Anno secundo

Georgii III. Regis.

CAP. XXXII.

An Act for draining and preserving certain low Lands called *The Fens*, lying on both Sides of the River *Witham*, in the County of *Lincoln*; and for restoring and maintaining the Navigation of the said River, from the *High Bridge* in the City of *Lincoln*, through the Borough of *Boston*, to the Sea.



WHEREAS the River Witham, in the County of Lincoln, was formerly navigable for Lighters, Barges, Boats, and other Vessels, from the Sea, through Boston, to the High Bridge in the City of Lincoln; but, by the Sand and Silt brought in by the Tide, the Outfall thereof into the Sea hath, for many Years last past, been greatly hindered and obstructed, and is now, in a great measure, stopped up, lost, and destroyed, and thereby great Part of the low Lands and Fens lying on both Sides of the said River (and which contain together about One hundred thousand Acres) are frequently overflowed, and rendered useless and unprofitable, to the great Loss Preamble.

Lots of the reſpective Owners thereof, the Decay of Trade and Commerce, and the Depopulation of the Country: And whereas, in the Judgement and Opinion of experienced Engineers, and Perſons of known Skill and Ability, the Navigation of the ſaid River Witham, and the Outfall thereof into the Sea, are capable of being reſtored and maintained, and the ſaid low Lands and Fens of being drained, cultivated, and improved; but, as the neceſſary Works, for the effecting the good Purpoſes aforeſaid, cannot be made, done, and performed, without the Authority of Parliament, May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid low Lands and Fens, herein after-mentioned and deſcribed, ſhall and may be drained and improved by, with, and under, ſuch Powers and Authorities, and ſubject to ſuch Rules, Orders, Directions, and Proviſions, and by ſuch Ways and Means, as are herein after-mentioned, directed, preſcribed, appointed, and provided.

The Boundaries of the low Lands and Fens deſcribed.

And, for the better deſcribing, ſpecifying, and aſcertaining, the low Lands and Fens, ſo intended to be drained and improved, be it further enacted and declared, That the ſame are ſituate, lying, and compriſed, within the ſeveral Pariſhes, Townſhips, Precincts, Territories, and Places, herein after-mentioned; that is to ſay, Such of them as are on the South Side of the River Witham, do lie in the City of Lincoln, Lincoln Common, Canwick, Waſhingborough, Heighington, Branſton, Potter Hanworth, Nocton, Dunſton, Metheringham, Blankney, Linwood, Marton, Timberland, Timberland Thorpe, Walcot, Billinghay, Billinghay Dales, Dog-dyke, North Kyme Fen, South Kyme Fen, Hart's Grounds, Great Beets, Little Beets, Rakes, Heckington Fen, including Lady Frazer's Six hundred Acres, Ewerby, Howell, Aſgarby, Great Hale, Little Hale, and ſome low Lands in Swineſhead; Brothertoft, Anwick, Ruſkington, Dorrington, Digby, and Holland Fen; and ſuch of them as are on the North Side of the River Witham, do lie in Monks, Greetwell, Willingham, Fiſkerton, Barlings, Stainfield, Bardney, Southrey, Tupholm, Bucknall, Horſington, Stixwould, Swineſike, Woodhall, Thornton, Kirkſtead, Tatterſhall Thorpe, Tatterſhall Coningſby, Mareham, Hundle-houſe, Reveſby, Middleham, Moorhouſe, Meerbooth, Hermitage, Newholme, Weſt-houſe, Langrike, Langworth, Swinecote, Hagnaby, Stickney, Wildmore Fen and Weſt Fen; and the

the ſaid low Lands and Fens are bounded as follows; that is to ſay, By the high Grounds of Lincoln, Canwick, and Waſhingborough, and thence by the Car-dyke from Waſhingborough to Thorpe Tilney, and by the high Grounds of Thorpe Tilney and the Car-dyke, from Tilney aforeſaid to Billinghay Skirths, by the high Grounds of Walcott and Billinghay aforeſaid, Digby, Dorrington, Ruſkington, Anwick, Ewerby, Howell, Heckington, Great Hale, and Little Hale, from Billinghay aforeſaid to Helpringham Fen on the Weſt; by the common Fens of Helpringham, Bicker, and Donnington, and by the Southern Boundary of Holland Fen, from Helpringham Fen aforeſaid to Boſton on the South; by Kirton Holme, the South Bank of Old Hammond-Beck, Boſton-Weſt, Sibſey, and Stickney, from Boſton aforeſaid to Stickney-bar Green on the Eaſt; and by the high Grounds of Hagnaby, Grounds of Eaſt-Kirkby, high Grounds of Reveſby and Mareham, Grounds of Tumby, and high Grounds of Coningſby, from Stickney-bar Green aforeſaid to Tatterſhall-bane, and the high Grounds of Tatterſhall, Tatterſhall Thorpe, Kirkſtead, Towery Moor, Woodhall, Stixwould, Horſington, Bucknall, Tupholm, Southrey, Bardney, Stainfield, Barlings, Fiſkerton, Willingham, Greetwell, and Monks, from Tatterſhall-bane aforeſaid to Lincoln, on the North-Eaſt and North; and from the ſaid River Witham to the high Grounds of Lincoln Common, leaving Sincil-dyke Twenty Yards on the Weſt: And the ſame low Lands and Fens ſhall be deemed to conſiſt of, and be divided into, Six ſeveral Diſtricts or Diviſions, to be reſpectively compriſed within the ſeveral Limits herein after mentioned, and for the ſeveral Purpoſes herein after declared; that is to ſay, The low Lands in Lincoln, Lincoln Common, Canwick, Waſhingborough, Heighington, Branſton, Potter Hanworth, Nocton, Dunſton, Metheringham, Blankney, Linwood, Marton, Timberland, Timberland Thorpe, Walcott, Billinghay, Billinghay Dales, and Dog-dyke; and which ſaid low Lands are bounded as follows; that is to ſay, From Twenty Yards below the North End of Sincil-dyke in Lincoln to Kyme Eau, by the River Witham, on the North; from the Little Bargate Bridge in Lincoln, to Kyme Eau aforeſaid, by the high Grounds of Lincoln, Canwick and Waſhingborough, the Car-dyke, Thorpe Tilney, and North Kyme Fen, on the South; and from the ſaid River Witham to the high Grounds of Lincoln Common, by a Line drawn at all Places parallel within Twenty Yards from the Eaſt Side of Sincil-dyke on the Weſt, ſo that no Part of the ſaid Sincil-dyke, or the Rivers or Drains running under

Lands divided into Six Diſtricts.

Firſt Diſtrict:

Boundaries thereof.

the Bar-gates, or either of the Gowt Bridges, ſhall be included within the ſaid Boundaries; and from the River Witham to North Kyme Fen, by Kyme Eau and South Kyme on the Eaſt, ſhall conſtitute and be contained in

Second Diſtrict: the Firſt Diſtrict: And Holland Fen, Harts Grounds, Great Beets, Little Beets, the Rakes, Brothertoft, and all other the Incloſures in Holland Fen, and being bounded

Boundaries thereof: as follows; that is to ſay, By Kyme Eau, the River Witham, Boſton Weſt, and Kirton Holme, on the Eaſt and North; South Kyme, Heckington, and Great Hale, on the Weſt; and the South Banks of Old Hammond Beck Swineſhead, on the South, ſhall conſtitute and be contain-

Third Diſtrict: ed in the Second Diſtrict: The low Lands in Monks, Greetwell, Willingham, Fiſkerton, Barlings, Stainfield, Bardney, Southrey, Tupholm, Bucknall, Horſington, Stixwould, Swineſike, Woodhall, Thornton, Kirkſtead, Tatterſhall Thorpe, and Tatterſhall, being bounded as fol-

Boundaries thereof. lows; that is to ſay, By the high Lands of the laſt-mentioned Places on the North, the River Witham on the South, the River Bane on the Eaſt, and Lincoln on the Weſt, ſhall conſtitute and be contained in the Third

Fourth Diſtrict: Diſtrict: The low Lands in Coningsby, Mareham, Hunnidle-houſe, Revesby, Middleham, Moorhouſe, Hermitage, Newholme, Weſthouſe, Langrike, Langworth, Swinecote, Hagnaby, Stickney, Wildmore Fen, and Weſt Fen, and

Boundaries thereof: bounded as follows; that is to ſay, By the old River Witham and Tatterſhall Bane on the Weſt; by the high Grounds of Coningsby, the Grounds of Tumby, the high Ground of Mareham, and Reveſby, the Grounds of Eaſt Kirkby, and the high Grounds of Hagnaby, on the North; by the high Grounds of Stickney and Grounds of Sibſey on the Eaſt; by Grounds in the Pariſh of Skirbeck and Boſton Eaſt; and the Scite of the ancient River Witham on the South; ſhall conſtitute and be contained

Fifth Diſtrict: in the Fourth Diſtrict: The low Land in Anwick, North Kyme, Ruskington, Dorrington, and Digby, being bound-

Boundaries thereof. ed as follows; that is to ſay, By Digby Old Skirth-dyke, and the Dyke which is the Eaſtern Boundary of a Cloſe now occupied by John Lane, and that Part of Digby Engine Drain which extends from the ſaid Cloſe to Digby Engine, Billinghay Skirth, and Billinghay Dales, on the North, and Eaſt; Kyme Eau on the South; the high Lands of Anwick, Ruskington, Dorrington, and Digby, and the Car-dyke, on the Weſt, ſhall conſtitute and be

Sixth Diſtrict: contained in the Fifth Diſtrict: The low Lands in South Kyme, Great Hale, Little Hale, Heckington, Lady Frazer's Six hundred Acres, Ewerby, Howell, Aſgarby, and ſome low Lands in Swineſhead, being bounded as follows;

lows; that is to say, By Holland Fen and Dog-dyke on the North; Helpringham and Donnington Fens on the South; Bicker Fen, Hammond Beck, and Part of the said Holland Fen, on the East; and the high Lands of Great Hale, Little Hale, Heckington, Howell, and Ewerby on the West, shall constitute and be contained in the Sixth District. Boundaries thereof.

