



ANNO QUADRAGESIMO QUARTO

GEORGI III. REGIS.

Cap. 87.

An Act for embanking, draining, and improving certain Lands in the City of *Lincoln* and County thereof, and in the Parishes or Townships of *Boultham*, *Skellingthorpe*, *Saxelby*, *Broxbolme*, *North Carlton*, *South Carlton*, *Burton*, and *Hathow*, in the County of *Lincoln*; and for inclosing Lands in the said Parish of *Skellingthorpe*. [20th July 1804.]

WHEREAS there are within the City of *Lincoln* and County thereof, and in the Parishes or Hamlets of *Boultham*, *Skellingthorpe*, *Saxelby*, *Broxbolme*, *North Carlton*, *South Carlton*, *Burton*, and *Hathow*, in the County of *Lincoln*, certain Fens, Meadows, Commons, and inclosed Low Lands, containing in the Whole upwards of Four thousand Acres, Part whereof, being the South District of the said Lands, are bounded by the River *Witham* on the East, the High Lands in *Boultham* and *Skellingthorpe* on the South, by other Lands in *Skellingthorpe* and *Saxelby*, and in *Broxbolme* in the County of *Nottingham* on the West, and by the River *Fosdike* and *Brayford Meer* on the North; and the Residue of the said Lands, being the North District, are bounded by the High Lands in the said City of *Lincoln* and County thereof, and in the Parishes

or Townships of *Burton, South Carlton, North Carlton, Broxbolme,* and *Hathow*; on the East and North, by High Lands in the said Parish of *Saxelby* on the West, and by the River *Fosdike* on the South, which said Lands are subject to be overflowed or otherwise annoyed with Water, for want of proper Banks, Drains, and Outfalls: And whereas there are within the said Parish of *Skellingthorpe* divers open Lands; containing about Two thousand Acres, which are respectively Commonable under certain Restrictions: And whereas the Mayor and Commonalty, and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospitals of *Edward King of England the Sixth, of Christ, Bridewell, and Saint Thomas the Apostle*, as Governors of *Christ's Hospital*, are Lords of the Manor of *Skellingthorpe*; the Reverend *John Pretyman*, Doctor in Divinity, Precentor of the Cathedral Church of the Blessed Virgin *Mary* in *Lincoln*, and as such Master of the Hospital of *Spittal* in the said County, is Owner of the appropriate Rectory of *Skellingthorpe* aforesaid, and *Matthew Gray* Gentleman, is his Lessee for Years of the said Rectory, and the said *John Pretyman* and his Lessee, are entitled to all the Tythes arising, renewing, or payable within the said Parish of *Skellingthorpe*, or to some Modus, Compensation, or other Payment in lieu thereof: And whereas the Right Honourable *John Lord Monson*, the said Mayor and Commonalty, and Citizens, Governors aforesaid, *Richard Ellison* Esquire, and others, are Owners and Proprietors of the said Open and Commonable Lands in *Skellingthorpe* aforesaid: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas it would be of considerable Advantage to all Parties concerned, and be of publick Utility, if the said Fens, Meadows, Commons, and inclosed Low Lands, lying within the respective Boundaries aforesaid, were embanked and drained, and the said Open and Commonable Lands in *Skellingthorpe* were inclosed and divided into specifick Allotments, and Compensation made to the said *John Pretyman*, and his Lessee, in lieu of the Tythes arising within the said Parish: But the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Trumper*, of *Harefield* in the County of *Middlesex*, and *John Burcham*, of *Cuningby* in the County of *Lincoln*, Gentlemen, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for embanking and draining the South District of the said Fens, Meadows, Commons, and inclosed Low Lands, situate South of the said River *Fosdike*, and for setting out, dividing, allotting, and inclosing all the said Open and Commonable Lands in the said Parish of *Skellingthorpe*, and for putting this Act into Execution, pursuant to the Powers, Directions, Regulations, Restrictions, and Provisions herein-after contained, and to such of the Powers, Directions, Regulations, Restrictions, and Provisions contained in the said recited Act as are not controuled by or repugnant to any of the Clauses, Provisions, or Regulations contained in this Act, so far as either of the said Acts relate to or concern the Division and Inclosure of the said Open and Commonable Lands in the said Parish of *Skellingthorpe*, the Compensation

Commission-
ers.

penfation for the Tythes arifing within the fame Parifh, and the Drainage and Embankment of the South Diftrict of the faid Fens, Commons, Meadows, and inclofed Low Lands, lying South of the faid River *Fofdike*; and that *Edward Hare* of *Caftor*, in the County of *Northampton*, Gentleman, fhall be and he is hereby appointed the fole Commiffioner for embanking and draining the North Diftrict of the faid Fens, Meadows, Commons and inclofed Low Lands, lying North of the faid River, fubject to the Restrictions herein mentioned.

II. Provided always, and be it further enacted, That if any of the faid Commiffioners appointed by this Act, or who fhall have been elected in manner herein-after mentioned, fhall before the Execution of all the Powers and Authorities hereby in them refpectively vefted, die, decline, or refufe to act, or become incapable of acting, a new Commiffioner or Commiffioners in the room of every fuch Commiffioner or Commiffioners fo dying, declining, or refufing to act, or becoming incapable of acting, fhall be elected in manner following; (that is to fay), if the faid *John Trumper* fhall die, decline, or refufe to act, or become incapable of acting, it fhall be lawful for any One or more Proprietor or Proprietors of One hundred Acres in the whole of the faid Fens, Meadows, Commons, and inclofed Low Lands, intended to be embanked and drained within the faid South Diftrict, to caufe publick Notice to be given upon the Door of the Guildhall of the faid City of *Lincoln*, and on the Doors of the refpective Parifh Churches of *Boultham*, *Skellingthorpe*, and *Saxelby* aforefaid, on fome *Sunday* immediately after Divine Service, that the Proprietors of the faid Fens, Meadows, Commons, and inclofed Low Lands laft mentioned, or their Deputies or Agents appointed by Writing under their Hands, fhall meet at the Houfe of *Robert Capp*, known by the Sign of the *Rein Deer*, in the City of *Lincoln*, on *Friday* Three Weeks then next after fuch Notice, between the Hours of Ten and Twelve in the Forenoon, then and there to elect and chufe a difinterefted Perfon to be a Commiffioner in the place or ftead of the faid *John Trumper*; and it fhall be lawful for any Proprietor or Owner of One hundred Acres or more of the fame Lands, or his Deputy or Agent (appointed as aforefaid) prefent at fuch Meeting, to vote in the Choice of every fuch Commiffioner fo to be chofen as laft aforefaid; and it fhall alfo be lawful for any Number of Proprietors or Owners of the Fens, Meadows, Commons, and inclofed Low Lands, intended to be embanked and drained, lying within the faid South Diftrict, amounting in the whole to One hundred Acres at the leaft of fuch Lands, or their Deputies or Agents (appointed as aforefaid) to nominate any Perfon to vote for them at fuch Election, and fo from Time to Time as often as any Commiffioner fo to be appointed as laft aforefaid fhall die, decline, or refufe to act, or become incapable of acting; and that in cafe the faid *Edward Hare* fhall die, decline, or refufe to act, or become incapable of acting, it fhall be lawful for any One or more Proprietor or Proprietors of One hundred Acres in the whole of the Fens, Meadows, Commons, and inclofed Low Lands, intended to be embanked and drained, lying within the faid North Diftrict, to caufe publick Notice to be given upon the Door of the Guildhall of the faid City of *Lincoln*, and on the Doors of the refpective Parifh Churches of *Burton*, *South Carlton*, *North Carlton*, *Broxbolme*, and *Saxelby* aforefaid, on fome *Sunday* immediately after Divine Service, that the Proprietors of the faid laft mentioned Fens, Meadows, Commons, and inclofed Low Lands, or their Deputies or Agents appointed by Writing

Appointment
of new Com-
miffioners.

under

under their Hands, will meet at the said *Rein Deer* Inn on the *Friday* Three Weeks then next after such Notice, between the Hours of Ten and Twelve in the Forenoon, then and there to elect and chuse a disinterested Person to be a Commissioner in the place or stead of the said *Edward Hare*; and it shall be lawful for any Proprietor or Owner of One hundred Acres or more of the same Lands, or his Deputy or Agent so appointed, present at any such Meeting, to vote in the Choice of every Commissioner to be chosen as last aforesaid; and it shall also be lawful for any Number of Proprietors or Owners of the said Fens, Meadows, Commons, and inclosed Low Lands, within the said North District, amounting in the whole to One hundred Acres at the least of such Lands, or their Deputies or Agents appointed as aforesaid, to nominate any Person to vote for them at such Election, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid, shall die, decline, or refuse to act, or become incapable of acting; and that in case the said *John Burcham* shall die, decline, or refuse to act, or become incapable of acting, it shall be lawful for the said Master of the Hospital of *Spittal*, and his Lessees for the Time being, or their known Agent or Attorney, by Writing under their respective Hands, to appoint a Commissioner, not interested in the said Inclosure and Drainage, in the place and stead of the said *John Burcham*, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, decline, or refuse to act, or become incapable of acting; and every Commissioner to be appointed as aforesaid shall have the like Power and Authority as the Commissioner in whose place he shall be appointed was vested with by virtue of this Act, and that in the mean Time and until such new Commissioner or Commissioners shall be appointed in Manner aforesaid, in case of the Vacancy of a Commissioner in the room of either of them the said *John Trumper* and *John Burcham*, the surviving or remaining Commissioner shall and may proceed in the Execution of any of the Powers vested in them by this Act (such Acts of the same Commissioners as are hereby or by the said Act made final and conclusive only excepted).

If Commis-
sioners dis-
agree, a
Third to act.

III. Provided also, and be it further enacted, That the said *John Trumper* and *John Burcham*, in case either of them, or any Commissioner or Commissioners to be elected in the room of either of them, shall differ or disagree in the Execution of any of the Powers reposed in them by virtue hereof, or of the said recited Act, or in any Matter concerning the same, or to be done in pursuance of either of the said Acts, then and so often and in any of the said Cases happening, the Commissioners so disagreeing shall, and they are hereby required by Writing under their Hands, within One Calendar Month from the Time of any such Disagreement, to nominate and appoint a proper and experienced Person to act as a Commissioner in the Matter respecting which such Difference or Disagreement shall arise, and upon Notice in Writing under the Hands of the same Commissioners, to be for that Purpose delivered to the Person so to be appointed, and which they are hereby required to deliver accordingly, it shall and may be lawful for such Person, or in case of his Death or Refusal to act, then for any other Person in like Manner appointed by the same Commissioners, to act as a Commissioner in the Execution of such of the said Powers and Authorities, or other Matters concerning which the said Commissioners shall differ or disagree as aforesaid; and the Award and Determination of the Person so to be named and appointed of and concerning the Matter in
Difference

Difference, to be expressed by him in Writing under his Hand and Seal, and enrolled, together with his said Appointment as herein-after mentioned, shall be binding and conclusive to all Parties.

IV. And be it further enacted, That *Anthony Bower* of the City of *Lincoln*, Land Surveyor, shall be and he is hereby appointed Surveyor for executing the several Powers and Authorities vested or intended to be vested in him by this Act, and in case of his Death, Neglect, Refusal, or Disability to act, then such other Person or Persons (not being interested in the said Inclosure or Drainage) as the said Commissioners or Commissioner shall direct and appoint to act in his place and stead, within their or his respective District, shall be the Surveyor or Surveyors for the Purposes of this Act, such Appointment to be reduced into Writing and signed by the said Commissioners or Commissioner making the same.

Appointment
of a Surveyor.

V. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the Commissioners, as a Recompence for his Pains and Trouble, the Sum of Two Pounds Twelve Shillings and Sixpence and no more, for each and every Day he shall be employed in travelling to, returning from, and attending in the Execution of this Act; and at all Meetings to be held in pursuance of this Act, the said Commissioners shall defray their own Expences, and also their travelling Expences; and that there shall be paid to the Surveyor or Surveyors appointed or to be appointed for the Purposes of this Act, so much for every Acre of the Land and Ground to be surveyed and admeasured in pursuance thereof, as the Commissioners or Commissioner employing him shall adjudge to be a full Recompence and Satisfaction for all his Expences and Charges whatsoever in attending the said Commissioners or Commissioner, surveying and admeasuring the said Lands and Grounds, taking Levels of the said Low Lands intended to be embanked and drained, and in making such Maps and Plans, as the said Commissioners or Commissioner shall respectively order or direct.

