses the same have been paid and applied, together with proper Vouchers and Receipts for such Payments, and shall pay all such Monies as shall remain in their Hands to the said General Commissioners or Trustees, or to such Person or Persons, or to such Uses and Purposes as they the said General Commissioners or Trustees shall direct or appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, which Oath any One of the said General Commissioners or Trustees is hereby empowered to administer; and if any of the said Officers or any other Person shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, that then and in either or any of the said Cases, it shall be lawful for any Two Justices of the Peace for the said County or Parts where such Officer or other Person shall reside, and

Officers to account.

such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer); and if any such Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the said County, Parts, or Place, there to remain, without Bail or Mainprize, for the Space of Three Months, or until he shall give and make a true and perfect Account, and verify such Account in Manner as aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the said County, Parts, or Place where such Person or Persons shall reside, to make Enquiry touching such Neglect or Refusal in a summary Way in Manner aforesaid, and by Warrant under their Hands and Seals to cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any other Justices, shall commit such Person or Persons to the Common Gaol of the said County, Parts, or Place, there to remain, without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said General Commissioners or Trustees, or to such Person as they shall respectively appoint to receive the same, which Composition the said General Commissioners or Trustees, at any Meeting assembled, are empowered to make.

Power to the Trustees to tax the Lands.

CIII. And for the better and more effectual maintaining, supporting, repairing, cleansing, and using of the several Works of Drainage herein directed to be supported and maintained by and under the Direction of the said Trustees; be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required to meet on the Day next after the last *Thursday* in *April* in every Year, at some convenient House within the Towns of *Spalding* or *Market Deeping* aforesaid; and at all such Meetings their reasonable Expences only shall be allowed them; and the said Trustees shall then and there tax and assess all and every the Occupier or Occupiers of all and every the said taxable and free inclosed Lands in *Deeping Fen*, and the said Commons or Fens lying between the said Rivers *Welland* and *Glen*, intended to be drained by virtue of this Act, by such an equal and proportionable Acre Rate or Tax as shall be necessary to pay and discharge the Expences of maintaining, supporting, and using the said Works for draining and preserving the same Lands and Grounds respectively, and the reasonable Expences only of the said Trustees, at their said yearly and other Meetings, and the Salary and Salaries of such Officer or Officers as shall be by them appointed for collecting or receiving such Rates or Taxes, and managing and taking Care of the said several Works and other Matters relating to the said Drainage, which said Rates and Taxes the said Trustees are hereby authorized and required to apply accordingly, and to appoint under their Hands such Days and Places for the Payment of such

such Rates and Taxes Half-yearly to the Collectors or Receivers thereof, as they the said Trustees shall think proper; provided, that such Rate or Tax shall not in any Year exceed the Rate or Sum of One Shilling an Acre, without the express Consent and Approbation of the Owners or Proprietors interested in the said Lands so to be drained as aforesaid, to be ascertained in such Way as the Votes of the said Owners and Proprietors are required to be had in the Choice of Trustees as herein is directed.

CIV. And be it further enacted, That if any Person or Persons so rated, taxed, or assessed as aforesaid, in respect of any Allotment or such Subdivisions as aforesaid, shall refuse or neglect to pay the Money so rated, taxed, or assessed on him, her, or them respectively, within Thirty Days after the respective Times of Payment to be appointed as aforesaid, (such public Notice of the said Times of Payment being given by Advertisement, as is herein directed with respect to Meetings for the Choice of Trustees, at such Place as shall be specified in such Notice), it shall and may be lawful for such Collector or Receiver, or such other Person or Persons authorized by virtue of a Warrant or Precept under the Hands and Seals of the said Trustees, which Warrant or Precept any Five or more of the said Trustees are hereby empowered and required from Time to Time to grant, as Occasion shall require, to levy such Sum or Sums of Money so taxed or assessed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or otherwise it shall and may be lawful for the said Trustees from Time to Time to enter upon the Lands and Grounds so to be drained respectively, belonging to or occupied by such Person or Persons so refusing or neglecting to pay as aforesaid, and the Rents and Profits thereof respectively to receive and take, until thereby or otherwise such Taxes, Rates, or Assessments, and all Arrears thereof so from Time to Time directed to be paid by such Person or Persons as aforesaid, and all Costs, Charges, and Expences occasioned by or attending such Entry or Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied; and the Tenant and Tenants of all and singular such Lands and Grounds so to be rated, taxed, or assessed, is and are hereby required and authorized to pay such Sum or Sums so assessed and rated thereon as the same shall become due; and it shall be lawful for such Tenant or Tenants to reimburse him, her, or themselves, such Sum and Sums of Money out of the next Rent to become due to his, her, or their Landlord or Landlords respectively, who shall allow the same to be deducted out of his, her, or their Rents accordingly; and it shall also be lawful for the said Trustees, or such Collector, Receiver, or other Person or Persons authorized by them as aforesaid, to inclose such Part or Parts of the said respective parochial or general Allotment so left undivided as aforesaid, as to the said Trustees shall seem fit for the Purpose of letting the same to be grazed only with Cattle, in order to raise a sufficient Fund for Payment of the Expence of making such Inclosures, and for keeping down the annual Rate, Tax, or Assessment so authorized to be laid by the said Trustees on the said parochial or general Allotment respectively.