And be it further enacted, That for the more effectual executing of this Act, certain Commissioners shall be elected within each of the said Districts, in Manner hereafter mentioned; that is to say, In the First District there shall be Eighteen Commissioners elected, One for and by each of the several Places and Parishes herein before-mentioned, as comprized therein in Manner following: The several Owners of Lands or Tenements of any Estate of Freehold, Copyhold or Inheritance or for Life, or for any Term of Years wherein not more than One Half of the Value is reserved as a Rent, which Land shall lie within any One of the said Places or Parishes comprized in the said First District, and shall be of the yearly Value of Five Pounds; and the several Farmers at Rack-rent of any Lands or Tenements lying in such Parish or Place, and being of the yearly Value of Fifty Pounds, shall meet in the Parish Church or other most usual Place of publick Meeting to do Business, in the Parish or Place wherein such Lands respectively lie, on the Second Tuesday in July, One thousand seven hundred and sixty two, and shall then and there elect in each of the said Parishes or Places respectively One Commissioner: Provided always, That every such Owner or Occupier of Lands, within such Parish or Place respectively, shall be liable by this Act to be taxed to the Purpose of Drainage for some Lands or Right of Common of Pasture within such Place or Parish respectively: And it is hereby further provided, That every Inhabitant of the Parish of Dog-dyke shall have a Voice in the Election of a Commissioner for that Parish: In the Second District there shall be One Commissioner elected by and for each Parish, Town, and Hamlet, the Inhabitants whereof severally and respectively have Right of Common of Pasture within any of the several Fens, Grounds, and Places in the said Second District contained; and the Election shall be holden on the Second Tuesday in the said Month of July, in the Vestry Room of each of the said Parishes, Towns, and Hamlets, or other most usual Place of publick Meeting to do Business within such Parish respectively; and the Right of electing such Commissioners, in each of the said Parishes, Townships, or Hamlets respectively, shall be Commissioners for Districts appointed. Manner of Election. First District. Second District.

in such Persons as shall be the Owners of Ten Acres, or Farmers at Rack-rent of Fifty Pounds per Annum, in such Place respectively where such Election shall be, and shall also have Right of Common in Holland Fen, except that in the Parish of Brothertoft, all the Inhabitants being Housekeepers shall have Voices in the Election of a Commissioner for the said Parish: In the Third District One Commissioner shall be elected, by and for each of the Parishes and Places herein before enumerated as comprized therein, the Election to be had in such Manner, and at such Time and Place, and by and under such Rules and Directions, and by Persons so qualified as are herein before expressed and declared concerning the electing of Commissioners of, for, and within the First District: In the Fourth District One Commissioner shall be elected by and for each Parish, the Inhabitants whereof have severally and respectively Right of Common of Pasture in and upon the several Commons, or any of them comprized within the Limits of the said District, at the Vestry Room or other most usual Place of Meeting to do Parish Business within each of such Parishes respectively, at such Time, and in such Manner as are herein before expressed and declared concerning the electing of Commissioners by, for, and within the Second District, and that no other Qualification shall be necessary to give such Inhabitants Voices in such Election: And it is hereby further provided, That the Occupiers of Frith Bank, having Right of Common in the said Wildmore and West Fens, or either of them, or the Majority of them, may chuse One Commissioner for the said Fourth District in such Manner as to them, or the Majority of them, shall seem good: In the Fifth District there shall be One Commissioner elected for each Parish and Place herein before enumerated as therein comprized, the said Election to be had in such Manner, at such Time and Place, and by and under such Rules and Directions, and by Persons so qualified, as are herein before provided, expressed, and declared, concerning the Election of Commissioners of, for, and within the First and Third Districts: In the Sixth District there shall be elected One Commissioner for each Parish comprized within the same, the Election to be holden on the said Second Tuesday in July, in the Year of our Lord One thousand seven hundred and sixty two, at the respective Vestry Rooms of the several Parishes; in which Elections all the Proprietors of Lands of any Estate of Freehold, Copyhold or Inheritance, or Leasehold, wherein no more than half the yearly Value thereof is reserved as a Rent, being of the yearly

Third District.

Fourth District.

Fifth District.

Sixth District.

yearly Value of Five Pounds and upwards, and lying within ſuch Pariſh reſpectively where ſuch Commiſſioner is to be elected, and all Farmers at Rack-rent of Lands being of the yearly Value of Fifty Pounds, and within ſuch Pariſh reſpectively, ſhall have Voices: Provided always, That for the Purpoſes of this Act South Kyme ſhall be deemed a Pariſh, and impowered accordingly to elect a Commiſſioner for the ſaid Sixth Diſtrict in Manner aforeſaid.

South Kyme deemed a Pariſh.

Provided always, That all ſuch Perſons as are or ſhall be intitled to vote at any of the Elections before-mentioned, may appoint certain Deputies to give ſuch Vote for them, and each of them reſpectively, by Writing under their Hands and Seals reſpectively.

Electors may appoint Deputies.

Provided likewiſe, That the ſeveral Electors of Commiſſioners for each of the ſaid Pariſhes, Towns, Hamlets, and Places reſpectively, or the Majority of them reſpectively, being preſent and voting at ſuch Elections, ſhall, and are hereby required to certify the ſaid Election at the Firſt General Meeting of the General Commiſſioners for Drainage, to be holden in purſuance of this Act, by Writing under their Hands and Seals reſpectively.

Electors to certify Elections at Firſt Meeting of General Commiſſioners for Drainage.

And be it further enacted, That the ſeveral Commiſſioners for the ſaid Firſt, Second, Third, Fourth, and Sixth Diſtricts reſpectively, or any Five or more of each of them, and the Commiſſioners for the Fifth Diſtrict, or any Three or more of them, ſhall have the Care, Management, and Direction of the private Works neceſſary to be done within their reſpective Diſtricts, under the Rules and Directions herein after-mentioned: And they are hereby authorized, impowered, and required to elect Thirty one Perſons to be General Commiſſioners for the Purpoſes of Drainage, in Manner following; that is to ſay, The Commiſſioners for the Firſt Diſtrict, or any Five or more of them, ſhall meet at the Houſe near the High Bridge in the City of Lincoln, commonly known by the Sign of the Rein Deer, on the laſt Friday in July, One thouſand ſeven hundred and ſixty two, and there elect Seven Perſons to be Part of the ſaid General Commiſſioners: The Commiſſioners for the Second Diſtrict, or any Five or more of them, ſhall meet at the Town Hall in Boſton on the laſt Wedneſday in July, One thouſand ſeven hundred and ſixty two, and there elect Six Perſons to be other Part of the ſaid General Commiſſioners: The Commiſſioners for the Third Diſtrict, or any Five or more of them, ſhall meet at a Publick Houſe known by the Sign of the Angel in Tatterſhall, on the laſt Friday in July, One thouſand ſeven hundred and ſixty two, and there elect

Commiſſioners to direct the ſeveral Works to be made within their ſeveral Diſtricts.

Commiſſioners of the Diſtricts to meet and elect General Commiſſioners.

Five Persons to be other Part of the said General Commissioners: The Commissioners for the Fourth District, or any Five or more of them, shall meet at a Publick House known by the Sign of the White Hart in Spilsby, on the last Monday in July, One thousand seven hundred and sixty two, and there elect Eight Persons to be other Part of the said General Commissioners: The Commissioners for the Fifth District, or any Three or more of them, shall meet at a Publick House known by the Sign of the Angel in New Sleaford, on the last Monday in July, One thousand seven hundred and sixty two, and there elect Two Persons to be other Part of the said General Commissioners: And the Commissioners for the Sixth District, or any Five or more of them, shall meet at a Publick House known by the Sign of the George in New Sleaford, on the last Monday in July, One thousand seven hundred and sixty two, and there elect Three Persons to be other Part of the said General Commissioners: Which Persons so elected, together with the Mayor of the City of Lincoln, and the Mayor of the Borough of Boston, for the time being, and Two of the Four Commissioners, which by virtue and in pursuance of this Act shall be elected by or on Behalf of the City of Lincoln, as Commissioners for the Purpose of the Navigation; and Two of the Four Commissioners, to be in like Manner elected by or on the Behalf of the Borough of Boston, for the like Purpose; shall be, and they are hereby appointed General Commissioners for the Purposes of Drainage, subject to the Rules, Orders, Provisions, and Directions herein aftermentioned, expressed, and declared: And that the several Persons hereby impowered to elect and appoint General Commissioners for Drainage, or the major Part of them present at such Elections respectively, and the Mayors of the City of Lincoln and Borough of Boston for the time being, shall certify their said several Elections respectively, by Writing under their Hands, at the First Meeting of the said General Commissioners for Drainage to be appointed by this Act.

General Commissioners.

Commissioners for Districts may adjourn their Meetings.

Provided always, That it shall and may be lawful for the Commissioners of the said respective Districts, or any Two or more of them, to adjourn their Meetings for the Purposes of this Act, from time to time, to such Time and Place as they, or any Two or more of them, shall think necessary: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Commissioners to act, or to adjourn to any other Time or Place, then the Clerk to the said Commissioners shall adjourn the said Meeting to, and appoint the said Commissioners

sioners to meet at the Place where the last Meeting was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on some publick and conspicuous Place in the City of Lincoln, the Town of New Sleaford, the Borough of Boston, the Towns of Spilsby, Horncastle, Tattershall, or One of them; and that the said Commissioners, at all their Meetings, shall defray their own Charges and Expences.

Qualification of General Commissioners.

And be it further enacted, That no Person (except the Mayor of the City of Lincoln for the time being, and the Mayor of the Borough of Boston for the time being) shall, except in the swearing in other Commissioners, act as a General Commissioner for the Purposes of Drainage, or as a Commissioner for the Purposes of Navigation, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tythes, Tenements, and Hereditaments, of the clear yearly Value of One hundred Pounds, above Reprizes, or shall be possessed of, and intitled to, a Personal Estate alone, or a Real and Personal Estate together, to the clear Amount or Value of Two thousand Pounds, and unless such Person shall take and subscribe the Oaths following before any Two or more of the said Commissioners (who are hereby authorized and required to administer the same) before he takes upon himself to act as a Commissioner under this Act, or in the Execution of the Powers and Authorities hereby granted and given; which said Oaths shall be in the Words or to the Effect following; that is to say,

Oaths of General Commissioners.