Commissioners Allow-
ance.

VI. And be it further enacted, That the said Commissioners or Commissioner within their and his respective District, shall cause publick Notice to be given in Writing, to be fixed upon the Door of the Guildhall in the said City of *Lincoln*, and upon the outer Doors of the several Parish Churches within such respective District, of the Time and Place of their first and every other Meeting for the Execution of this Act (Meetings by Adjournment only excepted) at least Seven Days before any such Meeting shall be held, and the said Commissioners or Commissioner shall and may respectively adjourn such Meetings from Time to Time, as they or he shall see Occasion; and in case both the Commissioners for embanking and draining the Lands lying South of the said River *Foslike*, and affecting the said Inclosure, shall not meet at the Day and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for either of the said Commissioners present at such Time and Place to adjourn such Meeting, and appoint the same to be held at the same or any other Place on any future Day, not exceeding Twenty-one Days from the Day of adjourning.

Commissioners to give
Notice of
Meetings.

[*Loc. & Per.*]

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VII. And

Other Notices
how to be
given.

VII. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Writing, to be affixed upon the Door of the said Guildhall, and upon the outer Doors of the several Parish Churches within such Districts, or by Advertisement to be inserted in some One or more Newspaper or Newspapers printed or circulated in the said County of *Lincoln*.

Commissioners to take
an Oath.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner or Surveyor in the Execution of any of the Powers and Authorities given by this Act, until he shall have taken and subscribed the Oath following; (that is to say),

Oath.

‘ I *A. B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the Powers and Authorities reposed in me as a Commissioner [*or, Surveyor*] by virtue of an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act*] without Favour or Affection to any Person or Persons whomsoever.

‘ So help me GOD.’

Oath to be
enrolled

Which Oath it shall be lawful for any One of the said Commissioners to administer, and they are hereby severally authorized and required to administer the same to each other, and to the said Surveyor, and such Oath so to be taken and subscribed shall be enrolled at the same Time and Place as the Award to be made by the said Commissioners is herein directed to be enrolled.

Proceedings
of Commissioners to be
entered in a
Book,

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

Survey to be
made.

X. And be it further enacted, That the said Commissioners or Commissioner, or their or his Successors or Successor, to be respectively appointed as aforesaid, shall cause a Survey and Admeasurement to be taken of such Parts of the said Fens, Meadows, Commons, and inclosed Low Lands intended to be embanked and drained within their or his respective District, belonging to each Proprietor, as shall be used in forming or making any of the Banks, Drains, or other Works of Drainage to be made or done in pursuance of this Act, and of such of the same Lands, the Contents whereof respectively are not stated in the Surveys and Plans herein-after referred to; and also of all the said Lands and Grounds both open and inclosed within the said Parish of *Skellingthorpe*, and that a Map or Plan of the said Lands to be inclosed, and also Maps or Plans of the Lands to be embanked and drained in each of the said Districts, and the Number of Acres, Roods, and Perches in Statute Measure contained therein respectively, and of each Proprietor's Property in the same, shall be therein set forth and expressed, and shall be delivered to the said Commissioners or
Commissioner

Commissioner for the Purposes in this Act expressed, and certified on the Oath or Oaths of the Person or Persons making the same, which Oath or Oaths the said Commissioners or Commissioner are and is hereby authorized and required to administer.

XI. Provided always, and be it further enacted, That the Surveys or Plans had and taken of any of the said Lands hereby intended to be embanked and drained under and by virtue of any Act or Acts of Parliament heretofore passed for dividing and inclosing any of the said Lands, or otherwise, if the same are satisfactory to the said Commissioners or Commissioner, shall be deemed and taken for the Purposes of this Act to be full, true, and exact Surveys of such Lands, and of the Quantity and Contents of each Proprietor's Share therein, and that the said several Proprietors shall be rated and charged to the said Works of Drainage, and the Taxes to be raised and levied under the Authority of this Act for the same Number of Acres, Roods, and Perches, as their said several Properties are stated to contain in the said respective Surveys already had and taken thereof as aforesaid, so far as the said Surveys respectively extend.

Former Surveys may be used with Commissioners Approbation.

XII. And be it further enacted, That the said Commissioners and Commissioner and Surveyor, or their and his Officers and Workmen, and also the Trustees to be appointed as herein directed, and their Superintendants and Workmen, shall from and immediately after the passing of this Act, and at all future Times, have full Power and Authority to enter upon all or any of the said Lands intended to be embanked and drained and divided and inclosed respectively, for the Purpose of making the Drains, Sluices, Bridges, and Works, and also the Survey, Levels, and Assessment herein directed to be made, and for other the Purposes of this Act, without the Hindrance or Interruption of any Person or Persons whomsoever.

Commissioners, &c. to have Power to enter upon Land.

XII. Provided also, and be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of or Persons interested or claiming to be interested in any of the Open and Commonable Lands, in the said Parish of *Skellingthorpe*, intended to be divided and inclosed, or exonerated from Tythes by virtue of this Act, or between any of the said Proprietors or Persons so interested or claiming to be interested therein, touching or concerning any of their Claims, Estates, Rights, or Interests, it shall be lawful for the said Commissioners of Inclosure, and they are hereby required to hear, adjudge, and determine such Difference: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to determine the Title to the Lands or Grounds hereby intended to be divided and inclosed, or exonerated from Tythes, or any Part thereof.

Commissioners to determine Claims.

XIV. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections,

Power to assess Costs.

Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied 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) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try
disputed
Claims at
Law.

XV. Provided always, and be it further enacted, That in case the Party or Parties making any Claim, in, upon, or out of any of the said Lands, intended to be divided and inclosed or exonerated from Tythes as aforesaid in pursuance of this Act, or the Person or Persons objecting thereto, shall be dissatisfied with the Determination of the said Commissioners, and shall by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their known Agent, signify the same to the said Commissioners, or any of them, within Two Calendar Months next after any such Determination shall be made, in such Case, but not otherwise; it shall be lawful for the Person or Persons 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 whole 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 shall differ about the same, such Action to be brought within Four Calendar Months next after any 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 said 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, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had thereupon, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue, as is usual in other Cases; and that after such Verdict shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity to the Verdict or Verdicts thereupon given, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that all such Determinations of the said Commissioners as shall not be objected to by such Notice to be given to the said Commissioners, or One of them as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive.

Determinations of the
Commissioners not objected to, to
be final.

XVI. And

XVI. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

If any of the Parties die, Proceedings not to abate.

XVII. And be it further enacted, That the said Commissioners of Inclosure shall set out and allot unto the Surveyors of the Highways, within the said Parish of *Skellingthorpe*, such Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners shall think necessary, not exceeding Three Acres in the Whole, as and for publick Sand, Gravel, Clay, and Stone Pits, and the same Allotments when set out shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands, Tenements, and Hereditaments, within the said Parish of *Skellingthorpe*, and their Tenants for the Time being, to such Extent, in such Manner, and under such Rules and Regulations as the said Commissioners shall, in and by their Award, direct or appoint.

Allotments for Gravel, etc.

XVIII. And be it further enacted, That the said Commissioners of Inclosure shall, and they are hereby required in the next place to set out and allot unto and for the said Master of the Hospital of *Spittal*, and his Lessee for the Time being, such Part and Proportion of the Lands, and Grounds hereby directed to be divided and inclosed, as shall, in the Judgment of the said Commissioners of Inclosure, be equal in Value to and in full Compensation for the present uninclosed Glebe Lands and Rights of Common belonging to the said Rectory, lying or being within the said Lands or Grounds by this Act intended to be divided and inclosed.

For Glebe and Common Rights.

XIX. And whereas, it is agreed that all the Tythes, both Great and Small, Moduses and other Payments in lieu of Tythes arising and renewing out of, in, or upon the said Open Lands, Commonable and Waste Grounds, by this Act intended to be divided and inclosed, and also out of, in, and upon such of the Messuages, Cottages, Gardens, Orchards, Woods, and ancient inclosed Lands within the said Parish of *Skellingthorpe*, as are subject to the Payment of Tythes, or to any Modus, Composition, or other Payment in lieu thereof, should be abolished and extinguished, and that a full and adequate Compensation and Satisfaction should be made to the said Master of the Hospital of *Spittal*, and his Lessee the said *Matthew Gray* in respect of all such Tythes, Moduses, Compositions, and other Payments in lieu of Tythes, by yearly Corn Rents, or Sums of Money in Manner herein-after mentioned; be it therefore enacted, That, in Lieu, Satisfaction, and Compensation of the Tythes arising, renewing, or increasing, from or in respect of the Lands and Grounds so directed to be divided and inclosed, and of all Messuages, Cottages, Gardens, Orchards, Woods, and ancient inclosed Grounds in the Parish of *Skellingthorpe* afore-said, the said Master of the Hospital of *Spittal*, and his Lessee for the Time being, shall have and be entitled to a Corn Rent or Satisfaction in Money, to be ascertained and paid in manner herein-after mentioned; (that is to say) the said Commissioners of Inclosure shall from *The London Gazette*, and by such other Ways and Means as they shall think most proper, ascertain what hath been the Average Price of good marketable Wheat in the said County of *Lincoln* during the Term of Twenty-one Years next preceding the Commencement of this Act (not estimating or including in such Ascertainment the Price of Grain for the Three Years

Allotment for Tythes.

in which such Average Price has been the highest in that Period of Time, but upon the Average of the remaining Eighteen Years of the same Term), and shall in and by their Award or Instrument directed to be made in and by the said recited Act, ascertain and distinctly set forth what Quantity of such Wheat shall in their Judgement, according to such Average Price as aforesaid, be equal to the yearly Value of One-fifth Part of such of the ancient inclosed Lands within the said Parish of *Skellingthorpe* as are Arable or have been cultivated in Tillage within the Space of Three Years previous to the passing of this Act, One-eighth Part of such of the ancient inclosed Lands within the said Parish as are in Meadow or Pasture, One-twelfth Part of the Lands usually called *The Warrens*, and now occupied as such, One-tenth Part of the Woods or Lands appropriated to the Growth of Timber or other Wood (not estimating or including in such Valuation of the said last mentioned Lands the Worth or Value of the Timber or Wood growing thereon), and One-ninth Part of all other Lands and Grounds within the said Parish of *Skellingthorpe*, intended by this Act to be divided and inclosed (exclusive of the publick Roads over the same, and the Allotments for Materials, and to the said Master of the Hospital of *Spittal*, and his Lessee, for Glebe and Common Rights), and that there shall be issuing and payable to the said Master of the Hospital of *Spittal*, and his Lessee for the Time being, from and out of the Lands and Estates of the several Proprietors in the said Parish of *Skellingthorpe*, or such Parts thereof respectively (not being less than double the yearly Value of the said Corn Rent or Satisfaction in Money) as the said Commissioners of Inclosure shall judge to be an ample Security for the same, according to the Value of the Tythes payable in respect of each Estate, such Sums of Money as shall in the Whole be equal to the Value of the Quantity of Wheat so to be ascertained according to the Average Price aforesaid, and shall be payable and paid by the Person or Persons who for the Time being shall be in Possession or Occupation of the Lands, Hereditaments, and Premises, out of which the said several and respective Rents shall be issuing to the said Master of the Hospital of *Spittal*, and his Lessee for the Time being, for ever, in such Payments, and upon such Day or Days in every Year, as the said Commissioners of Inclosure shall in and by their said Award appoint and direct.

For re-ascertaining the Corn Rent.