CV. And

Powers to divide Lands comprized in parochial Allotments into Districts, and to provide for the internal Drainage thereof.

Works of Drainage, &c. vested in such Number of Trustees as the General Commissioners shall declare to be requisite ;

With Power to let the Herbage.

Commissioners to make Award.

CV. And be it further enacted, That the said Lands and Grounds so to be divided into parochial or general Allotments shall be set out by the said General Commissioners in such Number of Districts, for the better internal Drainage thereof, as to such General Commissioners shall seem fit, and the said General Commissioners shall also set out such Part or Parts of the said Lands or Grounds in the said respective Districts, whereon to build or erect Engines or Mills, and in such Manner as to the same Commissioners shall seem fit ; and that all such Mills, Engines, Drains, Bridges, and other interior Works for the internal Drainage and Improvement of such Districts respectively, as shall be deemed necessary by the same Commissioners, shall be made and built by them out of the Fund herein provided for by a Sale of Land ; and the said Mills, Engines, Drains, Bridges, and other interior Works of Drainage, and also the Herbage of the Banks and Forelands of the said Main Drains and other Drains herein directed to be made at such joint Expence as aforesaid, and the Land whereon such Mills or Engines shall be erected, shall be, and the same and every of them are hereby for ever vested in such Number of Trustees respectively, as the said General Commissioners shall, in and by their said Award, or by any Writing under their Hands previous thereto, declare to be requisite and necessary for maintaining and preserving such interior Works of Drainage in the said respective Districts ; which said Trustees for each such District, and their respective Successors, shall be elected and chosen by the Owners and Proprietors of Lands in the said respective Districts, in such Manner, and for such Term as herein-before provided with respect to Trustees for supporting the general Works of Drainage ; and shall have full Power and Authority to lay such additional annual Acre Rate or Tax as they shall think proper, not exceeding Two Shillings *per* Acre in any One Year, for supporting and maintaining the interior Works of Drainage in the said parochial or general Allotments to be set out in such Districts respectively, and shall have such and the like Powers and Authorities to levy, raise, and recover such Acre Rate or Tax, and to appoint Officers, as is hereby given to the Trustees herein-before directed to be elected for supporting, maintaining, and preserving the said Main Drains and general Works of Drainage to be done and executed at such joint Expence as aforesaid ; and that the said Trustees for Districts shall and may, from Time to Time, let the Herbage of the said Banks and Forelands of the said Main Drains and other Drains so vested in them as aforesaid, to be grazed with Sheep only, and apply the Rents and Profits towards defraying the said last-mentioned Charges and Expences : Provided always, that it shall be lawful for the said Trustees for Districts, and the said Trustees for General Works, to pay over to each other any Surplus that may arise from the said annual Rates or Taxes respectively.