I *A. B.* do swear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tythes, Tenements, and Hereditaments, of the clear yearly Value of One hundred Pounds, above Reprizes; or that I am possessed of, and intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the clear Amount or Value of Two thousand Pounds.

So help me GOD.

I *A. B.* do swear, That I will without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities established by an Act made in the Second Year of the Reign of His Majesty King *George* the

the Third, intituled, *An Act for Draining and Preſerving certain low Lands called* The Fens, *lying on both Sides of the River* Witham, *in the County of* Lincoln; *and for reſtoring and maintaining the Navigation of the ſaid River from the* High Bridge *in the City of* Lincoln, *through the Borough of* Boſton, *to the Sea.*

So help me GOD.

Penalty on Perſons acting if not qualified.

And if any Perſon hereby deemed unqualified or incapable to act for all or any of the Cauſes aforeſaid, ſhall nevertheleſs preſume ſo to do, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to ſuch Perſon or Perſons as ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information; wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Heirs Apparent of 200 *l. per Ann.* taking the Oath of Office, may act as Commiſſioners.

Provided always, That if any Perſon, who ſhall be elected a Commiſſioner for the Purpoſes of Drainage, or a Commiſſioner for the Purpoſes of Navigation, ſhall be Heir Apparent of ſome Perſon having an Eſtate in Lands, Tenements, and Hereditaments, of the clear yearly Value of Two hundred Pounds, ſuch Perſon ſhall be deemed qualified to act under this Act, provided he takes the Oath of Office aforeſaid.

General Commiſſioners may appoint Agents.

Provided always, and be it further enacted, That it ſhall and may be lawful to and for any Perſon, who ſhall be elected a General Commiſſioner for the general Works of Drainage, by Writing under his Hand, from time to time, to appoint an Agent or Deputy, to act in his Abſence as a Commiſſioner for any Time not exceeding Three Months; and ſuch Agent or Deputy ſhall and may, provided he takes the Oath of Office appointed by this Act, although he ſhall not be otherwiſe qualified as is required by this Act, act as a Commiſſioner, in ſuch and the ſame Manner, and as fully, to all Intents and Purpoſes, as ſuch Commiſſioner might act and do if he was perſonally preſent; provided withal, that if ſuch principal Commiſſioner ſhall be preſent, and in the actual Exerciſe of his Office, the Power and Authority hereby given to ſuch Agent or Deputy ſhall totally ceaſe and be void.

Continuance of the Commiſſioners of the Diſtricts.

And be it further enacted, That the Commiſſioners for the ſaid Diſtricts, elected as aforeſaid, ſhall continue to the Firſt Tueſday in April, One thouſand ſeven hundred and ſixty three, when a new Election of Commiſſioners for the ſaid Diſtricts ſhall be made, in Manner and at the reſpective

reſpective Places aforeſaid; which Commiſſioners, then elected, ſhall continue for Three Years; and that Commiſſioners for the ſaid Diſtricts ſhall, from the Time of ſuch Elections, Once in every Three Years, be elected by the ſaid reſpective Pariſhes, Towns, Hamlets, and Places, in Manner and at the Places aforeſaid; and the General Commiſſioners ſhall continue, from the Time of their Firſt Election, to the Second Tueſday in April, One thouſand ſeven hundred and ſixty three, when a new Election of General Commiſſioners ſhall be made, in Manner and at the Places before appointed for electing General Commiſſioners; which Commiſſioners, then elected, ſhall continue for Three Years; and that General Commiſſioners ſhall, from the Time of ſuch Elections, Once in every Three Years, be elected by the Commiſſioners of the ſaid reſpective Diſtricts, on the Third Tueſday in April; and the Clerks to the Commiſſioners for the ſaid ſeveral Diſtricts ſhall and they are hereby required to tranſmit to the Clerk to the General Commiſſioners the Names and Places of Abode of the Perſons ſo elected General Commiſſioners; and that on the Vacancy of a Commiſſioner for any of the ſaid reſpective Diſtricts, by Death or refuſing to act, another Commiſſioner ſhall be elected in the room of ſuch Commiſſioner dying or refuſing to act, within Three Months after ſuch Death or Refuſal; and in caſe another Commiſſioner ſhall not be elected within ſuch Time, then the Lord of the Manor for the Pariſh or Place for which ſuch Commiſſioner was elected, or any One by him deputed, or where there ſhall be more Lords of Manors within any ſuch Pariſh or Place than One, any Perſon to be by them deputed, is hereby impowered to act as a Commiſſioner until ſuch Vacancy ſhall be filled up by a new Election; and that on the Vacancy of a General Commiſſioner by Death, or Refuſal to act, another General Commiſſioner ſhall be elected in the Room of the Commiſſioner dying or refuſing to act, within Three Months after ſuch Death or Refuſal, in Manner herein before preſcribed for electing General Commiſſioners within the Diſtrict for which ſuch General Commiſſioner was elected.

Continuance of the General Commiſſioners.

Commiſſioners of Diſtricts dying, others to be elected.

General Commiſſioners dying, others to be elected.

And be it further enacted, That in caſe the Perſons who are to elect Commiſſioners for the ſaid reſpective Diſtricts, or any of them, or in caſe the Commiſſioners for the ſaid reſpective Diſtricts, or any of them, who are to elect General Commiſſioners for Drainage, ſhall neglect to meet at the Times appointed for ſuch Elections, or ſhall not elect Commiſſioners accordingly, then the Perſons who are Commiſſioners for the preceding Year ſhall continue

If new Commiſſioners are not elected, former Commiſſioners to continue.

Commiſſioners, until other Commiſſioners ſhall be elected as aforeſaid.

First Meeting of the General Commiſſioners.

And be it further enacted, That the ſaid General Commiſſioners, or any Five or more of them, ſhall meet at the Town Hall in the Borough of Boſton on the Third Tueſday in Auguſt, One thouſand ſeven hundred and fifty two, and proceed to the Execution of this Act; and ſhall afterwards meet on the Firſt Tueſday in July yearly at ſuch Place within the City of Lincoln, Town of New Sleaford, or Borough of Boſton, as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint; and the ſaid Commiſſioners, or any Five or more of them, ſhall and may, from time to time, adjourn themſelves to ſuch Time and Place as they ſhall think moſt convenient for the Purpoſes of this Act: And if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Commiſſioners to act, or to adjourn to any other Time and Place, then the Clerk to the ſaid Commiſſioners ſhall adjourn the ſaid Meeting to, and appoint the ſaid Commiſſioners to meet at, the Place where the laſt Meeting was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held; and ſhall cauſe Notice thereof to be affixed on ſome publick and conſpicuous Place in the City of Lincoln, the Town of New Sleaford, the Borough of Boſton, and the Towns of Horncaſtle, Spilſby, and Tatterſhall, at leaſt Ten Days before ſuch Meeting; and that the ſaid Commiſſioners, at all their Meetings, ſhall defray their own Charges and Expences; provided always, that Three Commiſſioners ſhall be ſufficient for the Purpoſe of Adjournment.

Annual Meetings.

Commiſſioners to make Contracts with Workmen, &c.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid General Commiſſioners, or any Seven or more of them, at any Meeting to be held for that Purpoſe, whereof Fourteen Days Notice ſhall be given, by affixing the ſame upon the ſeveral Market Croſſes of Lincoln, Sleaford, Tatterſhall, Horncaſtle, Boſton, and Spilſby, to receive Propoſals from, and enter into, make, and execute Contracts with, any Engineers and Workmen for draining the ſaid low Lands and Fens, and for providing proper Engines, Utenſils, and Materials, for that Purpoſe, and all other Matters, Articles, and Things concerning the ſame: And that all ſuch Contracts, ſo to be made, ſhall be entered in a Book to be kept for that Purpoſe, and ſigned by the ſaid Commiſſioners, or any Seven or more of them.

which are to be entered in a Book.

And, in order to raise Money for defraying the Expences of draining the said low Lands and Fens, be it further enacted, That it shall and may be lawful to and for the said General Commissioners, or any Seven or more of them, and they are hereby authorized and required to tax and charge all the low Lands and Fens lying, being, and comprized within the Boundaries of the said First, Second, Third, and Fourth Districts, with such equal yearly Rates and Cares as to them shall seem requisite and necessary for the Purposes of such Drainage, so as the same do not exceed One Shilling an Acre for every Acre of private Property, Eight Pence an Acre for every Acre of Half Year's Land, and Four Pence an Acre for every Acre of Common Land, during such Time as the same shall be used as Common; but if any such Land shall be afterwards inclosed, and used in Severalty, then such Land shall be tared at any Rate not exceeding One Shilling an Acre for every Acre so inclosed, during such Time as the same shall remain inclosed (other than and except such Common Lands as shall be inclosed in pursuance of this Act for defraying the said Cares) and also that the said Commissioners, or any Seven or more of them, shall and may tax and charge all the Low Lands and Fens lying, being, and comprized, within the Boundaries of the said Fifth and Sixth Districts, with such equal yearly Rates and Cares as to them shall seem requisite and necessary for the Purposes aforesaid, so as the same do not exceed Six Pence an Acre for every Acre of private Property, Four Pence an Acre for every Acre of Half Year's Land, and Two Pence an Acre for every Acre of Common Land, during such Time as the same shall be used as Common; but if any such Land shall be afterwards inclosed, and used in Severalty, then such Land shall be tared at any Rate not exceeding Six Pence an Acre for every Acre so inclosed, during such Time as the same shall remain inclosed (other than and except such Common Lands as shall be inclosed in pursuance of this Act for defraying the said Cares). The Acre Tax for the General Drainage.

And be it further enacted, That the Cares to be raised by virtue of this Act for the general Works of Drainage, shall be, and the same are hereby, vested in the General Commissioners for the general Works of Drainage, appointed and to be elected by virtue and in pursuance of this Act, and the same shall be applied and disposed of in the Execution of this Act, so far as the same relates to the general Works of Drainage, and the necessary Costs, Charges, and Expences attending the same, and to no other Use or Purpose whatsoever. Taxes vested in Commissioners.

And

General Commissioners to pay the Proprietors of Lands within the Sixth District their Expence of Surveys, &c.