XX. And be it further enacted, That it shall and may be lawful, as well for the said Master of the Hospital of *Spittal*, and his Lessee for the Time being, as for any One or more of the Owners and Proprietors of Land within the said Parish of *Skellingthorpe* liable to any Part of the said Corn Rent, at their respective proper Expence, by Writing under their respective Hands, to apply at the first Quarter Sessions of the Peace to be holden in and for the Division of *Kesteven* in the said County of *Lincoln*, in the Week after the Feast of *Easter*, after the Expiration of Twenty-one Years from the making of the said Award, having given Notice of such intended Application in *The London Gazette*, and also in some Newspaper usually circulated in the said County of *Lincoln*, in the Month of *January* next preceding, to have Two Persons named and appointed for such Parish by the Justices then and there assembled, to be, together with a Third Person to be named and chosen by such Two Persons respectively, Arbitrators or Referees for enquiring into and ascertaining by and from or by means of *The London Gazette*, so long as the Return of the Average Prices of Corn and Grain shall be published therein, and in case of no such Publication,

tion, then by such Ways or Means as they shall think equitable or proper, the Average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Lincoln* for the Twenty-one Years then last past, which said Three Arbitrators or Referees, or the major Part of them, shall by their Report to be made and delivered to the Court of Quarter Session to be held in the first Week after the Translation of *Saint Thomas the Martyr* then next ensuing, set forth such Average Price; and in case it shall by such Report appear that such Average Price of a Bushel of such Wheat is more or less than the Average Price thereof set forth in the said Award by the Value of Thrice-pence or upwards, the said respective yearly Tythe Rents shall be increased or diminished as shall be declared by Order of the said Court, and the same shall, from the Half-yearly Payment preceding such Order, remain and continue issuing and payable as aforesaid out of the several Allotments and ancient Inclosures, charged by the said Award with such respective yearly Tythe Rents, until the same shall at the End of Twenty-one Years then next ensuing be again varied by such Application in such Manner as herein-before mentioned, and so from Time to Time at the End of Twenty-one Years for ever; and the Master of the said Hospital of *Spittal* and his Lessee for the Time being, shall and may have and exercise such and the like Powers and Remedies for recovering the said several Rents when the same shall respectively be in arrear, together with the Costs and Charges thereby to be incurred of or upon the Owner or Owners, Occupier or Occupiers of the Lands and Hereditaments out of which the said several Rents are to be issuing, or any Part thereof, as by the Laws and Statutes of this Realm are provided and given for the Recovery of Rack Rents in Arrear.

XXI. And whereas it may be necessary and convenient for some One or more of the said Proprietors, at future Periods, to sell and dispose of his, her, or their Estate or Estates in the said Parish of *Skellingthorpe*, liable to the said Corn Rent, or of some Part thereof, and others may be devised by Will, and upon Division of any of the said Estate or Estates in manner aforesaid, it may be necessary and convenient to the Owner or Owners thereof for the Time being, to divide and apportion the said yearly or Corn Rents or Sums of Money; be it further enacted, That it shall be lawful for the Owner of each and every Estate in the said Parish of *Skellingthorpe* for the Time being, so liable as aforesaid upon the Division thereof, either by Sale or otherwise (except by Lease or Demise at Rack Rent) to apportion and charge each and every Part of the Estate so divided with a due and fair Proportion of the yearly Corn Rents or Sums of Money so ascertained and set forth by the said Commissioners of Inclosure, provided in every such Division due Regard be had to the Quantity of Acres in and the Rate by the Acre ascertained by the said Commissioners upon the Whole or any Part of such Estate, and that each and every Division may be made to bear a fair and just Proportion of the said yearly Corn Rents or Sums of Money so ascertained by the said Commissioners as near as may be; and as the Power of recovering the Arrears of the said yearly Corn Rents or Sums of Money is herein-before extended to the Whole of each and every Estate, the said Power shall continue and remain the same until a Division of the Estate and Apportionment of the said yearly Corn Rents or Sums of Money shall be made known to the said Master of the Hospital of *Spittal*, and his Lessee for the Time being interested therein, by a written Notice thereof from the Parties, setting forth the Division or
 respective

Owners of Estates, dividing the same, to apportion Corn Rents.

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respective Divisions of such Lands, and the yearly or Corn Rents charged thereon respectively, which Notice, or a Duplicate thereof, shall be registered in the Episcopal Registry at *Lincoln*, for the Inrolment whereof the usual Fee shall be paid, and a Copy of such Inrolment signed by the Registrar or other proper Officer for the Time being, shall at all Times be deemed and taken to be legal Evidence thereof; and after such Notice, his Power of Distress and Recovery of Rents so apportioned and being in Arrear, shall be upon each and every Division so made in like Manner as it is in and by this Act directed upon the Whole of such Estates so divided as aforesaid.

How the
Lands
charged with
Corn Rents
shall be ascer-
tained.

XXII. And, in order to prevent any Difficulty to the said Master of the Hospital of *Spittal*, and his Lessee for the Time being, by the Division of any Estate by Sale or otherwise, and to facilitate the future Regulations of the said yearly or Corn Rents or Sums of Money; be it further enacted, That the said Commissioners of Inclosure shall and they are hereby required to make, or cause to be made, Two complete Schedules or Descriptions of each and every Allotment and Parcel of ancient Inclosure, with the Name of the Owner thereof, the exact Measure in Acres, Roods, and Perches, the yearly or Corn Rents or Sums of Money issuing out of each respectively, and the Quantity of Wheat which is to govern each of the said future yearly or Corn Rents or Sums of Money which shall be charged as aforesaid, and such other Requisites as shall be judged proper or necessary by the said Commissioners of Inclosure, to render every Matter respecting the said yearly or Corn Rents or Sums of Money clear and plain in future, which said Schedules and Description shall be signed by the said Commissioners, and One deposited in the Episcopal Registry at *Lincoln*, and the other annexed to the Award of the said Commissioners directed to be made by this or the said recited Act.

Allotments
and Corn
Rents to be
in lieu of
Great and
Small
Tythes.

XXIII. And be it further enacted, That the Allotment or Allotments which shall be set out for the said Master of the Hospital of *Spittal*, and his Lessee for the Time being, in respect of Glebe and Common Rights and the Corn Rents required to be ascertained, charged, and paid as herein-before directed, shall be in lieu of and in full Compensation and Satisfaction for all Glebe Lands and Rights of Common in and upon the Lands and Grounds hereby directed to be divided and inclosed, and of and for all the Great and Small Tythes, Moduses, Compositions, and other Payments whatsoever in lieu of Tythes, arising, renewing, increasing, appertaining or due or payable from, out, or in respect of all and every the Messuages, Cottages, Tofts, Homesteads, Gardens, Orchards, inclosed Lands, Open and Common Lands, Fens, Meadows, Pastures, Wood Grounds, Common Pastures, Commons and Waste Lands, and all other Lands, Tenements, and Hereditaments whatsoever, within the said Parish of *Skellingthorpe*, and the same Tythes, Moduses, Compositions, and other Payments, in lieu of Tythes, shall, immediately from and after the making and setting out the Allotments, and ascertaining of the said Corn Rents to be paid in lieu and Satisfaction thereof as aforesaid, and vesting the same in the said Master and his Lessee, or at such other Time or Times as the said Commissioners shall, in and by their Award, or any Writing to be signed by them previous to the Execution of their Award, direct or appoint, cease, determine and be for ever extinguished (Easter Offerings, Mortuaries, and Surplice Fees, only excepted).

XXIV. And

XXIV. And be it further enacted, That the said Commissioners of Inclosure shall, and they are hereby also required, in the next Place, to set out and allot unto and for the Mayor and Commonalty, and Citizens, Governors as aforesaid, as Lords of the said Manor of *Skellingthorpe*, One-twentieth Part of the then Residue of the unknown Lands and Waste Grounds, directed to be divided and inclosed, in lieu of and as a full Compensation for the Right and Interest of the said Mayor and Commonalty, and Citizens, Governors as aforesaid, and their Successors, in and to the Soil of the said Lands.

Allotments to the Lord of the Manor for Right of Soil.

XXV. And be it further enacted, That, from and immediately after the said Commissioners of Inclosure shall have set out Land for the Roads and Ways, and made the several Allotments hereinbefore directed, they the said Commissioners shall set out, allot, and divide the Residue of the said Open, Commonable, and Waste Lands in the Parish of *Skellingthorpe* aforesaid, intended to be divided and inclosed, unto and amongst the several Persons and Parties who at the Time of making such Division and Inclosure shall be possessed of or entitled to any Land, Right of Common, or other Property therein (except such Properties for which Allotments shall have been made in Manner before directed) in Proportion to the true and real Value of their several Shares, Rights, and Interests, and in full Satisfaction of and for such their said several Shares, Rights, and Interests, to be ascertained and adjudged by such Ways and Means and in such Manner as to the same Commissioners shall seem just and expedient, but subject to the Rules, Orders, and Regulations herein contained or referred to, and authorized to be established concerning the same.

General Allotments.

XXVI. And be it further enacted, That the several Allotments to be made by virtue of this Act to the said Master of the Hospital of *Spittal* and his Lessee for the Time being, for or in respect of Glebe Lands and Common Rights appertaining to the said Rectory, shall, as soon as conveniently may be after setting out the same, be inclosed and fenced with double Ring or outermost Fences of Oak Posts, and Three Rails of Ash or other durable Wood, with a sufficient Ditch on each Side thereof, and planted with good thriving Quickset (except on such Sides and Parts of the said Allotments as shall be directed by the said Commissioners of Inclosure to be fenced by the Proprietors of particular Allotments lying next thereto) and the Expences of all the said Fences shall be paid, borne, and defrayed by the Proprietors of all and every the Allotments to be made by virtue of this Act (except the said Master of the Hospital of *Spittal*, and his Lessee for the Time being), in such Proportions, and to be paid at such Time or Times as the said Commissioners of Inclosure, by any Writing under their respective Hands, or in and by their Award, shall order, direct, and appoint, and that all such Fences shall at all Times thereafter be maintained and repaired by and at the Expence of the Owners for the Time being of the Lands and Grounds to which they shall be respectively allotted or directed to belong; and the several other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, and fenced at the Expence of the respective Proprietors to whom such Fences shall be allotted or directed to belong, in such Manner and within such Time as the said Commissioners of Inclosure shall by their Award, or any Writing under their Hands, order or direct.

Allotments to be fenced.

XXVII. And be it further enacted, That the said Commissioners and Commissioner within their and his respective Districts, shall and they and he are and is hereby authorized and required, by such Agents, Workmen, or Labourers as they and he shall respectively think fit to employ, to enlarge, straighten, make deeper, or embank any of the ancient Drains and Sewers already made, in, over, or through any of the said Fens, Meadows, Commons, and inclosed Low Lands intended to be embanked and drained as aforesaid, and to enlarge, raise, widen, or otherwise to alter and improve any of the Cloughs, Arches, Banks, Bridges, or other Works already made therein, and also to make or cause to be made such Sluices or Cloughs in such Places as shall appear to the said Commissioners or Commissioner most proper and convenient, and of such Dimensions and Capacity, and in such Manner and Form in every Respect, as shall be necessary and expedient for the Purpose of Drainage; and also to make or cause to be made any new Cuts, Drains, Dams, Sewers, Ditches, Banks, Tunnels, Outlets, Engines, Cloughs, Bridges, or other Works, which shall be needful, in, through, and upon any Part or Parts of the said Lands; and also to make or cause to be made such Tunnels under the Rivers *Fosdike* and *Till* (subject nevertheless to the Restrictions herein contained with respect to the Waters and Navigation of the River *Fosdike*) and any Ways, Roads, Cuts, or Drains within the Boundaries of the said Lands, as they the said Commissioners and Commissioner shall from Time to Time think necessary or expedient, and in and by their Award, or by any Writing under their or his Hands or Hand, in the mean Time to appoint any such Person or Persons, and to make such Orders, and give such Directions for carrying on, effecting, and preserving such Works, and for maintaining, supporting, and keeping the same in good and sufficient Repair from thenceforth for ever thereafter, as the said Commissioners or Commissioner shall think proper, just, and equitable, and to make such Recompence and Satisfaction to any Person or Persons in whose Lands or Grounds such Cuts, Drains, Sewers, Sluices, and other Works shall be made, or who may be prejudiced thereby, or by means or in consequence thereof, or for the Value of the Ground to be used for the Purposes aforesaid, and all such other Damages as he, she, or they shall thereby sustain, as shall or may be agreed upon between the said Commissioners or Commissioner and the Owner or Owners of the Person or Persons who shall be prejudiced as aforesaid; and such Recompence and Satisfaction shall and may be raised in the same Manner as the other Expences for executing the said Works of Drainage, and shall be paid by such Person or Persons, and in such Shares and Proportions as the said Commissioners or Commissioner shall think just and equitable, and shall accordingly order and direct, and shall be made and accepted in full Satisfaction for all such Damage as aforesaid; and if the said Commissioners or Commissioner, and such Person and Persons, cannot agree concerning the Amount of such Damages, then the same shall be assessed, adjusted, and finally determined before such Justices of the Peace or the major Part of them as shall be assembled at any General Quarter Sessions of the Peace which shall be held for the City, County, Parts, or Division, within which such Damages shall respectively arise, within Four Calendar Months after the said Damages shall have respectively accrued, Fourteen Days Notice in Writing being given to the said Commissioners or Commissioner, by the Person or Persons complaining of such Damage, that an Application will be made to such Quarter Sessions; and in case such Owner or Owners, or Persons prejudiced as aforesaid, shall make Oath that in his, her, or their Opinion or Judge-