CVI. And be it further enacted, That as soon as may be after the said General and respective Special Commissioners shall have respectively completed the Divisions and Allotments, and made the Exchanges and Partitions hereby directed and empowered to be made by them respectively, and also set out the several Proportions for Tythes as herein directed, and made, executed, and completed all such Works of Drainage as are herein provided for, they shall form and draw up, or cause to be formed and drawn up, an Award in Writing, which shall express distinctly and separately the Quantity and Contents, in Statute Measure, of Acres, Roods,

Roods, and Perches contained in the said Lands and Grounds hereby intended to be divided and inclosed, and the Quantity and Contents, Situation, Buttals, and Boundaries of the several Parcels and Allotments respectively by them set out, assigned, and allotted or partitioned, or exchanged by virtue of this Act, to each of the Proprietors and Persons interested therein respectively, and the several Proportions of Land allotted to the Tythe Owners respectively as herein provided for; and shall also describe all the public Roads and Ways, and all private Roads and Ways, and all Bridges, Mills, Engines, Cloughs, Drains, Ditches, Tunnels, Fences, Banks, Gates, Stiles, and other Works which shall have been made by them respectively pursuant to this Act; and shall also ascertain, direct, and appoint by whom or at whose Expence, and at or within what Time or Times the same respectively are to be made and thereafter kept in Repair; and also such other Orders, Regulations, and Determinations, to be observed and followed by the said Proprietors, as shall be necessary or proper to be inserted in the said Award, conformable with the Tenor or Purport of this Act, or for the completing and maintaining the said Divisions, Drainage, and Inclosure, Two Parts of which said Award or Instrument shall be fairly ingrossed or written on Parchment and signed and sealed by the said Commissioners, and such Award shall, within Six Calendar Months next after the same shall be so signed and sealed, be inrolled with the Clerks of the Peace for the said Parts of *Kesteven* and *Holland* respectively, or in any of His Majesty's Courts of Record at *Westminster*, and one Part thereof shall afterwards be deposited and kept in the Parish Church of *Spalding* aforesaid, and the other Part thereof in the Parish Church of *Market Deeping* aforesaid, for the Use of the said Proprietors, to the end that Recourse may be the more readily had thereto; and the said Award shall be binding and conclusive unto and upon all the Parties interested in the said Division, Drainage, and Inclosure, and a Copy thereof, or of any Part thereof, attested by the Officer with whom the same shall be inrolled, shall from Time to Time, and all Times thereafter, be admitted and allowed in all Courts whatsoever as legal Evidence of the same; which Copy the said Officer is hereby ordered and required to make and deliver to any Person or Persons demanding the same, he, she, or they paying or tendering, in case of Refusal, for such Copy, Two-pence for every Seventy-two Words, and no more; and any Person or Persons interested therein shall have Liberty to inspect and peruse the said Award, paying to such Officer, for every such Inspection and Perusal, One Shilling, and no more; and to take a Copy of any Part or Parts thereof, paying for the same after the Rate aforesaid.

CVII. And be it further enacted, That the said General and respective Special Commissioners shall, and they are hereby required to make an Extract on Parchment, under their Hands and Seals, of so much of their Award herein directed to be made as shall contain an accurate Description of the Allotment or Allotments so to be made to His said Majesty, or his Lessee or Lessees, together with such Regulations or Provisions relative to the said Allotment or Allotments, or to any other Rights or Interests of His Majesty, or His Lessee or Lessees, as may be contained in such Award, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Surveyor General of His Majesty's Land Revenue for the Time being, within Six Calendar Months after the

An Extract from the Award to be transmitted to the Surveyor General's Office.

making and executing the said Award, to be by him filed and kept among the Muniments of his Office.

Punishing
Persons de-
stroying the
Works, &c.

CVIII. And for preventing the breaking down or damaging of any of the Works which shall be erected or made under the Authority and Direction of the said General or Special Commissioners or Trustees, or otherwise obstructing the Execution of the same; be it further enacted, That if any Person shall wilfully or maliciously break, throw down, damage or destroy any Banks or other Works to be erected and made by virtue of this Act, every Person 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 shall be tried, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Felony; and if any Person shall obstruct, hinder, or molest the said Commissioners or Trustees, or any of them, or any Surveyor, Workman, or other Person who shall be employed by or under them, or any of them, in the Execution of this Act, or shall set any Net or Nets in any of the Drains within the Purview of this Act, or do wilful Hurt or Mischief to prevent the carrying on, completing, or supporting and maintaining the said intended Division and Drainage, every such Person so offending, and being lawfully convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the Magistrate by or before whom such Person shall be convicted.

General
Appeal.