And be it further enacted, That the said General Commissioners, or any Five or more of them, shall, out of the Money to be by them raised, pay to the Proprietors of the Lands lying within the said Fifth and Sixth Districts such Sum and Sums of Money as they have respectively laid out and expended in making Surveys of the Lands and Grounds lying within the said Districts, so as the said Sum and Sums do not in the Whole exceed Eighty Pounds, to be settled and ascertained in such Manner as the said General Commissioners, or any Five or more of them shall think proper.

Districts chargeable with further yearly Taxes for private Works.

And be it further enacted, That it shall and may be lawful for the Commissioners of the Second and Fourth Districts respectively, or any Five or more of them, to charge the low Lands and Fens lying within the said respective Districts, with such further yearly Tax as shall by them be judged necessary for the making, erecting, and preserving any private Works, Banks, Drains, or Engines, within the said respective Districts, in such Manner as to them shall appear necessary and proper for the Purposes of private Drainage; which said Works, Banks, Drains, and Engines, the said Commissioners are hereby impowered to raise and erect in such Places, and in such Manner, as to them, or any Five or more of them, shall seem most proper and convenient for the said Purposes:

The Commissioners for the First, Third, and Sixth Districts to do the like on Application;

And also that the said Commissioners of the First and Third and Sixth Districts, or any Five or more of them, and the Commissioners of the Fifth District, or any Three or more of them respectively, shall have Power, on Application to them made by the Lord of the Manor, and the major Part of the Proprietors of taxable Lands within any Township, Parish, or Place, lying within the said First, Third, and Fifth and Sixth Districts respectively, to charge the low Lands and Fens, which are made liable by this Act to be taxed for the general Drainage, lying within such Township, Parish, or Place respectively, with such further yearly Tax as shall by them be judged necessary for making, erecting, and preserving, any private Works, Banks, Drains, or Engines, within such Township, Parish, or Place, which to them shall appear necessary and proper for the Purposes of such private Drainage; which said Works, Banks, Drains, and Engines, the said Commissioners are hereby impowered, on such Application as aforesaid, to raise and erect in such Places, and in such Manner, as to them, or any Three or more of them, shall seem most proper and convenient for the said Purposes; but so as such private Works, Banks, Drains, or Engines, do not in any wise prevent or obstruct

but not to obstruct Waters occasioned by Soakage or Downfall from taking their natural Course into the River *Witham* or Haven.

struct the Waters occasioned by Soakage or Downfall from taking their natural Course into the said River or Haven below the same, in regard that the obtaining, effecting, and preserving, such Course and Outfall is intrusted to and under the Controul of the General Commissioners by the Tenor and true Meaning of this Act (except with respect to the Engines already erected within the said Fifth and Sixth Districts, which are hereby allowed to remain, and not intended by this Act to be subject to the Controul of the General Commissioners); And that the low Lands and Fens in the Sixth District shall, jointly and together with the low Lands and Fens through which such Waters shall be conveyed, be taxed and assessed for and towards raising Money for paying and defraying the Charges and Expences of deepening, imbanking, repairing, supporting, and maintaining, all the present Gowts, Drains, Dykes, and Cuts, which are hereby allowed to be made use of for the conveying such Waters into the aforesaid River or Haven, so long as they continue to use the same, and to be paid in such Shares and Proportions as any Five Commissioners of the said Districts, not interested in the Premisses (to be for that Purpose nominated and appointed by the General Commissioners, or any Five or more of them, for that Purpose) shall order, direct, or appoint; and the Expences of the Commissioners, who shall determine the same, shall be paid out of the Tax or Assessment to be laid on the said Sixth District.

Lands in the Sixth District to be jointly taxed with the Lands thro' which such Waters shall be conveyed.

And be it further enacted, That if any such private Works, Banks, Gowts, or Engines, in any One of the said Districts, shall be found beneficial to any other Townships, Parishes, or Places, within the same or any other District appointed or ascertained by virtue of this Act, then such Townships, Parishes, or Places shall contribute towards the Charge of making and preserving the said Works, in Proportion to the Benefit they shall receive thereby; which Proportion shall be adjusted and ascertained by any Three or more of the General Commissioners, not being Commissioners of any of the Districts in question; and that the Waters of each Township, Parish, or Place, lying within the First and Third Districts, shall be issued and carried to the River Witham down their present Drains, or by Drains within the same.

If private Works be found beneficial to Towns in any other District, such Towns to contribute in proportion.

And be it further enacted, That it shall and may be lawful to and for the Commissioners of the said Fourth District, or any Five or more of them, to raise, or cause to be raised, such Taxes as shall be charged or assessed upon the Commons in Wildmore Fen and West Fen, for defraying

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

defraying the Charges and Expences, as well of the general Drainage, as of the particular Works to be done within the said Fourth District, by inclosing any Part of the said Commons, not exceeding Eight hundred Acres in the West Fen, and Six hundred Acres in Wildmore Fen; and that the said Commissioners, or any Five or more of them, shall and may, from time to time, so long as it shall be necessary for the Purposes aforesaid, grant a Lease or Leases of the Land and Ground, so to be inclosed, unto any Person or Persons, at and for the best Rent they can get for the same, for any Term not exceeding Twenty one Years; and that the Money arising from such inclosed Lands by virtue and in pursuance of this Act, shall be applied only towards paying the Taxes and Rates charged on the said Wildmore and West Fens respectively.

Exception. Provided always, That no such Inclosure shall be made in the said Fens within the Distance of half a Mile from Frith Bank, or from any other Inclosure, without the Consent of the Proprietors thereof (other than and except such Lands as are to be cut off by the designed new River, which are to be deemed and taken as Lands liable to be inclosed by this Act) and that the Lands and Grounds so to be inclosed shall not be subject to the Payment of any Tythes, Taxes parochial or otherwise, during the Time the same shall remain inclosed.

Such Inclosures not to be subject to Tythes.

Taxes to be raised in like Manner in *Holland Fen*:

And be it further enacted, That the Taxes which shall be assessed or charged upon Holland Fen, for defraying the Charges and Expences as well of the general Drainage as of the particular Works to be done within or for the Purposes of draining the said Fen, shall and may be raised by the Commissioners of the said Second District, or any Five or more of them, by inclosing Part of the said Fen, not exceeding in the whole One thousand Acres; and the said Commissioners, or any Five or more of them, may and are hereby impowered from time to time, so long as it shall be necessary for the Purposes aforesaid, to grant a Lease or Leases of the Land and Ground so to be inclosed, to any Person or Persons, at and for the best Rents they can get for the same, for any Term or Terms not exceeding Twenty one Years, for the Purposes aforesaid.

Exception. Provided always, That no Part of the Lands in the said Fen shall be inclosed which lies South of the Old Forty Foot Drain or North of the said Drain nearer than One Mile from Brothertoft, without the Consent of the Proprietors thereof, except such Lands as may be cut off by the intended new River, which are to be understood as Lands liable to be inclosed by this Act; and that the

Lands

Lands so to be inclosed shall not be liable to the Payment of any Tythes, Taxes parochial or otherwise, during such Inclosure, other than and except that if any Person or Persons shall occupy any Part of such Land which shall be inclosed for the Purpose of paying such Taxes to be laid by virtue of this Act, the said inclosed Lands, so occupied, shall be subject to the Payment of such Tythe only as shall and may arise, renew, and accrue, or happen in or upon such inclosed Part of such Fen, by depasturing of all living Stock or Cattle, in such Manner as Tythe for the same hath usually been, or now is, or ought to be paid.

Rights of Lords of Manors in *Holland Fen*, saved.

Provided also, That nothing herein contained shall prejudice, impeach, or defeat any Rights or Privileges of the respective Lords of Wildmore Fen, West Fen, and Holland Fen, or any of them, in, to, or out of the said Lands so to be inclosed (other than and except the Right of Bivage) and that the Money arising from Lands inclosed in Holland Fen, by virtue and in pursuance of this Act, shall be applied only towards paying the Taxes and Rates charged on the said Fen.

A sufficient Part of other Commons may be inclosed for Payment of Taxes, by Commissioners for Manner in *Holland Fen*.

And be it further enacted, That the Taxes which shall be assessed or charged upon any other Common within the First, Third, Fifth, and Sixth Districts, for defraying the Charges and Expences, as well of the general Drainage as of the particular Works to be done within the same Common respectively, shall and may be raised by the Commissioners of the District wherein such Commons lies, or any Five or more of them, by an Inclosure of Part of the said Common, so as no such Land shall be made liable to be inclosed hereby; and the said Commissioners, or any Five or more of them, may and they are hereby impowered to grant a Lease or Leases thereof, to any Person or Persons, at and for the best Rent they can get for the same, for any Term not exceeding Twenty one Years, for the Purposes aforesaid: Provided always, That such Inclosure be made by and with the Consent and Approbation of the Lord of the Manor and the major Part of the Persons having Right of Common therein, at a Meeting to be held for that Purpose, of which Fourteen Days Notice shall be given, by affixing the same upon the Church Door of the Parish, or other usual Place for affixing publick Notices, by the Commissioner elected for such Parish, who is hereby required to cause such Notice to be given; and that the Money arising from such inclosed Lands by virtue and in pursuance of this Act, shall be applied only towards paying

ing the Taxes and Rates to which the Commons in such Parish shall be made liable by virtue of this Act.

Exception. Provided always, That no more Common Lands shall be inclosed in any One Parish within the First, Third, Fifth, and Sixth Districts, than what shall be thought necessary for discharging the Taxes and Rates, to which the Commons in such Parish shall be made liable by virtue of this Act, within such respective Parish only; and that the Lands so to be inclosed shall not be subject to the Payment of any Tythes, Taxes parochial or otherwise, during the Time the same shall remain inclosed.

Such Inclosures not to be subject to Tythes.

Commissioners of the Districts wherein *Holland*, *Wildmore*, and *West Fen* lie, to apply Monies arising from Sale of Lands cut through for the new River towards inclosing of Lands, and Payment of Taxes.