ment, such Damage exceeds the Value of Five Pounds, such Justices shall and they are hereby respectively authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and disinterested Men, to be then and there impannelled and returned by the proper Officer returning Jurors for such Court, without Fee or Reward and cause them to be sworn, and truly on their Oaths to assess the Recompence to be made for such Damages (which Oath the said Justices are hereby respectively required to administer to the said Jurymen) to which Jurymen the said Commissioners or Commissioner, and the Parties complaining, shall have their lawful Challenges; and the said Jury, being so charged and sworn as aforesaid, and after proper Evidence upon Oath to them given of the Nature of such Damages, shall by their Verdict assess the Damages and Recompence to be made for the same by such Owner or Owners, or Persons prejudiced as aforesaid, and the Verdict of the Jury, and the Judgement of the Justices thereupon, shall be final and conclusive to all Parties: Provided always, that such Justices shall and may adjourn such Appeal to any other Sessions of the Peace for the City, County, Parts, or Division aforesaid, and finally determine the same at any of the said Sessions, and give Costs to either Party as they shall think reasonable.

XXVIII. And be it further enacted, That if any Money shall be agreed 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, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, 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 there *ex parte* the said Commissioners or Commissioner, 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 Discharge of any Debt or Debts, or any Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, on the Request of the said Commissioners or Commissioner, in Writing, signed by them or him, and without any Order of the Court of Chancery, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court of

Application
of Compensation
when
exceeding
200 l.

of Chancery 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, go and belong 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 Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where Money does not amount to 200^l. and shall exceed 20^l.

XXIX. Provided always, and be it further enacted, That if any Money so agreed 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 as aforesaid, shall not exceed the Sum of Two hundred Pounds, nor be less than 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 Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of any Infancy or Lunacy, to be signified by Writing under their respective Hands), be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners or Commissioner (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Money may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20^l.

XXX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, 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.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank.

XXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners or Commissioner; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners or Commissioner, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments,

Hereditaments [*describing ibem*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

subject to the Order of the Court of Chancery, on Motion or Petition.

XXXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching such Money, the Person in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto, according to such Possession, unless, &c.

XXXIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners or Commissioner, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Commissioners.

Commissioners may alter the Course of the *Till*.

XXXIV. And be it further enacted, That, in order to preserve the Waters of the River *Till*, and to facilitate the Passage thereof through the said North District to their Outfall into the *Fosdike*, it shall be lawful for the said Commissioner for embanking and draining the Low Lands within the said District, and he is hereby authorized, empowered, and required, to alter, enlarge, straighten, and embank the Course of the said River *Till* where necessary, for the Space the same extends through the said Land, in such Manner as shall effectually accomplish the Purpose aforesaid.

Works to be done by the Commissioners of the North District.

XXXV. And be it further enacted, That for the more effectually draining and preserving the said Low Lands lying North of the said River *Fosdike*, the said Commissioner for that District shall, and he is hereby authorized and empowered to cause Two Tunnels, of Cast Iron, of such Dimensions as he shall think expedient, to be laid under the said River, One of the said Tunnels to be laid at or near the Mouth or Outfall of the present *Bishop Bridge Drain*, and the other of the said Tunnels on the West Side of and near to the Mouth or Outfall of the said River *Till*, and Two Drains of correspondent Dimensions to be made from the said Tunnels to communicate with the main Drain intended to discharge the Waters of the South District; and the Commissioner of the said North District is hereby also authorized, empowered, and required to embank the North Side of the said River *Fosdike*, with a Bank of sufficient Dimensions and Extent, and with such Forelands as shall be requisite or expedient for protecting the said North District against ordinary Floods, and cause a Catchwater Drain to be made and embanked along or near the Course of the High Lands bounding the said District, so as to conduct the Highland Waters into the River *Fosdike* through or near to their present Course at *Bishop's Bridge*, separate and distinct from the Drain intended to be made for discharging the other Waters of the said North District under the said River; provided that the Proprietors and Occupiers of Lands in the said North District are not thereby prevented or obstructed from such and the like Use and Control over the Waters issuing from the Highlands Northward of the said Catchwater Drain, for such and the like Purposes, and in as full and ample Manner as they have heretofore had, used, and enjoyed the same, and for that Purpose shall and may, when and as Occasion shall require, lay any Tunnel or Tunnels under the Southward or Inner Bank of the said Drain for the Admission of such Waters into the said District; provided that not more Water shall be taken from the said Catchwater Drain than what has been usually produced by the Springs Northward of the said Drain in ordinary Seasons.

Certain Works near the River *Till* may be suspended.

XXXVI. Provided always, and it is hereby enacted, That if in the Execution of this Act it shall appear to the Commissioner of the said North District that the Embankment of the said River *Till*, or the Tunnels herein authorized to be laid under the said River, and under the *Fosdike* at or near to the said River *Till*, or either of them, will be ineffectual for the Purposes hereby intended, or become otherwise inexpedient, it shall be lawful for the said Commissioner, and he is hereby authorized and empowered to suspend or wholly abandon the Execution of the said Works, or any of them, provided that such Banks or other Works are made and executed as shall effectually prevent the Flood Waters of the said River *Till*, as well as the ordinary Waters thereof, from passing Eastward into the said

North

North District, whereby the same may be uttered through the said Tunnel directed to be laid under the River *Fosdike* at or near *Bishop Bridge Drain*, to the Prejudice of the Navigation of the said River *Fosdike*.

XXXVII. Provided also, and be it further enacted, That nothing herein contained shall authorize the Commissioner of the said North District to run off the Water of the River *Fosdike*, for the Purpose of laying the said Tunnels under the same, without the Consent in Writing of the Proprietors or Lessees of the said Navigation, but that he shall and is hereby required to make a Dam or Staunch on each Side the Place where such Tunnels shall be respectively laid, and effectually to remove the same as soon as conveniently may be after the said Tunnels are completed, so that no Injury be done to the Navigation of the said River.

Not to run off the *Fosdike* Water on laying Tunnels under that River.

XXXVIII. And be it further enacted, That the said Commissioners for embanking and draining the Low Lands lying on the South Side of the said River *Fosdike* and *Brayford Meer*, shall and they are hereby authorized, empowered, and required, to embank the South Side of the said River and Meer, and also the West Side of the River *Witham*, and both Sides of the Drain called the *Pike Drain*, to the South east Side of *Skellingbope Moor*, with Banks of such Dimensions and Extent as shall be requisite or expedient for the Protection of the said South District against ordinary Floods; and to make and embank a Catchwater Drain along or near to the High Lands adjoining the said District on the South, of adequate Dimensions to discharge the Waters from the said Lands into the said River *Witham*.

Works to be done by the Commissioners of the South District.

XXXIX. Provided always, That the Proprietors and Occupiers of Land in the said South District shall not be prevented or obstructed from such and the like Use and Control over the Waters issuing from the High Lands, South of the Catchwater Drain last herein-before mentioned, for such and the like Purposes, and in as full and ample Manner as they have heretofore had, used, and enjoyed the same; and for that Purpose, the said Proprietors and Occupiers shall and may, as and when Occasion shall require, lay any Tunnel or Tunnels under the northward or inner Bank of the said Drain, for the Admission of such Waters into the said South District: Provided also, that not more Water shall be taken from the said Catchwater Drain, than what has usually been produced by the Springs southward of the said Drain in ordinary Seasons.

Power to lay Tunnel in South Catchwater Drain.

XL. Provided always, and be it further enacted, That if at any Time or Times hereafter the Outfalls of the River *Witham*, or Drains communicating therewith, and discharging the Waters of the said River through or near to the said City of *Lincoln*, shall be encreased or enlarged, that then it shall be lawful for the said Commissioner or Commissioners, or Trustees, to raise, make, and enlarge the Banks and Drains which shall or may be made under the Authority of this Act, to such Size and of such Dimensions as shall be correspondent with such Alterations and Improvements which may be so made in the Outfalls of the said River *Witham* and Drains as aforesaid.

Power to enlarge the Banks and Drains when the Outfalls of the River *Witham* shall be encreased.

XLI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize and em-

power

Navigation of the River *Fosdike* not to be altered.

power any of the said Commissioners, or any other Person or Persons under the Authority or by virtue of this Act, to interfere with or alter the Navigation of the said River *Fosdike*, or any of the Banks, Towing Paths, Roads, Bridges, or other Works made or to be made for the keeping, maintaining, and preserving of the said Navigation, or to make any new Work, or to divert any of the Drains, Streams, or Waters which supply the said Navigation, or do any Act that may obstruct or injure the said Navigation, or in anywise affect the good State and Condition thereof; nor shall any Thing herein contained extend, or be construed to extend, to invalidate, lessen, alter, or take away any of the Rights, Powers, and Authorities of the Proprietor or Proprietors, Lessee or Lessees of the said Navigation, but that the same Rights, Powers, and Authorities shall be and continue as fully to all Intents and Purposes as if this Act had not been made, any Thing herein contained to the contrary thereof in anywise notwithstanding, so as that the said Commissioners, and the Trustees to be appointed as after mentioned, shall not be prevented or restrained from making, maintaining, and supporting the said several Works herein directed or authorized to be made and executed.

Directions
respecting
Drains into
the *Fosdike*.

XLII. And be it further enacted, That the Mouths or Outfalls of the present Drains, and of all new Drains to be made in either of the said Districts for discharging the Waters thereof respectively into the said River *Fosdike*, shall be protected or guarded by Sluices, Doors, or other sufficient Works, to prevent the Water of the said River from being diverted or taken therefrom; and that all such Drains shall be made of the same Depth as the Bed of the said River, and of double the Capacity of other Parts of the said Drains, for the Space of Three hundred Yards from the respective Outfalls, if required, by Writing under the Hands of the Proprietors or Lessees of the said Navigation before the said Drains are respectively made and completed; provided that the said Sluices, Doors, and other Works shall be constructed so as to suffer the Waters in the said Drains to pass into the *Fosdike* at all Times when the Surface of the Water in the said River will admit thereof.

If Commis-
sioners or
Trustees
neglect to
repair Works,
Proprietors of
the *Fosdike* or
their Lessees
may repair
them.