CIX. And be it further enacted, That all and every Person or Persons who shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act (except in such Cases when a Trial at Law is herein provided for, or where the Orders and Determinations of the said Commissioners are directed to be binding and conclusive upon all Parties) shall or may appeal, on giving Ten Days previous Notice thereof, to the next General Quarter Sessions of the Peace to be holden in and for such of the said Parts of *Kesteven* and *Holland* respectively, in which the Cause of Appeal shall arise, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges and Expences of every such Distress and Sale; which Determination of the Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving Ma-
norial Rights.

CX. Provided always, and be it further enacted, That nothing herein contained shall prejudice the Rights of the present or any future Lord

or Lords of the said several and respective Manors, in or to the Seignories, Royalties, Rights, and Services incident and belonging to the said Manors, or any or either of them, but that such Lord or Lords for the Time being, and all Persons claiming or to claim under or in Trust for them, or any of them respectively, as Lord or Lords of the said respective Manors, shall, at any Time hereafter, hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites, and Profits of Courts, Waifs, Estrays, and all other Royalties and Privileges to the said respective Manors, or to the Lords thereof belonging or in anywise appertaining, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he, they, or any of them might have held and enjoyed the same in case this Act had not been made.

CXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to repeal, invalidate, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Adventurers and Proprietors of free Lands in *Deeping Fen*, or of the Commissioners of Sewers for the County of *Lincoln* respectively, except where the same are hereby expressly altered, annulled, repealed, or abridged; but the same, and every Part thereof, except as aforesaid, shall continue and remain as before the passing of this Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

General Saving to the Adventurers and free Land Proprietors in *Deeping Fen*.

CXII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to repeal, invalidate, lessen, alter, or take away any of the Powers or Authorities of the said *Welland* Commissioners, or the Trustees appointed under and by virtue of the said Act of the Thirty-fourth Year of His present Majesty, or the Commissioners or Trustees respectively acting under the Authority of Two several Acts of Parliament, one passed in the Thirty-third Year of His present Majesty, for draining, preserving, and improving certain Lands, lying in the several Parishes of *Spalding*, including the Hamlets of *Cowbit*, *Peakhill*, *Weston*, *Moulton*, *Whaplode*, *Holbeach*, *Fleet*, *Gedney*, *Sutton Saint Mary*, and *Sutton Saint Nicholas* otherwise *Lutton*, all in *South Holland*, in the said County of *Lincoln*, and the other passed in the Thirty-fifth Year of His present Majesty, to enable the Commissioners and Trustees for executing the last-mentioned Act to support and repair a certain Bank extending from *Spalding High Bridge* to *Brother House*, and to mend and repair the Road thereupon, and to compound with the Creditors under an Act, passed in the Twelfth Year of His present Majesty's Reign, for making and keeping in Repair the said Road.

General Saving to the *Welland* Commissioners and *South Holland* Trustees.

CXIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to repeal, invalidate, lessen, alter, or take away any of the Rights, Privileges, Powers, and Authorities, which by the said recited Acts of the Fifth and Tenth Years of the Reign of His present Majesty were vested in all or any of the Commissioners, commonly called *The Black Sluice Commissioners*, acting under the said Acts (except where the same are hereby expressly altered, abridged, or repealed), but that the same and every Part thereof, except as aforesaid, shall be and continue as fully and absolutely to all Intents and Purposes as if this Act had not been made; any thing

General Saving to the *Black Sluice* Commissioners.

herein-

herein-before contained to the contrary thereof in anywise notwithstanding.

General Saving to the Bourn Eau Trustees.

CXIV. Provided always, and be it further enacted, That nothing herein contained shall extend to invalidate, lessen, defeat, alter, or take away any of the Rights, Powers, and Authorities of the Trustees for the Navigation of *Bourn Eau*, vested in them by an Act passed in the Twenty-first Year of the Reign of His present Majesty (except where the same are hereby expressly altered, abridged, or repealed), but that the same and every Part thereof, except as aforesaid, shall be and continue as fully and absolutely, to all Intents and Purposes, as if this Act had not been made; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

General Saving.

CXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the respective Persons to whom any Allotment or Allotments shall be made by virtue of this Act, in respect to the Interest or Property for which such Allotment or Allotments shall be made), his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate and Interest as they, every, or any of them, had or enjoyed of, in, to, or out of the Lands and Grounds so intended to be divided and inclosed before the passing of this Act, or could or ought to have had and enjoyed in case the same had never been made.

Public Act.

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

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