And be it further enacted, That it shall and may be lawful to and for the Commissioners of the Districts wherein the Commons of Wildmore Fen, West Fen, and Holland Fen respectively are comprized, or any Five or more of them, to apply any Money that may arise from the Sale of such Common Lands in the said Fens, as shall or may be cut through, used, or covered, for the said new intended River, or the Banks thereof, for and towards the Charges of inclosing of Lands in the said Fens, or for defraying the Taxes charged thereon, or for any private Works of Drainage within the same respectively, as they shall judge proper and reasonable.

Tenants to pay Taxes, and deduct the same;

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

except Leases, which will not expire till after the End of 14 Years;

Provided always, That in case any Tenant shall hold any Lands or Tenements so to be taxed by virtue of or under any Lease for any Term of Years which will not expire till after the End of Fourteen Years, to be computed from Lady-day, One thousand seven hundred and sixty-two, then such Taxes shall be paid by the Landlord and Tenant in such Shares and Proportions as shall be adjusted, ascertained, and determined, by the Commissioners of the District or Districts wherein the said Lands and Tenements are situate, or any Three or more of them.

and Church Leases.

Provided also, That all Persons holding their Lands and Tenements under Bishops, College or Church Leases, or other Leases, not at a Rack-rent, shall pay the whole Taxes, and shall not be intitled to any Deduction from their several Landlords in respect thereof.

And be it further enacted, That the Commissioners of the Second and Fourth Districts respectively are hereby authorized and impowered to pay the General Commissioners, to be appointed or chosen to serve for their respective

spective Districts, their Charges and Expences of attending the General Meetings, so that the same does not exceed Ten Shillings a Day, out of the Surplus Rents, if there shall be any such, which shall arise from the Lands to be inclosed in the Commons in such respective Districts, or in such Manner as the said Commissioners, or any Five or more of them, shall think proper, to raise the Monies for such Purpose within their respective Districts.

Proprietors to give in an Account of their Lands.

And be it further enacted, That an Account of the several Lands and Grounds within the several Districts aforesaid, and liable to be rated and taxed by virtue and within the Meaning of this Act, shall, on or before the Second Tuesday in January, One thousand seven hundred and sixty three, be given to the Commissioners for such respective Districts, or to their Clerks, by the Owners, Proprietors, or Occupiers, of such Lands and Grounds respectively, to be by them forthwith transmitted to the Clerk to the General Commissioners; and if any of the Owners, Proprietors, or Occupiers of Lands within any such District or Districts, shall neglect or refuse to give in to such Commissioners, or their Clerk, a particular Account of the Number of Acres belonging to them, or in their Possession respectively, distinguishing therein how much thereof is private Property, Half Years Land, Common, or other Kind of Land respectively; and in case there shall be Reason to suspect that the Number of Acres is not truly stated in any such Account, or not properly distinguished in Manner aforesaid, it shall be lawful for the said General Commissioners, or any Five or more of them, to order a Survey to be made of any of the said Lands by some able Surveyor, not being a Proprietor of any Lands in the said District, upon Oath (which Oath any Two of the said Commissioners are hereby impowered to administer) and any Survey which shall be so made shall be sufficient Warrant and Authority to the said Commissioners, or any Five or more of them, to ascertain and determine the Quantities and also such Distinctions as aforesaid of such Land, and the Charge of surveying the Lands of such Person or Persons as shall neglect or refuse to give in such Account, or shall deliver in a false Account, shall be paid by such Person or Persons respectively; and in case of Non-payment thereof, shall be recovered in such Manner as the Taxes are herein directed to be recovered; and in case it shall appear, upon any such Survey, that the Number and Distinction of Acres were truly stated in any such Account, the Charge of such Survey shall be defrayed out of the Monies arising by virtue of this Act for the Purposes of the General Drainage.

Determination of Disputes about High Lands.

Provided always, and be it further enacted, That no Tax or Assessment shall be rated, charged, or levied, for or in respect of any Lands being Parts of the Lands bounded and described as aforesaid, which are known and distinguished by the Name of high Lands, or which have not been subject to Inundations, or to be otherwise annoyed by Flood-water: And if in the Case of any Tax to be assessed by the General Commissioners of general Drainage, any Dispute shall arise, whether any of such Lands shall or shall not be deemed High Lands, or have not been subject to Inundations, or otherwise annoyed by Water, the same shall be determined, upon View, by Five of the private Commissioners, herein before required to be elected by and for the said Six Districts, not having any Property in, nor being elected by, the District wherein such Lands shall lie; Two of which Commissioners shall be nominated by the Commissioners for the District wherein such Lands are situate, or any Three or more of them; and the other Two by the Proprietor or Proprietors of the Lands in Dispute; and the Fifth by such Four Commissioners so previously nominated as aforesaid; and if such Four Commissioners cannot agree in the Choice of a Fifth, he shall be nominated at the First subsequent Meeting of General Commissioners of general Drainage; and all such Commissioners, before they proceed to determine such Dispute, shall take an Oath well and truly, to the best of their Judgement and Knowledge, to determine whether such Lands have been subject to Inundations, or otherwise annoyed by Flood-water, or ought to be deemed Low Lands, liable to be taxed by virtue of this Act (which Oath any One or more of the said Private Commissioners for the said Districts are hereby impowered to administer) and such Commissioners shall set forth their Determination in Two distinct Writings, and shall sign the same; and One of such Writings shall be delivered to the Owner of such Lands, and the other of such Writings shall be delivered to the Clerk to the General Commissioners for Drainage.

Persons refusing to pay their Taxes,

And be it further enacted, That if any Person or Persons whose low Lands and Fens shall be taxed or assessed as aforesaid by virtue of this Act, shall refuse or neglect to pay such Tax, for the Space of Twenty one Days next after Demand thereof made, by the respective Collector or Collectors of the said Taxes, then and in every such Case the said General Commissioners, or any Five or more of them, and the said Commissioners of the said respective Districts, or any Five or more of them, shall and may, and they are hereby authorized respectively by Warrant under their Hands and Seals to impower their re-

spective Collector or Collectors to levy the same by Distress and Sale of the Goods and Chattles which shall be found on the Lands charged with the Taxes in Arrear; and if the Lands shall be untenanted, or no sufficient Distress can be found for levying the said Taxes, the Lands chargeable therewith shall remain a Security for Payment thereof, and the said respective Commissioners, or any Five or more of them, shall, in such Case, after Default of Payment for Three Months (having given One Month's Notice in Writing to the Owner of such Lands, or his Agent) be, and they are hereby authorized and impowered to enter into and upon the said Lands, and let the same, from Year to Year, for the best Rent that can be procured for the same, until all Arrears of the said Taxes, and all Expences of raising the same, shall have been fully paid and satisfied; and the Produce thereof shall be applied, in the First Place, towards discharging the said Taxes, and the Charges attending such Entry, and the Residue thereof shall be paid by such Collector or Collectors to the Owner of such Lands, or his or her Agent, when demanded.

the same to be levied by Distress and Sale.

Grounds unoccupied to remain a Security.

And whereas, from the Multitude of Proprietors interested in the several Commons of Holland, Wildmore, and West Fens respectively, Disputes may arise, so as to prevent such Inclosures being made as are herein before provided for raising the Taxes to be charged on the said Fens, or any of them, by virtue of this Act: And whereas if no such Inclosures should be agreed upon and made in due Time, by the Commissioners for such Districts respectively, wherein the said Common Fens are situate, great Difficulties may arise in levying the same; be it therefore further enacted, That if the Proprietors of all or any of the said Commons of Holland Fen, Wildmore and West Fens respectively, do not pay the Taxes to be assessed upon the said Commons, or any of them, within Six Months after the same shall become payable, and Notice given for that Purpose, by causing the same to be affixed upon the several Market Crosses of Boston, Spilsby, and Horncastle, that then it shall and may be lawful for the said General Commissioners, or any Seven or more of them, and they are hereby vested with all and every the Powers and Authorities for inclosing such Parts, and so much of the said Common Fens respectively, where such Default in Payment shall happen, and from time to time to demise the same in such Manner, and under and subject to the same Restrictions, Provisoes, and Regulations, as are herein before directed and prescribed to the Commissioners of the several and respective Districts wher-

General Commissioners to close Lands in *Holland*, *Wildmore*, and *West Fens*, in case the Taxes assessed thereon are not paid in due Time.

in

in the said Common Fens do lie; and so as the Money arising from such Lands so to be inclosed, be applied to the very same Purposes as the Monies to arise by an Inclosure of any of the said Commons are herein before directed to be applied, and no other; any thing herein before contained to the contrary notwithstanding.

Works to be ordered by the General Commissioners.

And be it further enacted, That the said General Commissioners, or any Seven or more of them, shall, in the First Place, cause a grand Sluice or Sluices for stemming the Tide to be erected between Lodowick's Gowt and Boston Bridge, at or near a Piece of Ground commonly called Harrison's Four Acres; the Floor whereof to be Three Feet at least lower than the present Floor of Lodowick's Gowt, and its neat Capacity, or clear Water-way, to be Fifty Feet wide at least, with Three or more Pair of Pointing Doors to the Seaward, to shut with the Flow of the Tides; and also Pointing Frames provided with Drop or Draw Doors on the Land-side or to Landward, to be shut occasionally, as the said Commissioners, or any Seven or more of them, shall direct, in order to retain fresh Waters in dry Seasons for the Use of Cattle and the Navigation; the Top of which Draw Doors to be gauged to such a Height as to retain the Water of the River not higher at ordinary Seasons than Two Feet below the medium Surface of the lowest Lands that drain therein; and also that the said General Commissioners, or any Seven or more of them, shall make, or cause to be made, a new Cut from the said Sluice or Sluices, unto or near unto Anthony's Gowt, of the Breadth of Eighty Feet at the Top, Fifty Feet at the Bottom, and of the Depth of Ten Feet at a Medium, more or less, as the Commissioners shall think proper, and in as strait a Direction as the Nature of the Ground will properly admit; and shall make, or cause to be made, a Bank on each Side thereof, at least Forty Feet from the Pitch of the Spade, and Ten Feet high, with the Earth arising therefrom; and also that the said General Commissioners, or any Seven or more of them, shall order and direct the Engineers and Workmen to proceed, with all convenient Speed, in making a new Cut or Cuts to proceed from or near Anthony's Gowt to or near Langrike Ferry, and from thence to or near Chappel Hill, the said Cut or Cuts to be made as strait as may be, without doing any Damage to the House or Ferry at Langrike, (without hindering or prejudicing the Use or Working of the said Ferry for Carriage of any Person, Cattle, or Carriages whatsoever, for Hire across the said Cut or Cuts) and as may consist with following the lowest Level of the Country, and

shall be most proper for answering the Purposes of a general Drainage; the said Cut or Cuts to be not less at a Medium than of the following Dimensions; that is to say, Sixty eight Feet at the Top, Fifty Feet at the Bottom, and Nine Feet deep, the Earth to be taken therefrom to be disposed in Bank Fashion, at the Distance of Forty Feet from the Pick of the Spade, and to be made at a Medium Nine Feet high.