XLIII. And be it further enacted, That if it shall happen that any of the Works intended to protect the Water of the Navigation of the said River *Fosdike* shall be neglected to be done, or if by reason of any Accident or other Cause, the said Works or any of them shall be out of Repair, or if proper and sufficient Means shall not be taken to prevent the Communication of the Waters of the Rivers *Till*, *Witbam*, and *Fosdike*, or other Waters supplying the said Navigation (except such Flood Waters as may pass over the Banks of the said Rivers), with the said Drain or Drains intended to discharge the Waters of the said Low Lands to their Outfall at the Culvert or sunken Tunnel now lying or to be laid under the said River *Witbam*, at or near the Great Gowts Drain, that then and in any such Case it shall and may be lawful for the said Proprietors or Lessees to cause all such Works to be done or repaired, so as effectually to preserve the said Waters for the Use of the Navigation of the said River *Fosdike*, and that the Expences incurred thereby shall be defrayed by the said Commissioners or Commissioner, or Trustees, in like Manner, and with the like Powers of recovering the same, as if the said Works had been done by or under the Direction of the said Commissioners or Trustees.

XLIV. Provided always, and be it further enacted, That the said Commissioner of the North District, in making the Tunnels herein authorized to be laid under the said River *Fosdike*, shall cause the same to be laid at such Depth, so that the upper Part thereof be not less than Eighteen Inches below the Bottom of the said River, and at such Season of the Year, and within such reasonable Time, as may the least interfere with the said Navigation; and that due Attention and Regard shall be had to the Interests of the Owners and Lessees of the said Navigation in all future Reparations of the said Tunnels, or either of them; and that the Commissioner of the said North District, and the Trustees to be elected for supporting the Works of Drainage within the same, or belonging thereto, shall so make, maintain, and support such Works, as that the Waters of the *Fosdike*, or any Rivers, Brooks, or Drains communicating therewith, shall not be diverted or taken therefrom into the said North District, except as aftermentioned, whereby such Waters may be discharged through either of the said Tunnels to the Prejudice of the said Navigation; and that notwithstanding the said Tunnels are authorized to be made of any Dimensions the said Commissioner shall deem expedient, it is hereby declared, that the Passage of the Waters through the same shall be so regulated by all the said Commissioners, as that the Quantity to be discharged thereby may be apportioned, as near as may be, to the Means which for the Time being shall exist of discharging the Waters of both the said Districts to their Outfall below *Lincoln*, to the Intent that all the said Proprietors may participate, as far as Circumstances will admit, in an equal Degree in the Benefit of the said intended Drainage; provided that if all the said Commissioners shall not concur in Opinion respecting the same, it is hereby declared, that the Passage of the Waters of the North District through the said Tunnels shall be regulated and ascertained by *John Rennie of Christ Church, Surry*, Esquire, whose Determination in Writing under his Hand, delivered to the said Commissioners, shall be final and conclusive upon all Parties; and the Commissioner of the said North District shall proceed in the farther Execution of the said Act, in relation to the said Tunnels, conformably to the Directions of the said *John Rennie* concerning the same.

Directions
respecting
Works of
Drainage in
the North
District.

XLV. Provided likewise, and be it further enacted, That nothing in this Act contained shall authorize or empower the Commissioners or Trustees acting by virtue of this Act, or any of the Owners and Proprietors of the Lands and Grounds hereby intended to be drained, to invalidate, lessen, alter, or take away any of the Rights, Powers, or Authorities, vested in all or any of the Commissioners acting under or by virtue of an Act, passed in the Second Year of His present Majesty's Reign, intituled, *An Act for draining and preserving certain Low Lands called The Fens, lying on both Sides the River Witham in the County of Lincoln, and for restoring and maintaining the Navigation of the said River, from the High Bridge in the City of Lincoln, through the Borough of Bolton to the Sea*; or under or by virtue of a certain other Act, passed in the Thirty-second Year of the same Reign, intituled, *An Act for enlarging and improving the Canal called Tattershall Canal, from the River Witham to the Town of Tattershall, and extending the same into the River Bain, and for making the said River Bain navigable from thence to or into the Town of Horncastle, all in the County of Lincoln; and also for amending and rendering complete the navigable Communication between the said River Witham and the Fosdike Canal, through*

This Act not
to prejudice
the Works of
the *Witham*.

the High Bridge in the City of Lincoln; but that the same shall respectively be and continue in force, as fully to all Intents and Purposes as if this Act had not been made; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Not to prejudice Drainage of adjoining Parishes.

XLVI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower any of the said Commissioners, or any other Person or Persons under the Authority or by virtue of this Act, to make or alter, or cause to be made or altered, any Cloughs, Sluices, Tunnels, Drains, Banks, Engines, or other Works, to prejudice, obstruct, or injure the Drainage of any Low Lands in any Parish, Township, Hamlet, or Place lying adjacent or near to the said River *Fosdike*, and draining thereby, not included in the Limits and Boundaries of the Lands herein-before described lying within the said Districts respectively.

Commissioners and Trustees empowered to act in preserving the Course of Drainage through *Lincoln*.

XLVII. Provided nevertheless, and be it further enacted, That the Commissioners appointed by virtue of this Act, or the Trustees for the Time being acting under the Authority thereof for either of the said Districts, shall and may and they are hereby respectively empowered from Time to Time, as Occasion shall require, to scour out and repair any of the Drains or Works by the said Act of the Thirty-second Year of His present Majesty's Reign authorized to be done and executed under the River *Witbam*, and from the East Side of the said River, through the Great Gowts Drain in the City of *Lincoln*, and thence along the Course of the present Drain, communicating therewith, to its Junction with the said River *Witbam* at or near a Place called *Stamp End*, upon the like Notice, and in such and the like Manner, and under such and the like Restrictions, and at the Expence of such Persons or Parties as the Lords of the Manors of *Burton*, *Skellingthorpe*, and *Boultham*, or any of them, are authorized and empowered by the said Act, to cause the said Drains or Works to be scoured out and repaired.

Commissioners to set out private Roads over Lands to be drained.

XLVIII. And be it further enacted, That the said Commissioners and Commissioner, within their and his respective Districts, shall, and they and he are and is hereby empowered and required, in order to obviate any Inconvenience that may arise to the Occupiers of any of the said Fens, Meadows, Commons, and inclosed Low Lands intended to be embanked and drained as aforesaid, by reason of any of the present Communications being interrupted or stopped up by the Works of Drainage to be made and executed under the Authority of this Act, to set out and appoint such additional private Roads and Ways, in, over, or through any of the same Lands, of such Width as the said Commissioners or Commissioner shall think necessary, useful, and convenient, the said Commissioners or Commissioner causing Satisfaction to be made out of the Monies to be raised towards defraying the Expence of the Works of Drainage to the Owners, Proprietors, and Occupiers of such Lands, through which any new Roads or Ways shall be made, for any Damages they may sustain thereby, as to the said Commissioners or Commissioner shall seem meet; and that, from and after the setting out of such additional Roads and Ways (if any) it shall not be lawful for any Person or Persons to make use of any other Roads or Ways, in, over, or through the said Lands so intended to be embanked and drained,

or

or any of them, either on Foot, or with Horses, Carts, or Carriages, other than such Roads and Ways as are now in being, and shall not be altered or stopped up by the said Commissioners or Commissioner, and also such additional Roads and Ways as shall be set out and appointed under or by virtue of this Act, or which shall be set out in the said Parish of *Skellingthorpe*, under the Authority of the said Act of the Forty-first Year of His present Majesty's Reign; and that such of the former Roads and Ways through the said Lands so intended to be embanked and drained, which shall be altered or stopped up, shall, by the said Commissioners or Commissioner be awarded to the Person or Persons whose Lands shall be adjoining or contiguous thereto, he, she, or they making such Satisfaction for the same as the said Commissioners or Commissioner shall, in and by any Writing under their or his Hands or Hand, direct and appoint: Provided, that no Road or Way whatsoever shall be set out over any of the Lands or Grounds of or belonging to the Mayor, Sheriffs, Citizens, and Commonalty of the City of *Lincoln*, intended to be embanked and drained, without the special Licence and Consent of the said Mayor, Sheriff, Citizens, and Commonalty, by Writing under their Common Seal first had and obtained, or over any of the Lands or Grounds in the said Parish of *Boultham*, without the Consent of the Lord of the said Manor of *Boultham*, or of the Owner or Owners of the said Lands.

Except over Lands of the Corporation of *Lincoln*, and in the Parish of *Boultham*.

XLIX. And be it further enacted, That if by Means of embanking and draining the said Low Lands, any Cattle which used to depasture in the Lands and Grounds adjacent to any of the Rivers or Drains intended to be embanked, shall be deprived of their accustomed or usual Watering Places then and in every or any such Case the said Commissioners or Commissioner shall, and they and he are and is hereby required, at the Costs and Charges of the Proprietors of the Lands and Grounds in the said respective Districts, to make such new Watering Places, and to lay such and so many Tunnels as shall be necessary through the Banks of such Rivers or Drains, and make Cuts therefrom to communicate with such Watering Places as aforesaid, or otherwise set out and provide proper and convenient Places in the said Rivers or Drains, whereby the said Cattle may be conveniently and properly supplied with Water.

For preserving Watering Places for Cattle.

L. And be it further enacted, That all the Cuts, Drains, Ditches, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and other Works already made or erected, or which shall at any Time hereafter be making or erecting, or made, erected, supported, or maintained by virtue of this Act, for the Purpose of draining and preserving the said Fens, Meadows, Commons, and inclosed Low Lands, lying within the respective Boundaries aforesaid, and the Right and Property to and in the same, and the Materials of which the same shall consist, shall be and are hereby vested in the said Commissioners and Commissioner hereby nominated and appointed, and their and his Successors; until the Power and Authority of the said Commissioners and Commissioner in executing this Act shall respectively cease, and until Trustees shall be appointed by virtue of this Act; and after such Appointment shall be certified as hereinafter mentioned, then the said Works, and the Right and Property to and in the same, and the Materials of which the same shall consist, shall be and are hereby vested in the said Trustees; and the Commissioners and Trustees

Works of Drainage to be vested in Commissioners.

of the said respective Districts are hereby respectively authorized and empowered to bring or cause to be brought any Action or Actions in their or his own Names or Name, or in the Name of any one of them, or to prefer or order and direct the preferring of Indictments or other Prosecutions against any Person or Persons who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure any of them, or any Part thereof, or the Materials of which the same shall be made, built, or consist.

How Drains
are to be
cleansed, in
case Propri-
tors neglect.

LI. And be it further enacted, That if any Proprietor or Proprietors, Occupier or Occupiers, of any of the said Lands intended to be drained by virtue of this Act, shall refuse or neglect to cleanse and scour out, and keep sufficiently wide and deep, any Drain, Ditch, or Dike, or neglect to make and keep in Repair any private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel, which shall be directed in or by the Award of the said Commissioners or Commissioner, to be scoured, cleansed, made, or kept in Repair by him, her, or them, in such Manner as shall be therein directed, after Twenty-one Days Notice in Writing shall have been given to him, her, or them for that Purpose, by the Officer or Officers for managing the Works of the said Drainage for the Time being, it shall be lawful for such Officer or Officers, and he and they is and are hereby authorized and required to, cause such Drain, Ditch, or Dike, to be cleansed and scoured, or such private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel to be made and repaired in such Manner as shall be in the said Award directed; and the Proprietor or Proprietors, Occupier or Occupiers, so refusing or neglecting as aforesaid, shall reimburse and pay unto such Officer or Officers all such Costs, Charges, and Expences as shall be incurred by the cleansing, scouring, making, and repairing of any Drain, Ditch, or Dike as aforesaid, with reasonable Satisfaction unto such Officer or Officers for his or their Time and Trouble therein; and in case such Proprietor or Proprietors, Occupier or Occupiers, shall (after Demand thereof made by such Officer or Officers) refuse or neglect to reimburse and pay all such Costs, Charges, Expences, and Satisfaction as aforesaid, then the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Party so refusing, by virtue of a Warrant or Precept under the Hands and Seals of the said Commissioners or Commissioner, Trustees or Trustee for the Time being for putting this Act in Execution.

Charges of
Inclosure and
Drainage ap-
portioned.