River *Witham* to be widened, &c.

And be it further enacted, That the said General Commissioners, or any Seven or more of them, shall, and they are hereby impowered to cleanse, scour, widen, deepen, and imbank the River Witham, according to its present Course, from Chappel Hill to Stamp End near the City of Lincoln, where necessary, so as to be answerable in Depth and Capacity to the Rivers and Cuts already directed to be made, and to remove all Obstructions, Fishing Wears, and Impediments in the Channel of the said River, and to do all other Matters and Things that shall be necessary or conducive towards effecting the Purposes of the general Drainage as high as Stamp End aforesaid.

Surface of the Water thereof to be 2 Feet below the medium Surface Lands adjoining.

Provided always, and be it further enacted, That the said River and Cuts shall be so made as to run off or reduce the Surface of the Water in the said River, at ordinary Seasons, Two Feet at least below the medium Surface of the lowest Lands adjoining upon each Part thereof respectively.

The same Number of Workmen to be employed on the Mother River as on the Side Rivers.

And be it further enacted, That as soon as the Works before mentioned shall be completed as far as Chappel Hill, the said General Commissioners, or any Seven or more of them, shall and they are hereby required to cause such a Number of Workmen to be employed in carrying on the Works upon the Mother River above Chappel Hill, as shall be at least equal to the Number of Workmen at the same Time employed upon the Side Rivers, Banks, and Drains, herein after mentioned.

Relating to *Anthony's Gowt* and *Maud Foster's Gowt.*

And be it further enacted, That the said General Commissioners, or any Five or more of them, are hereby authorized, impowered, and required to cause a new Gowt to be made and erected at the general Expence, in the North Bank of the intended new Cut or River, at or near the Place where Anthony's Gowt now stands, and to cause the said Gowt to be begun upon as soon as the said intended new Cut or River shall be made as far up as to the Place where the said intended new Gowt is to be erected, and to cause the same to be finished with all convenient Speed; the said new Gowt to be made of One Arch or Tun of Fourteen Feet clear Waterway, and the Floor thereof to be laid as low as the Bed or

Bottom of the said intended new Cut or River, and to be of such Headway as the said Commissioners shall think proper; and the said General Commissioners, or any Five or more of them, shall cause to be made at the general Expence, a new Cut from the Place where the said new Gowt shall be erected, to the Place where Anthony's Gowt now stands, of sufficient Dimensions for conveying the Waters of Wildmore and West Fens through the said intended new Gowt, and to be made as soon after the said new Gowt is finished as conveniently may be: And in case it shall appear to the General Commissioners of the Fourth District, or any Five or more of them, that the Commons called Wildmore and West Fens, and the low Grounds adjoining thereto, are not thoroughly drained through the said new Gowt, it shall and may be lawful for the said General Commissioners of the Fourth District, or any Five or more of them, to order any new Cuts to be made, or any old ones to be scoured out in the said Commons, and also to order such further Works as they shall think necessary and proper for draining the said Fens and low Grounds through Maud Foster's Gowt, at the Expence of such Lands in the Fourth District, which shall not have contributed to Maud Foster's Gowt, in such Proportion as the said Commissioners, or any Five or more of them, shall adjudge or determine.

Proviso relating thereto.

Provided always, That if any Detriment shall arise to the Lands now draining through Maud Foster's Gowt, the General Commissioners, or any Five or more of them, upon Appeal made to them by the Majority of the Proprietors of the Lands now draining through Maud Foster's Gowt, and expressing the particular Damage, shall order, if they judge reasonable, such Enlargements to the said Maud Foster's Gowt, and the Drains leading thereto, as shall be sufficient to relieve the said Lands, and prevent any future Damage to the same, to be done at the Expence of such Lands in the said Fourth District, as shall not have contributed towards the Expence of the said Maud Foster's Gowt.

Materials vested in General Commissioners.

Provided always, That the Materials of which Anthony's Gowt is constructed shall be and the same are hereby vested in the said General Commissioners, to be by them, or any Five or more of them, applied and disposed of in such Manner as they shall think proper for the general Works of Drainage.

And whereas, in order for the effectual scouring of the said Out-fall, and thereby draining the low Lands and Fens intended to be drained and improved by virtue of this Act, it is absolutely necessary to preserve the living Waters, and to confine the Flood Waters falling into the

the ſame Channels, and for that Purpoſe to ſcour out, deepen, and imbank, not only the Mother River, but alſo the ſeveral Rivers or Channels of Kyme Eau, Tatterſhall Bane, Billinghay Skirths, Duns Dyke, Nocton Dyke, Waſhingborough Beck, Stickſwould Beck, Southerby Eau, Tupholm Dyke, Bardney Beck, Barlings Eau, Stainfield Beck, and Bullington Beck; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid General Commiſſioners, or any Five or more of them, to cauſe the ſaid Rivers, Dykes, and Becks, herein before mentioned and deſcribed, to be ſcoured, widened, deepened, and imbanked, by the Ways and Means and for the Purpoſes herein and hereby mentioned, directed, provided, and declared; and that the Charge and Expence of the doing, executing, and performing, the ſeveral Works laſt before-mentioned, ſhall be paid and defrayed by and out of the Money raiſed by the Taxes or Aſſeſſments to be made by the General Commiſſioners for the Purpoſe of Drainage by virtue and in purſuance of this Act. Side Rivers or Drains to be ſcoured, &c. at the general Charge.

And be it further enacted, That the ſaid ſeveral Rivers, Channels, Becks, Dykes, and Waters, ſo neceſſary to be ſcoured, deepened, and imbanked, as aforeſaid, ſhall be ſo ſcoured, deepened, and imbanked, in Manner and to the Effect herein after mentioned; that is to ſay, The Channel of Kyme Eau from the ſaid River Witham to Ewerby Fen Corner called the Clapps, and ſo much higher as ſhall be found neceſſary; the Channel of Tatterſhall Bane from the River Witham to Dickinſon's Engine, and ſo much higher as ſhall be found neceſſary; the Channel of Billinghay Skirths from the River Witham to Billinghay Town, and from thence to Kyme Cauſeway Bridges, and from thence to the Junction of Scopwick Beck with North Kyme Fen Dyke, and ſo as that their Banks may be Thirty Feet broad at the Seat, Six Feet at the Top, and Six Feet high or thereabouts at a Medium; Duns Dyke from the River Witham, to the Car Dyke, and Barlings Eau from the River Witham to Abby, and ſo much higher as ſhall be found neceſſary, ſo as that their Banks ſhall be Fifteen Feet broad at the Seat, Five Feet at the Top, and Five Feet high or thereabouts at a Medium; Waſhingborough Beck from the River Witham to the ſaid Car Dyke, ſo as the Banks thereof ſhall be Twelve Feet broad at the Seat, Four Feet at the Top, and Four Feet high or thereabouts at a Medium; and that Stickſwould Beck, Southrey Eau, Tupholm Dyke, and Bardney Beck, from the River Witham to the adjoining high Grounds, as far as ſhall be found neceſſary, and Stainfield Beck and Bullington Beck from Barlings Eau to the high Deſcription thereof.

high Grounds, in Length Four Furlongs, and so much further as shall be found necessary; and also all other Becks on the North Side of the River Witham shall be scoured out and imbanked in Proportion to the Flood Waters they bring down.

Commissioners may heighten, &c. the Banks.

Provided always, That if any of the said Dimensions of the said Banks shall be found insufficient for the said Purposes, it shall be lawful for the said General Commissioners, or any Five or more of them, to heighten, enlarge, and strengthen the same, in such Manner as shall be by them, or any Five of them, thought effectual and necessary for preserving the said living Waters, and confining the same and the Flood Waters within the said Channels.

A Cut to be made from *Langrike Gowt* to the new Cut or the River.

Provided always, and be it further enacted, That when the said new Cut or River shall be completed as far as Langrike Gowt, the said General Commissioners for Drainage, or any Five or more of them, shall, at the general Charge, cause a new Cut to be made from Langrike Gowt to the said new Cut or River, when the same shall be required to be done by the Commissioners of the said Second District, or any Five or more of them, and by the Commissioners of the said Sixth District, or any Five or more of them; and that the Drains leading to the said new Cut from Heckington Eau, and the other Drain from the Skirth across Holland Fen, shall be scoured up and cleansed at the general Charge, and under the Directions of the said General Commissioners, or any Five or more of them.

and another from *Lodowick's Gowt* to the new Cut or River, at the general Charge.

Provided always, and be it further enacted, That when the said new Cut or River shall be compleated westward of Lodowick's Gowt, the said General Commissioners for Drainage, or any Five or more of them, shall, at the general Charge, cause a new Cut to be made from Lodowick's Gowt to the said new Cut or River, when the same shall be required to be done by the Commissioners of the said Second District, or any Five or more of them.

Outring and Division Dykes to be kept open by the Proprietors.

And be it further enacted, That all Owners and Occupiers of Lands who are obliged of Right in that Behalf, shall, from time to time, make and keep their Outring or Division Dykes or Drains, Nine Feet broad and Five Feet deep; and shall, from time to time, cause the same to be roaded and scoured, and Bridges and Tunnels to be laid therein, where necessary: And if any Person shall refuse or neglect to do the same for the Space of Fourteen Days after Notice given by the Surveyor in Writing, and signed by Two Commissioners of the District wherein such Land shall lie, it shall and may be lawful to and for the Commissioners of the said District,

or

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or any Five or more of them, to cause and order the same to be done, and, by Warrant under their Hands and Seals, to cause the Charges attending the same to be levied by Distress and Sale of the Goods and Chattles of the Offender, returning the Overplus (if any) when demanded, to the Person or Persons whose Goods and Chattles shall be so distrained and sold.

Lords of Manors may make Division Dykes at their own Expence, but not to interfere with the Works of Drainage.

Provided always, That nothing herein contained shall extend to prevent or hinder the Lord of any Manor, or other Owner or Proprietor of Lands within any of the said several Districts, from making, or causing to be made, any Drains or Division Dykes, or other Works, at their own Expence, within their own Lands respectively; provided such Drains or Division Dykes do not detriment or interfere with the general or private Works of Drainage to be performed by virtue of this Act.

Lodowick's Gowt to be supported at the general Charge.

And be it further enacted and declared, That the General Commissioners for Drainage, or any Five or more of them, shall, out of the Money to be by them raised, pay to the Surveyors of Holland Fen the Sum of One hundred Pounds, in consideration of the Works by them done to Lodowick's Gowt; and that from the Time that the said general Works of Drainage shall be begun, until the Water of the River Witham at Chapel Hill shall be turned into the new River before described; and from thence discharged by the grand Sluice, Lodowick's Gowt shall, for the Safety of the Country, be supported and maintained at the general Charge, and so much longer as the General Commissioners, or any Eleven or more of them, shall think the same conducive towards effecting the Purposes of the General Drainage, but not afterwards.

Tunnels under *Kyme-Eau* and *Billinghay-Skirths* to be removed.

And be it further enacted, That the General Commissioners, or any Five or more of them, shall and may cause the Tunnels sunk under Kyme-Eau and Billinghay-Skirths to be removed and taken away, leaving the Materials for the Use of the Owners thereof; and that no Cut, Channel, or Tunnel, shall, at any Time thereafter, be made or laid in the Places aforesaid, or in any other Place, for diverting any of the Water out of the said River Witham, except as herein after mentioned: And if any such Cut, Channel, or Tunnel, shall be so made or laid, the said Commissioners, or any Five or more of them, shall cause the same to be filled up, abated, or removed, and, by Warrant under their Hands and Seals, to cause the Charges attending the same to be levied by Distress and Sale of the Goods and Chattles of the Offender, returning the Overplus (if any) when demanded, to the Person

for Persons whose Goods and Chattles shall be so distrained and sold.

Proprietors of Lands in North Kyme and Billinghay Dales, to lay a Tunnel under Kyme-Eau, if Occasion.

And be it further enacted, That in case the low Lands and Fens lying in North Kyme and Billinghay Dales, betwixt Kyme-Eau and Billinghay-Skirths shall not be sufficiently drained by the Expedients aforesaid, so as to issue and convey their Downfall and Soakage Waters into Kyme-Eau or the River Witham above Chappel Hill, the Owners and Proprietors of such low Lands and Fens respectively may, when they think the same necessary, and they are hereby impowered to lay a Tunnel under Kyme-Eau betwixt Drury-Dyke and the Twenty-foot Drain, not exceeding Two Feet square, for conveying such Waters into the River Witham through Langrike Gowt, so as such Tunnel be laid so low and so effectually built and secured as not to obstruct the necessary Deepening of Kyme-Eau, or the free Passage of the Waters thereof into the River Witham.

Provided always, That if the aforesaid Proprietors shall suffer any Waters more than the said Downfall and Soakage to be conveyed through the said Tunnel, then, and in such Case, the Commissioners of the Second District, or any Five or more of them, shall and may, and they are hereby authorized and impowered, to remove and take away such Tunnel; and the Lands intended to be benefited thereby shall thereupon be discharged from contributing towards the Expence of Red Stone Gowt.

Dampford Tunnel to be continued.

Provided also, That it shall and may be lawful to and for the Proprietors of the Tunnel called Dampford Tunnel, now lying under the said Kyme-Eau, to continue the same, but subject to and under the like Restrictions and Provisions as are herein before-mentioned, provided, and declared, of and concerning such Tunnel as is herein before licensed or permitted to be laid or continued under Kyme-Eau.

and other Tunnels for watering Cattle in dry Seasons.

Provided also, That the Tunnel lying through the South Bank of Kyme-Eau in South-Kyme, near Dampford Sluice, and also the Tunnel in Dog-dyke for conveying Water into Holland Fen and Wildmore Fen respectively, shall and may be continued for the Purpose only of conveying Water into the same Fens respectively, and the Eleven Towns having Right of Common in Holland Fen aforesaid, according to ancient Custom, for the Use of Cattle in dry Seasons; and also that Heckington Tunnel, and all other old Tunnels, except as before directed to be removed, may be used and continued as heretofore for the same

same Purposes; provided the same do not exceed Nine Inches square.

A moveable Staunch to be erected in Kyme-Eau above Drury-Dyke.

And be it further enacted, That it shall and may be lawful for the said General Commissioners, or any Five or more of them, to license, order, or appoint, such other Tunnels, not exceeding Nine Inches square, in and through any of the Banks of the said several Rivers and Drains respectively, for conveying Water into any other of the low Grounds or Fens so intended to be drained as aforesaid for the watering of Cattle in Dry Seasons only, as the said Commissioners, or any Five or more of them, shall think proper and requisite: And also that it shall and may be lawful to and for the Eleven Commissioners for the Eleven Towns, having Common Right in Holland Fen, together with the Commissioners for North and South Kyme, or the major Part of them, to set, or cause to be set down a moveable Staunch in Kyme-Eau above Drury-Dyke, so as such Staunch be made no higher than will be necessary to turn the Water into the Tunnels through the Banks into Holland Fen, North Kyme and South Kyme, and to appoint proper Persons to look after the same, and to cause the Charge and Expence attending the same to be paid and defrayed by and out of the Money arising or produced by any Inclosure of Lands in Holland Fen (subject nevertheless to the Direction and Controul of the General Commissioners for the Drainage, or any Five or more of them) upon Complaint to them made of any Damage sustained thereby.

And the Tunnels continued at *Howbridge*.

And be it further enacted, That the Tunnels in Wildmore Fen Bank, at the End of Howbridge Drain, shall be likewise continued for taking in Water into Wildmore and West Fens in Dry Seasons for the Use of Cattle, so as such Tunnels be placed and set as low as the same can be.

If a sufficient Quantity cannot be issued for Cattle in *Wildmore Fen*, the Commissioners of the 4th District may place removeable Shuttles to raise the Water.

Provided always, That if it shall be found that the Water in the River Witham shall be so low as that a sufficient Quantity cannot be issued and taken thereout for the Use of Cattle in Wildmore Fen, then the Commissioners of the Fourth District, by any Five or more of them, shall and may, and they are hereby authorized and impowered to place, or cause to be placed, removeable Shuttles on the Top of the Land Door at the Grand Staunch, so as to raise the Water in the new intended River to such a Height as to issue Water in Dry Seasons through the said Tunnel into the said Fens for the Purposes aforesaid; but subject nevertheless to be removed and abated by the General Commissioners, or any Five

or

or more of them, if they shall find the same prejudicial to the Drainage intended by this Act.

Bed of the *Witham*, where not inclosed, vested in the Commissioners.

And be it further enacted, That the Site or Bed of the old River Witham, where the same is not already inclosed, shall be, and the same is hereby vested in the General Commissioners, to be by them, or any Five or more of them, applied and disposed of in such Manner as they shall think necessary and proper for the general Works of Drainage.

The Sea Sluice and Rivers to be maintained at the general Charge.

And be it further enacted, That the necessary Charges and Expences of maintaing and supporting the Sea Sluice, the Mother River, and all other the Rivers, Becks, Drains, and living Waters, herein before particularly directed to be scoured and deepened, and the Banks thereof, and all other Works which the said General Commissioners, or any Five or more of them, shall order and direct to be performed for the general Works of Drainage, shall be paid and defrayed by and out of the Money to be raised for the general Works of Drainage, by virtue and in pursuance of this Act.

Staunches to keep back Land Water, how to be erected.

And be it further enacted, That no Staunch or Land Door shall be erected in the said River Witham, within the Limits aforesaid, or in any Rivers or Drains running into the said River Witham, within the Limits aforesaid, already made, or which shall be made in pursuance of this Act, so as that the Water may be thereby kept up higher than within Two Feet of the lowest Lands lying above such Staunch or Land Door, except for the Use of Cattle as before mentioned; nor any Staunch or Land Door at Lincoln High Bridge, or between the said Bridge and Washingborough Ferry, that shall not be at least Two Feet lower than the lowest Lands in Canwick Ings; any thing in this Act contained to the contrary notwithstanding.

Commissioners of the Districts to exchange Lands separated by the new Cut.

And be it further enacted, That the Commissioners of the said respective Districts, or any Five or more of them, shall and may, and they are hereby authorized and impowered to make Exchanges of any Fen or common Lands, which shall be separated by any such Cut to be made for the Purposes of this Act.

The Ferry and Road between *Tattershall* and *Billinghay*, preserved.

And whereas, according to the Plan herein before prescribed, the ancient and publick High Road leading from Tattershall Town to and over Tattershall Ferry, and to the Town of Billinghay, will be in a great Measure covered by Part of the Banks which are to be thrown up and made on the North and South Sides of the River Witham, at and near Tattershall Ferry, and by the Bank which is to be thrown up and made on the North West Side of Billinghay Skirth; be it therefore further enacted, That it shall and may be lawful for the present Proprie-

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tor of the ſaid Ferry, or his Heirs and Aſſigns, to preſerve and continue the ſaid Ferry, and all Rights and Privileges belonging to the ſame, in as full and ample Manner as the ſame is now enjoyed; and alſo that the ſaid High Road, now leading from Tatterſhall to the ſaid Ferry, ſhall be and remain over the Bank intended to be raiſed by virtue of this Act on the North Side of the River Witham, free and open to all his Majeſty's Subjects; this Act or any thing herein contained to the contrary notwithſtanding: And that the ſaid Road leading from the ſaid Ferry to Billinghay ſhall paſs and be upon the Bank which ſhall be made by virtue of this Act upon the North Weſt Side of Billinghay Skirth, which is hereby declared and enacted to be a publick and common Highway for all his Majeſty's Subjects paſſing and repaſſing on Foot, or with Horſes, Cattle, Carts, and other Carriages; and that ſuch Perſon or Perſons as, by reaſon of Tenure or otherwiſe howſoever, are now bound to repair the laſt-mentioned Part of the ſaid Road, ſhall and may, and ſuch Perſon or Perſons are hereby impowered and required, from time to time, as often as Occaſion ſhall require, to repair, amend, and ſuſtain ſuch new Road, to be formed upon the ſaid Bank in Manner aforeſaid, and for that Purpoſe to enlarge the ſaid Bank in Breadth to any Dimenſions, not exceeding Forty Feet in the whole.