LII. And be it further enacted, That One Moiety or equal Half Part of the Costs and Charges of obtaining and passing this Act, and the Whole of the Charges and Expences of surveying all the said Lands in *Skellingthorpe* aforesaid, both open and inclosed (except the Lands to be embanked and drained within the said Parish) and settling the Compensation for Tythes, and of dividing and allotting all the said Open Lands, and of setting out, forming, and making the publick Bridle Roads, private Roads and Ways, Banks, Bridges, Drains, Cloughs, and Watercourses, in, upon, through, or over the same Lands (except such of the several Matters and Things aforesaid as are requisite or necessary for the said Embankment and Drainage) and also the Charges and Expences of inclosing the Allotments hereby directed to be made to the said Master of the Hospital of *Spittal*, and his Lessee, in lieu of Glebe
and

and Common Rights, and of preparing and enrolling the Award of the said Commissioners of Inclosure, and the reasonable Charges and Expences of the same Commissioners and of the said Surveyor, and other proper and necessary Expences in the Execution of this Act or of the said Act of the Forty-first Year of the Reign of His present Majesty, so far as the same respectively relate to or concern the said Inclosure, shall be borne and defrayed by the Owners and Proprietors of the said Open and Inclosed Lands in *Skellingthorpe* aforesaid (the Matter of the said Hospital of *Spittal*, and his Lessee, in respect of their Allotments for Glebe and Common Rights, and Corn Rent in lieu of Great and Small Tythes, only excepted); and that the other Moiety or Half Part of the Charges and Expences of obtaining and passing this Act, and the Whole of the Charges and Expences of surveying and admeasuring the said Fens, Meadows, Commons, and inclosed Low Lands so intended to be embanked and drained as aforesaid, and of preparing and enrolling the Awards or Instruments, and the reasonable Charges and Expences of all the said Commissioners in relation to the said Embankments and Drainage, and also the Expences of purchasing Lands for the cutting of Drains and erecting Banks, and the Charges and Expences of making, erecting, supporting, and using the said Works of Drainage, and all other Expences of embanking and draining the said Fens, Meadows, Commons, and inclosed Low Lands, lying within the respective Boundaries aforesaid, shall from Time to Time, as the said Commissioners and Commissioner acting for each of the said Districts shall see Occasion, be borne and paid by the Proprietors and Owners of the Lands to be drained by virtue hereof, in such Proportions and in such Manner as herein-after expressed; and in case any Proprietor or Owner shall refuse or neglect to pay his, her, or their Proportion of any such Costs, Charges, and Expences as aforesaid, within the Time or Times respectively for that Purpose to be limited by the Commissioners or Commissioner for executing the Works of Drainage within the District where such Lands shall be situated, to such Person or Persons as the said Commissioners or Commissioner shall appoint to receive the same, then it shall be lawful for the said Commissioners or Commissioner, or any Person or Persons to be authorized by them or him, to enter into and upon the Lands so to be inclosed, exonerated from Tythes, or drained respectively, of such Person so refusing or neglecting, and the Rents, Issues, and Profits thereof, to receive and take, until thereby or otherwise, his or her Share or Proportion of the said Costs, Charges, and Expences, together with all Costs, Charges, and Expences occasioned by and attending such Entry upon and Receipt of the Rents and Profits of the same Premises respectively, and also Interest for such Share and Proportion from the Time the same shall be made payable by the said Commissioners or Commissioner, shall be fully satisfied and paid.

LIII. And be it further enacted, That the Costs and Charges herein directed to be paid by the Owners or Proprietors of the said Fens, Meadows, Commons, and inclosed Low Lands, intended to be embanked and drained (except the Expences of inclosing the Lands in *Skellingthorpe* before provided for), shall be borne and defrayed in Manner following; that is to say, the Owners and Proprietors of Lands lying North of the River *Fosdike*, shall, according to the proportionate improved annual Value (if any) which they shall respectively derive therefrom, exclusively bear and pay the

Works of
Drainage in
each District
how paid.

the Charges and Expences of all Works of Drainage to be made and executed within the said District, and of the said Two Culverts or sunken Tunnels under the River *Fosdike*, and in making Drains from the same to communicate with the said main Drain in the South District, and embanking the North Side of the said River *Fosdike*, and all the reasonable Charges and Expences of the Commissioner or the said North District, and of the Surveys to be had and taken within the same, and of the Award of the said Commissioner, and all other proper and necessary Expences in the Execution of this Act, so far as the same relates to or concerns the said North District; and that the Owners and Proprietors of Lands in the said North District draining by the sunken Tunnel under the *Fosdike*, near the River *Till*, and the Owners and Proprietors of Lands in the Parishes of *Saxeby* and *Skellingthorpe*, lying in the said South District, shall bear and defray the Charges and Expences of making the main Drain in the said last-mentioned District, from the Commencement thereof Westwards to the Entrance of the said Drain into the said Parish of *Boultham*; and that the Owners and Proprietors of all the taxable Lands in both the said Districts shall bear and defray the Charges and Expences of making the said main Drain from its Entrance into the Parish of *Boultham* as aforesaid, to the River *Witham* at the Great Gowts Drain, and of embanking the said River *Witham*, and of all Works Eastward of the said River (if any); and that the Owners and Proprietors of Lands and Grounds intended to be embanked and drained, lying within the said South District, shall bear and defray the Charges and Expences of the said intended Catchwater Drain bounding the same, and of the several Drains and Banks within the said District, except the said main Drain; also the Embankment of the South Side of the River *Fosdike* and *Brayford Meer*, and the reasonable Charges and Expences of the Commissioners of the said South District, and of the Surveys to be had and taken within the same, and of the Award of the same Commissioners, and all other proper and necessary Expences in the Execution of this Act, in relation to the Drainage of the said South District; and that the several Proprietors, Persons, and Parties hereby respectively charged with and made liable to the first making and executing of the said several Works of Drainage, shall from and after the making and executing the same, for ever thereafter remain subject and liable, in the like Proportions, to the Support, Maintenance, and Reparation thereof respectively.

Quantity and Value of Land liable to joint Expences ascertained.

LIV. And be it further enacted, That the said Commissioners and Commissioner shall, and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act, to ascertain the Quantity of Land within both the said Districts which may be benefited by the said Drainage and Embankment, and the estimated improved annual Value of the said Lands; and when and so soon as they shall have ascertained the same, then do and shall apportion and charge the said Districts respectively with the Share and Proportion of the Costs and Charges of obtaining and passing this Act, and of executing the Works of Drainage and other Works herein directed to be paid for and done and executed at the joint Expence of the Proprietors of the said Lands intended to be embanked and drained; provided, that in case the said Commissioners, or any of them, shall disagree concerning the Quantity of Land within either of the said Districts which may be benefited by the said Drainage and Embankment, or the estimated improved annual Value of the said Land, that then the same shall be

be ascertained and determined by the said *John Rennie*, and the Determination of the said Commissioners, or the said *John Rennie* (as the Case may be) shall be reduced into Writing, and signed by the Parties or Party making the same, and annexed to and enrolled with the Awards of the said Commissioners and Commissioner of Drainage, and shall be and be taken to be the Rule and Standard of the Quantity and Annual Value of the said Lands and Grounds for the Purpose of charging the said Districts respectively, not only with the Costs and Charges herein directed to be paid and defrayed at the joint Expence of the said Districts, but also with all future Costs, Charges, and Expences, for maintaining and supporting the said Works of Drainage, or other Things necessarily thereto to be maintained and supported, made, done, or paid at the joint Expence of the said Districts.

LV. Provided always, and be it further enacted, That in case the Catchwater Drain intended to be made on the South Side of the said South District, shall be found useful or beneficial to any other Lands or Grounds in the said Parishes of *Boultbam* and *Skellingthorpe*, other than such Lands as are or may be contained in the said South District, and which shall be taxed for defraying the Expence of the Drainage and Embankment in the said South District, such Lands and Grounds to which the said Catchwater Drain shall be so useful or beneficial as aforesaid, shall contribute towards the Charge of making and preserving the same in proportion to the Benefit such last mentioned Lands shall receive thereby, which Proportion shall be adjusted and ascertained by the Commissioners for the said South District, or the said *John Rennie*, in like Manner as the Taxes and Assessments of both the Districts to the said joint Works are herein directed to be ascertained and apportioned.

For apportioning the Expence of the South Catchwater Drain.

LVI. And be it further enacted, That when and so soon as the said Commissioners or Referee shall have ascertained and declared the Proportion in which the said Districts shall be respectively charged to this Act, and the said joint Works of Drainage, the said *John Trumper* and *John Burcham*, and their Successors, Commissioners of Drainage for the said South District, and the said *Edward Ilare* and his Successor, Commissioner of Drainage for the said North District, shall, and they and he are and is hereby respectively empowered and required, within their and his respective Districts, to ascertain the estimated Annual improved Value of the said Lands and Grounds, and the Names of the Proprietors thereof, and to apportion and charge each Acre of such Lands so to be drained in each District with their respective Proportions of the said joint Expences, to be ascertained by the said Commissioners or Referee in manner aforesaid, as also with the Costs and Charges of the Works of Drainage, to be exclusively borne and paid by each of the said Districts, and the Annual Tax or Assessment hereinafter authorized to be charged upon and paid in respect of the same Lands for the Support and Preservation of the said Drainage, according and in proportion to the improved Annual Value (if any) which the said Lands and Grounds shall respectively derive therefrom, and Particulars or Schedules thereof shall be fairly written or ingrossed on Parchment, and enrolled with the Awards of the said Commissioners and Commissioner; and the Determination of the said *John Trumper* and *John Burcham* and their Successors, as Commissioners of the said South District, and of the said *Ed-*

Lands of Proprietors charged to the Drainage to be ascertained.

ward

ward Hart and his Successor, as Commissioner of the said North District, shall respectively be and be taken to be the Rule and Standard both as to the Quantity and Annual Value of the said Lands and Grounds, whereby all Taxes, Assessments, and Rates to be charged, raised, levied, and paid upon, for, or in respect of the Lands and Grounds so to be embanked and drained in each of the said Districts, except the said joint Works before provided for, as well for effecting such Embankment and Drainage, as for preserving and maintaining the same, shall be respectively laid, taxed, charged, and proportioned.

Great Gowts
Drain Weir
may be re-
moved and
Weirs made
at Little
Gowts and
Bargate
Drains with
Consent of
Witbam Drain-
age Commis-
sioners.

LVII. And whereas the Waters of the said Districts may be materially impeded in their passage under the *Witbam*, by reason of the Flood Waters of the said River falling over the Weir upon the Eastward Aperture of the Tunnel under the same; and whereas such Flood Waters may with equal Advantage and Security to all Parties interested, be discharged over Weirs to be erected at the Entrances of the Little Gowts Drain and Bargate Drain, on the East Side of the said River *Witbam*; be it therefore enacted, That it shall be lawful for the Commissioners and Commissioner of the said respective Districts, and they are hereby authorized and empowered, by and with the Consent in Writing of the General Commissioners for Drainage by the said River *Witbam*, and the Proprietors or Lessees of the said *Fosdike* Navigation, and under their Controul and Direction, but not otherwise, to stop and prevent the Passage of the Flood Waters over the said Weir; and in lieu and stead of such Passage for the said Waters, to cause Two Weirs to be made at the Western Apertures of the said Little Gowts Drain and Bargate Drain of such Capacity as shall be necessary to utter the same Quantity of Water as hath been heretofore discharged over the Weir at the Great Gowts Drain, in addition to the Quantity of Water heretofore discharged by the said Little Gowts Drain and Bargate Drain, and to scour out, cleanse, and deepen the said Little Gowts and Bargate Drains, for the better Passage of the Flood Waters along the same, in such and the like Manner as the Commissioners and Commissioner of the said respective Districts are herein empowered to scour out and cleanse the said Great Gowts Drain; and also under the like Direction and Controul of the said General Commissioners for Drainage by the River *Witbam*, and of the Proprietors or Lessees of the said *Fosdike* Navigation, to make any other Works at or near the Entrances of the said Little Gowts Drain, and Bargate Drain, as may be requisite or expedient for the Benefit and Advantage of the Parties draining thereby, or otherwise interested therein.

Proprietors
or Lessees of
Fosdike autho-
rized to make
Cuts or
Drains.

LVIII. And be it further enacted, That nothing in this Act contained shall prevent or be construed to prevent the Proprietors or Lessees of the *Fosdike* Navigation, from making any Cut or Cuts through or under the Banks or Drains hereby authorized to be made, or supplying with Water the said Navigation, or any Reservoir or Reservoirs to be made in the Parish of *Baltham* from the said Catchwater Drain in the said South District or otherwise, but that the said Proprietors or Lessees may make such Cuts and Reservoirs, and supply the same with Water in the same Manner as if this Act had not been made; provided that in all such Cases, proper and sufficient Tunnels or Culverts shall be made for the Passage of the Waters of the said Drains, and effectual Care taken that no Injury shall be done to the Drainage of the Lands hereby intended to be drained.

LIX. Provided also, and be it further enacted, That all Leases and Agreements for Leases at Rack Rent, now subsisting on any Part or Parts of the said Open Lands in *Skellingthorpe* aforesaid, hereby directed to be divided and inclosed, or of any Interest therein alone or together, with any other Lands, Tenements, or Hereditaments, shall so far only as respects the said Open Lands, or any Interest therein, cease, determine, and be void, at such Time or Times as the said Commissioners shall by Writing under their Hands direct or appoint; and the said Commissioners are hereby authorized and required, if the Parties differ about the same, upon the Request of either of them, to declare and determine what Part or Parts of the said Open Lands, so to be set out and allotted for the Proprietor or Proprietors granting any such Leases or Agreements, shall be enjoyed by such Lessee or Lessees, in respect of his or their Interest in the said Lands so directed to be inclosed and to specify the Lands, by Writing under their Hands, which it shall be lawful for such Lessee or Lessees respectively to hold and enjoy for the Residue then to come in such Lease or Leases, in lieu and stead of the said Open Lands, or any Interest therein originally comprized in any such Lease; and it shall also be lawful for the said Commissioners upon the Application in Writing of either Party interested in any such Lease, or in any Lease subsisting of any other of the said Lands intended to be embanked and drained, or upon any of the said inclosed Lands in *Skellingthorpe* aforesaid, intended to be exonerated from Tythes as aforesaid, to ascertain and determine what increased Rent shall be paid or allowed to the respective Lessor or Lessors for such Lands, for and during the Continuance of the Term or Terms then to come in such respective Lease or Leases, in respect of the Benefit to be derived by reason of the improved Value of the said Lands intended to be embanked and drained, the Exoneration of all the said Lands in *Skellingthorpe* from the Payment of Tythes in Kind, and from the Inclosure of the Open Lands in the said Parish; and also to order and direct the Mode of Cultivation which all the said Lands, except the said inclosed Lands in *Skellingthorpe*, shall respectively be subject to, with respect to the sowing, tiling, cropping, fallowing, continuing in Pasture, or laying down the same for the Residue of the Lease or Leases respectively subsisting thereon, and any Lessee or Lessees disobeying or neglecting any of the said Orders and Directions of the said Commissioners in the Premises, shall be subject and liable to the several Penalties and Forfeitures which shall be imposed by the said Commissioners, and which are usual in Cases of the like Nature, and such Advance or Increase of Rent, together with the Penalties and Forfeitures, to be incurred by disobeying or neglecting any of the Orders and Directions of the said Commissioners, shall be paid to and recovered by the respective Lessor or Lessors, in the same Manner, and on the same Days and Times, as and when the several reserved Rents, and other Penalties and Forfeitures in such respective Lease or Leases, are, shall, or may be recovered or reserved due and payable respectively, during the Residue of the Term or Terms of such respective Lease or Leases.

Leases of Open Lands vacated, and Directions respecting Leases of inclosed Lands.

LX. And be it further enacted, That it shall be lawful for the said Commissioners of Inclosure to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the said several Parishes, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the same Parishes, or within any adjoining Parish, Hamlet,

Exchanges may be made:

let, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbanos, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femies Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing, under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange or Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments, so to be exchanged, shall lie and be situate.

Costs of Exchanges and Partitions to be borne by the Parties.

LXI. And be it further enacted, That the Expences attending every Exchange to be made by virtue of this or the said recited Act, shall be borne and defrayed by the respective Parties making such Exchanges, distinct and apart from the other Expences attending the Execution of this Act, in such Manner as the said Commissioners of Inclosure shall order and direct.

Not to revoke Wills or Settlements, but Allotments to be of the same Tenure and go to the same Uses as the Estates in lieu of which they were made or exchanged.

LXII. And be it further enacted and declared, That nothing in this Act contained shall revoke, make void, alter, or annul, any Will or Settlement of or concerning any of the Lands, Tenements, and Hereditaments which shall be allotted or exchanged by virtue of this Act, or prejudice any Person having any Claim or Interest in, to, or out of the same, but the same Lands, Tenements, and Hereditaments, 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, Provisions, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in the same Manner as the Lands and Hereditaments in respect whereof the same shall be respectively allotted or exchanged, are of, or would be held or go along, stand, or be limited to or upon, or be subject to, if such Allotment or Exchange had not been made, or this Act had not passed, except as to such Leases and Agreements for Leases at Rack Rents or from Year to Year, as shall be determined by virtue of this Act, or where any of the Provisions of the said recited Act, or of this Act shall be to the contrary, and also except

cept such Charges and Incumbrances as shall be made thereon by virtue of the said recited Act and this Act, or either of them.

LXIII. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Commonalty, and Citizens, Governors aforesaid, and their Successors, and to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or Persons acting as Guardians, Trustees, Committees or Attornies for the said Owners and Proprietors of the said Low Lands so intended to be embanked and drained as aforesaid, being under Coverture, Minors, Lunaticks, or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them for the Time being, and to and for any of the said Owners or Proprietors, being Tenants in Tail or for Life only, and to and for every of them respectively for the Time being, by and with the Consent of the said Commissioners or Commissioner, in Writing under their or his Hands and Seals, or Hand and Seal, from Time to Time to charge the said Fens, Meadows, Commons, and inclosed Low Lands which are intended to be drained by virtue of this Act, with any Sum or Sums of Money not exceeding Four Pounds an Acre, for defraying the Charges and Expences herein provided for in relation to the said Drainage, and for securing the Repayment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the said Lands unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so as every such Grant, Mortgage, Lease, or Demise, do also contain a Proviso, that the Person or Persons entitled in Remainder or Reversion to any of such Lands, shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest, than for One Year preceding the Time that his, her, or their Title to such Possession shall have commenced.

Power to borrow Money.

LXIV. And be it further enacted, That it shall be lawful for any Tenant or Tenants in Tail or for Life of any of the said Fens and Low Lands intended to be drained by virtue of this Act, by any Deed or Deeds in Writing, or by his, her, or their last Will and Testament duly executed according to Law, to charge such Low Lands so to be embanked and drained as aforesaid, as shall not have been so mortgaged, with such Sum or Sums of Money as shall be appointed by the Commissioners for putting this Act in Execution to be paid, and which by any Writing or Writings under the Hands of the said Commissioners shall be certified to have been accordingly paid by such respective Tenant or Tenants in Tail or for Life, or for his, her, or their Share or Proportion of the Costs, Charges, and Expences of the said Drainage; which Sum and Sums of Money so to be charged as aforesaid, shall be payable within One Year next after the Decease of every such Tenant in Tail or for Life, with Interest for the time after the Rate of Five Pounds *per Centum per Annum*, to be computed from his, her, or their respective Deceases, unto such Person or Persons as such Tenant or Tenants in Tail or for Life shall by such Deeds or Wills and Testaments respectively direct or appoint, and in Default of such Direction

Tenants in Tail, &c. may charge Money advanced by them.

tion and Appointment, to his, her, or their respective Executors or Administrators.

All such Charges shall be void.

LXV. And be it further enacted, That every such Grant, Mortgage, Lease, or Demise, and every such Charge as aforesaid to be made of or upon any of the said Low Lands, shall be good, valid, and effectual in the Law for the Purposes hereby intended, notwithstanding the want of Title in the said Husbands, Guardians, Trustees, Committees, or Attornies, or Tenants in Tail or for Life, and notwithstanding any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance of or concerning the same Fens and Low Lands, or any Part or Parts thereof then in being or capable of taking Effect to the contrary.

Powers of Commissioners to cease upon Election of Trustees.

LXVI. Provided always, and be it enacted and declared, That from and immediately after the Election of Trustees for the Purposes of continuing and preserving the said Works of Drainage as herein-after mentioned, the several Powers and Authorities granted to the said Commissioners and Commissioner shall cease and determine; any Thing herein-before contained to the contrary notwithstanding.

Commissioners may levy all Taxes laid by them before their Powers cease.

LXVII. Provided nevertheless, That the said Commissioners and Commissioner shall have full Power and Authority by virtue of this Act, at any Time or Times after such Election of Trustees, to levy, recover, and receive all such Rates, Taxes, Costs, Charges, and Sums of Money, as before the Time of such Election shall have been rated, taxed, or charged by them upon any of the said Lands or Grounds hereby intended to be embanked and drained, and which shall then be in arrear and unpaid; any Thing herein contained to the contrary thereof notwithstanding.

Works of Drainage not to be under the Jurisdiction of Commissioners of Sewers.

LXVIII. Provided always, and be it further enacted, That the said intended Drainage, or any Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers; any Law or Statute to the contrary notwithstanding.

Money advanced by Proprietors to be repaid with Interest.

LXIX. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or embanked and drained respectively, or any other Person or Persons on his, her, or their Behalf, shall advance and pay any Money in discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Commissioners to make an Award.

LXX. And be it further enacted, That within the Space of Six Calendar Months after the said Embankment and Drainage shall be completed, the said *John Trumper* and *John Burcham* as Commissioners of Drainage for the said South District, or their Successors, and the said *Edward Hare* as Commissioner of Drainage for the said North District, or his Successor, shall respectively form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, in relation to the Matters of Drainage and Embankment in their respective Districts, which shall express the
Quantity

Quantity in Statute-Measure of Acres, Roods, and Perches contained in each of the said Districts so intended to be embanked and drained, and the Quantity and Contents of each Owner's Property therein, and proper Orders and Directions for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair, the Ditches, Drains, Dams, Banks, Tunnels, Engines, and other necessary Works, in, upon, and over, or through the Lands so intended to be embanked and drained; and all such Orders, Regulations, and Determinations as are in or by this Act mentioned, declared, required, or authorized to be made and established, and such other Orders and Regulations, as shall be necessary or proper, conformable to the Tenor of this Act, for the more ealy, convenient, and effectual Execution thereof, and for preventing all Difficulties and Disputes respecting the Matters herein contained, in relation to the said Embankment and Drainage, which Awards or Instruments shall be fairly ingrossed or written upon Parchment, and signed and sealed by the Commissioners and Commissioner making the same, and fair Maps or Plans of all the Lands intended to be embanked and drained in each District, drawn upon Vellum, to be annexed to the same, and the said Award or Instrument so directed to be made by the said *John Trumper* and *John Burdham*, as also such Award or Instrument as they are authorized to make concerning the said Inclosure, under the Authority of the said Act of the Forty-first Year of His present Majesty, shall within the Space of Six Calendar Months after the signing and sealing thereof, together with the Oaths of the same Commissioners herein-before mentioned, be enrolled with the Town Clerk for the said City of *Lincoln*, or in One of His Majesty's Courts of Record at *Westminster*; and that the Award or Instrument so directed to be made by the said *Edward Hare*, or his Successor, shall within the like Space of Time after the signing and sealing thereof, together with the Oath of the same Commissioner herein-before mentioned, be enrolled with the Clerk of the Peace for the Parts of *Lindsey* in the said County of *Lincoln*, or in One of the said Courts of Record at *Westminster*, to the end Recourse may be had to the said Awards, by any Person or Persons interested in the said Embankment, Dainage, and Inclosure; and the said Awards with the said Oaths, or a true Copy of the Inrolments thereof, or any Part thereof, respectively certified by the proper Officer, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence, which Copy or Copies the proper Officer for the Time being of the Court where such Inrolment shall be made, is hereby directed to make and deliver to any Person or Persons desiring the same, he, she, or they paying for such Copy after the Rate of Two-pence per Sheet, reckoning Seventy-two Words to each Sheet; and any Person or Persons shall have liberty to inspect and peruse the said Inrolment, paying for every such Inspection or Perusal One Shilling, and no more; and that all Orders, Directions, Regulations, and Determinations so to be made as aforesaid, shall be binding and conclusive unto and upon all Parties interested therein, and the said Original Award or Instrument for the said Inclosure and the Drainage of the said South District, after the same shall be so enrolled as aforesaid, shall be deposited with the Records of the City of *Lincoln*, in the Guildhall of the said City, and the Award of the said *Edward Hare*, or his Successor, for the Drainage of the said North District, shall be deposited in a Chest within the

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Church

Church of *Burton* aforesaid, for the Inspection of the Proprietors interested in the said Inclosure and Drainage to which they respectively relate.

Appointment
of Trustees.

LXXI. And, in order that the several Drains, Banks, Tunnels, and other Works necessary for preserving the said Lands intended to be drained by virtue of this Act, may be maintained, supported, and kept in Repair, be it further enacted, That the said Commissioners and Commissioner for the said respective Districts, shall in and by their several Awards herein directed to be made and executed in relation to the said Embankment and Drainage, order, direct, and appoint in what Manner and by whom, and for what Term of Years, One or more proper Person or Persons shall from Time to Time be nominated and appointed a Trustee or Trustees for preserving the Works of Drainage within the said respective Districts; and such Person or Persons as shall be from Time to Time appointed, pursuant to the Order and Direction of the said Commissioners and Commissioner, contained in their and his said Awards shall be and are hereby appointed Trustees for putting in Execution the Powers and Authorities given to and vested in them respectively, in, over, and upon such of the said Lands intended to be embanked and drained, for and over which they shall be appointed to act as Trustees in Manner aforesaid, and they and he are and is hereby authorized and empowered to make, support, erect, alter, and maintain, or cause to be made, erected, altered, appointed, and maintained, all such Cuts, Tunnels, and Watercourses through and under any Banks whatsoever to be made upon or against the said Lands and Grounds by virtue of this present Act; and all such Cuts, Drains, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Engines, and other Works, in, upon, through, and over the said Low Lands, as the Trustees acting within and for the District wherein such Works of Drainage shall respectively be situate, belong, or become requisite, shall think necessary for draining and preserving the same, but without Prejudice nevertheless to the Rights and Interests of the Proprietors and Lessees of the said *Fosdike* Navigation, and of the said General Commissioners of Drainage by the said River *Witham*, to such and the like Extent as such Rights and Interests are herein-before declared to be preserved and maintained; and that it shall be lawful for a Majority of the Trustees for the Time being for the said Lands situate within the District in which the said Trustees shall be respectively appointed to act, to do and perform every Act and Thing necessary to be done in pursuance of this Act, and to put in force and execute all and every the Powers and Authorities vested in the said Trustees, and the same shall be valid and effectual to all Intents and Purposes, as if done, performed, or executed by all the said Trustees.

Annual
Taxes.

LXXII. And, for the better and more effectually maintaining, supporting, repairing, cleansing, and using the Engines, Drains, Dams, Banks, and other Works herein-before directed to be made for the Purpose of draining and preserving the said Low Lands; be it further enacted, That it shall be lawful for the said Trustees to be respectively appointed in and by the Award of the said Commissioners and Commissioner as herein is directed, and they are hereby respectively authorized and required to meet on the Second *Friday* in *July* in every Year, at some convenient House within or near to the District for which such Trustees shall be respectively appointed to act

(at

(at all which Meetings their reasonable Expences only shall be allowed them); and the said Trustees to be appointed for such Districts respectively shall then and there rate, tax, and assess all and every the Owner and Owners of all and every the Lands and Grounds intended to be drained by virtue of this Act, lying and being within the District in which the said Trustees shall be empowered to act respectively, by such Rate or Tax (to be proportioned as herein-before directed) as shall be necessary to pay and discharge the Expences of maintaining, supporting, and using the said Works for draining and preserving the said Lands, and the reasonable Expences only of the said Trustees at their said yearly Meetings, and the Salary or 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 Works, and of 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 certain Days and Places for the Payment of such Rates and Taxes Half-yearly to the Collectors or Receivers thereof, as they the said Trustees shall respectively think proper.

LXXIII. And be it further enacted, That if any Person or Persons rated, taxed, or assessed as aforesaid, shall refuse or neglect to pay the Money so rated, taxed, or assessed on him, her, or them respectively, within Twenty-one Days after the respective Times of Payment to be appointed as aforesaid, it shall be lawful for any Person or Persons authorized by virtue of a Warrant or Precept under the Hands of the said Trustees or Trustee (which Warrant or Precept such Trustees or Trustee are and is 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 or making such Distress and Sale; or otherwise it shall and may be lawful to and for the said Trustees and Trustee 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 and Receipt of the Rents and Profits of such Premises shall be fully paid and satisfied; and the Tenant or 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 and 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.

Power to distress for Taxes.

LXXIV. And be it further enacted, That the said Commissioners and Commissioner, Trustees and Trustee, if only One Trustee for either District,

Power to appoint Officers.

strict, and if more than One then a Majority of Trustees for each District, at any of their Meetings to be held in pursuance of this Act, or at any other Time or Times by Writing under their Hands and Seals, shall have full Power and Authority to nominate and appoint One or more proper Person or Persons to be Collector or Collectors, Receiver or Receivers of the respective Taxes and Rates to be assessed and levied by virtue of this Act, and a Clerk or Clerks, or such other necessary Officer or Officers as they shall judge proper for the Management and keeping in Repair the said Drains, Banks, and other Works of Drainage to be made by virtue of this Act, and to allow and appoint to be paid to such Officer or Officers out of such Rates and Taxes such yearly or other Salary or Wages, for their Trouble and Pains in executing such Offices as the said Commissioners and Commissioner, Trustees and Trustee respectively shall think reasonable, which said Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or other Officer or Officers, shall, before they act in the Execution of their respective Offices, give such Security for the due Execution thereof, as the said Commissioners or Commissioner, Trustees or Trustee respectively, or a Majority of such Trustees, shall require; and all such Collectors, Receivers, Clerks, and other Officers, when thereto required by the said Commissioners and Commissioner, Trustees and Trustee respectively, shall give unto such Commissioners and Commissioner, Trustees and Trustee respectively, upon Oath (which Oath any One of the said Commissioners or Trustees is hereby authorized to administer) a true, exact, and perfect Account in Writing, under their respective Hands, with proper Vouchers, for all Monies which shall have been received and paid by them respectively by virtue of their said Offices to the Time of giving in such Account, and shall pay to the said Commissioners and Commissioner, Trustees and Trustee respectively, or such Person or Persons as they shall by Writing under their or his Hands or Hand authorize to receive the same, all such Monies as shall upon balancing the said Account be adjudged by the said Commissioners and Commissioner, Trustees or Trustee respectively, to be due from such Officers, and deliver up the said Vouchers and all Books and Writings relating to the said Offices to the said Commissioners and Trustees respectively; and in case any such Collector, Receiver, Clerk, or other Officer, shall not give in and make such Account and Payment as aforesaid, or shall refuse or neglect to deliver up such Books and Writings to the said Commissioners and Trustees respectively, or to such other Person or Persons as they shall order and direct to receive the same, then and in either of the said Cases it shall and may be lawful for any One or more Justice or Justices of the Peace for the City, County, Parts, or Division within which such Case shall so happen, to make Enquiry of such Default in a summary Way; and if such Officer or Officers shall be thereof convicted, either by Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby authorized and required to administer) such Justice or Justices shall commit the Party to the Common Gaol of the said City, County, Part, or Division, to remain for any Time not exceeding Twelve Calendar Months, or until he shall have made a perfect Account and Payment as aforesaid, and deliver up all such Books and Writings in his Custody, or shall have compounded and agreed with the said Commissioners and Trustees respectively, which Composition and Agreement the said Commissioners and Trustees are hereby respectively empowered to make.

LXXV. And

LXXV. And be it further enacted, That if any Person or Persons, other than such as are authorized by virtue of this Act, shall at any Time or Times draw or open any of the Cloughs, Sluices, or Doors which shall be made under the Authority of this Act, upon or in any of the said Rivers or Drains, or shall wilfully and maliciously let off the Water of the said Rivers or Drains, every such Person or Persons shall for every such Offence, on being thereof convicted on the Oath of One or more credible Witness or Witnesses before any One of His Majesty's Justices of the Peace acting for the said City of *Lincoln* and County thereof, or for the Divisions of *Lindsey* or *Kesteven* in the said County of *Lincoln*, forfeit and pay any Sum or Sums of Money not exceeding Ten Pounds or less than Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of such Offender, by Warrant under the Hand and Seal of the Justice before whom such Conviction shall be had; which Sum so forfeited, shall be employed in and towards carrying on the Works to be done and executed under and in pursuance of this Act; and for want of sufficient Distress, such Offender shall by the said Justice be committed to the House of Correction for the said City, or the said Parts where such Conviction shall take place, for any Term not exceeding Three Calendar Months, unless he shall sooner pay the said Penalty and Costs of Conviction.

Penalty for opening Cloughs, or letting off the Water.

LXXVI. And be it further enacted, That all and every Person or Persons whomsoever who shall at any Time or Times hereafter wilfully and maliciously cut, break down, or destroy or damage any Bank, Tunnel, Sluice, or any other of the Works which shall be erected and made for the draining and embanking the said Fens, Meadows, Commons, and inclosed Low Lands intended to be embanked and drained, or any Part thereof, and shall thereof be lawfully convicted, shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried, shall and hereby have Power and Authority to punish such Felons in like Manner as other Felons are directed to be punished by the Laws and Statutes of this Realm.

Persons destroying Works guilty of Felony.

LXXVII. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners of Inclosure shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the Parts of *Lindsey* or *Kesteven*, in the said County of *Lincoln*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justices.

Commissioners to lay their Accounts before Two Justices Once in every Year.

LXXVIII. And be it further enacted, That all Persons who shall think themselves aggrieved by any Thing which shall be done in pursuance of this Act or of the said recited Act (except in such Cases where the Orders and Determinations of the said Commissioners or Commissioner, Trustees or

Appeal to Sessions.

[Loc. & Per.]

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Trustee

Trustees are herein declared to be final, binding, and conclusive) may appeal to the Justices of the Peace at some General Quarter Sessions to be held within Four Calendar Months next after the Cause of such Complaint shall have arisen for the City, County, Parts, or Division within which the Cause of Complaint shall arise, the Persons or Person so appealing first giving Fourteen Days Notice thereof in Writing to the Party or Parties, appealed against, and entering into a Recognizance, with Two sufficient Sureties, to prosecute such Appeal with Effect, and to pay the Costs which shall be awarded by such Justices to be paid by such Appellants respectively; and the Justices in their said General Quarter Sessions are hereby authorized and required to hear and determine such Appeal, and to give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removable by any Writ of *Certiorari*, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Limitation of
Actions.

LXXIX. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons, for any Thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities hereby given, every such Action, Suit, or Information shall be commenced or made within Six Calendar Months next after the Fact committed and not afterwards, and shall be laid or brought in the County of *Lincoln* and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, Not Guilty; and if in Replevin, may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and give this Act and the Special Matters in Evidence without specially pleading the same, otherwise than as aforesaid, at any Trial to be had thereupon, and that the Fact alledged to have been done was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs shall become nonsuit or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if Judgement shall be given against him, her, or them upon Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs; for which he, she, or they shall have the like Remedy as where Costs by Law are awarded.

General
Saving.

LXXX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politick, Corporate or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons, to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them) all such Right, Title, and Interest, as they, every, or any of them could or ought to have had and enjoyed, in, to, or out of the Lands and Grounds hereby directed

directed to be divided, allotted, and inclosed, in case this Act had not been made.

LXXXI. And be it further enacted, That this Act shall be deemed Publick Act. and taken to be a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1804.