Bank of *Billinghay Skirth* not to be leſs than 12 Feet in Width.

Provided always, That the ſaid Bank ſhall for ever be and remain at the leaſt Twelve Feet; and that nothing ſhall be done upon or in relation to the ſaid Road or Ferry which ſhall in any wiſe impede, obſtruct, or make worſe the Drainage or Navigation intended by this Act, or any Works neceſſary or proper for effecting the ſame; and that the Materials for amending and ſupporting the ſame ſhall and may be taken out of the ſaid River called Billinghay Skirth, and out of ſuch Part of the ſaid River Witham adjoining to the ſaid Ferry, as ſhall be found moſt convenient for the Purpoſes aforeſaid, and ſo adjudged by the ſaid Commiſſioners for Drainage, or any Five or more of them, by Writing under their Hands and Seals.

Rights of Owners of Ferries, reſerved.

And whereas there has been, for Time immemorial, ſeveral other ferrying Places acroſs the ſaid River Witham, the Property of divers Lords of Manors, or other Perſons; be it therefore enacted, That it ſhall and may be lawful for the preſent Proprietors of the ſaid Ferries, their Heirs or Aſſigns, to preſerve and continue the ſaid Ferries, and all Rights and Privileges belonging to the ſame, in as full and ample a Manner as the ſame are

now enjoyed; and also that the High Roads or Causeys now leading to the said several Ferries respectively shall remain over the Banks intended to be made or raised by virtue of this Act on both Sides the said River Witham, free and open to all his Majesty's Subjects: And that it shall be lawful to and for the said Proprietors of the said Ferries respectively, or for the several Persons, now bound by Law to repair the said Roads respectively, to add to the Sides of the said Banks such further Soil, Gravel, or other Materials, as shall be necessary and sufficient for forming and rendering the said Roads practicable and convenient over the said Banks respectively, so that the same, or any of them, may not be in any Manner reduced below the Dimensions in and by this Act provided and expressed for the same respectively; this Act or any thing herein contained to the contrary notwithstanding.

A Bridge to be built to preserve a Communication between *Boston West* and *Holland Fen*.

And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, or any Five or more of them, to cause a sufficient Bridge to be erected across the intended new Cut or River, at some Part thereof about half way between Anthony's Gowt and Boston, for the Purpose only of preserving a Communication between the Houses in Boston West and Holland Fen, which Houses will be separated from the said Fen by the said intended new Cut or River.

Fords to be repaired, or Bridges built.

And be it further enacted, That if the said Commissioners for Drainage, in pursuance of the Powers by this Act granted, shall, by scouring out any of the Side Rivers in this Act mentioned, deepen the same, so as to render any Ford or Fords across the said Rivers, or either of them, unpassable, whereby the Communication between any Roads or Lands on each Side thereof shall be interrupted or prevented, the said Commissioners shall, at the publick Charge, either new make such Fords with Stones, Gravel, or other sufficient Materials, or else build a Bridge or Bridges over such River or Rivers, in order to restore such Communication in as effectual a Manner as the same was before the passing of this Act.

Annuities to be granted for Money borrowed,

And forasmuch as the Money to be collected by the Receipt of the Taxes by this Act laid and made payable as aforesaid, will not be sufficient for the speedy Execution of the general Works of Drainage to be done in pursuance of this Act; be it therefore enacted, That the said General Commissioners, or any Seven or more of them, shall and may, and they are hereby authorized and impowered, from time to time, as it shall be found requisite and necessary for the Purposes aforesaid, to raise Money upon the best Terms and by the best Methods the same can be procured;

procured; and for that Purpose they, or any Seven or more of them, shall and may, and they are hereby authorized and impowered to treat, contract, and agree with any Person or Persons, either for the Purchase of an Annuity for Life, or the Loan of any Sum or Sums of Money upon Mortgage respectively; and also, in pursuance or Execution of such Contract or Agreement, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, to charge the said Taxes to arise by virtue of this Act, for the Purpose of the general Drainage, or any Part thereof, with any Annuity or Annuities, to such Person or Persons as shall treat for the same during a Life, to be by them respectively named, or to assign, transfer, and make over the said Taxes, or any Part thereof, unto any Person or Persons who shall advance and lend any Money thereupon, for such Term of Years as shall be agreed upon in that Behalf, by way of Mortgage and as a Security for the Repayment thereof, with Interest, at such Times, and in such Manner, as shall be agreed upon by the said General Commissioners.

or Taxes assigned.

Provided always, That no Money shall be borrowed, or any such Annuity granted, by the said Commissioners, on the Credit of this Act, after their First Meeting, unless Notice be given by affixing the same in Writing on the Market House in Lincoln, and the Market Cross in Boston, and by publishing the same in some of the publick Papers usually circulated in the County of Lincoln, at least Twenty one Days before any Meeting shall be held for that Purpose.

Notice to be given of borrowing Money.

And be it further enacted, That the Taxes or Assessments, which shall be rated or charged by the said General Commissioners, shall be charged and chargeable with the Payment of the Principal Money so to be by them borrowed, and the Interest of such Money from time to time; and shall vest in the respective Creditors, upon Default of Payment of such Principal and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned for the Nonpayment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers, Rights, and Privileges of assessing, raising, and recovering the several Taxes or Assessments payable by the several Owners and Occupiers of Lands and Grounds charged therewith, for and in respect of such Principal Money and Interest, in case of Default of Payment thereof, as the said Commissioners and their Collectors could have had,

Power for Mortgagees to enter and recover.

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in caſe ſuch Principal and Intereſt had been regularly and fully ſatisfied and paid.

Mortgages, &c. to be deemed Perſonal Eſtates, and may be aſſigned.

And be it further enacted, That all Mortgages and Annuities to be made or granted as aforeſaid, ſhall be deemed Perſonal Eſtates, and ſhall and may be reſpectively aſſigned, transferred, and aſſignable, from time to time, by Indorſement, without Stamps; but all ſuch Grants of Annuities and Mortgages, and Aſſignments thereof reſpectively, ſhall be entered in a Book to be kept for that Purpoſe by the Treaſurer or Clerk to the ſaid Commiſſioners, who ſhall, at the Requeſt of every Mortgagee, Grantee, or Aſſignee reſpectively, enter the ſame, without demanding or receiving any other Fee or Reward than the Sum of Two Shillings and Six Pence for the ſame.

Tenants for Life may charge the Lands for Money borrowed to pay the Taxes.

And be it further enacted, That it ſhall and may be lawful to and for any of the Owners or Proprietors of any of the ſaid low Lands and Fens, being Tenants in Tail, or Tenants for Life, or his, her, or their Truſtee or Truſtees, Guardian or Guardians, from time to time, to charge the ſaid low Lands and Fens with any Sum or Sums of Money, for paying the yearly Cares to be laid upon the ſaid low Lands and Fens, as well for the private as the publick Works of Drainage to be done in purſuance of this Act; and alſo ſuch further Sum or Sums of Money, as ſhall, from time to time, be by him, her, or them, paid for the Intereſt thereof, until the next General Quarter Day, after the general Works of Drainage ſhall be compleated to Stamp End, and ſhall be ſo determined to be by the ſaid General Commiſſioners for the general Works of Drainage, or any Seven or more of them, which Determination they, or any Seven or more of them, are hereby required to make, when they ſhall think the ſaid Works are compleated; and for ſecuring the Repayment of ſuch Sum and Sums of Money, with Intereſt for the ſame, to grant, charge, mortgage, leaſe, or demiſe, or otherwiſe ſubject the ſaid low Lands and Fens, or any Part or Parcel thereof, unto ſuch Perſon or Perſons as ſhall advance and lend the ſame for any Term or Number of Years, ſo as ſuch Grant, Charge, Mortgage, Leaſe, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered upon the Repayment of the ſeveral Sums of Money reſpectively ſecured as aforeſaid, on a certain Day in ſuch Mortgage or other Security to be for that Purpoſe named, not exceeding One Year from the Date of ſuch Mortgage or other Security; and every ſuch Grant, Charge, Mortgage, Leaſe, or Demiſe, ſo to be made in purſuance of this Act, ſhall be good,

valid, and effectual in the Law, for the Purpoſes thereby intended, notwithſtanding the Want of legal Title in the ſaid Tenants in Tail, or Tenants for Life, his, her, or their Truſtee or Truſtees, Guardian or Guardians, any Settlement or Settlements, Will or Wills, Truſt, Uſe, Remainder, Limitation, or other prior or former Incumbrances of or concerning the ſame low Lands and Fens, or any Part or Parts thereof then in being, or capable of taking Effect, to the contrary in any wiſe notwithſtanding.

Intereſt, when to ceaſe.

Provided always, That from and after the next General Quarter Day after the ſaid General Commiſſioners, or any Seven or more of them, ſhall have determined that the general Works of Drainage are compleated to Stamp End as aforeſaid, that then and from thenceforth the Intereſt of the Money ſo borrowed to pay the ſaid yearly Taxes, and ſuch Intereſt thereof as aforeſaid, ſhall be paid and kept down by the Perſon or Perſons, who, for the time being, ſhall be in Poſſeſſion of the ſaid low Lands and Fens, or any Part or Parts thereof, ſo to be charged with ſuch Money as aforeſaid.

Regular Accounts of Payment, &c, to be kept.

And be it further enacted, That regular Accounts ſhall be kept (by ſuch Perſon or Perſons, and in ſuch Manner, as the ſaid General Commiſſioners, or any Five or more of them, ſhall in that Behalf order, direct, or appoint) of the Collection, Receipts, Payments, and Application of all and every Sum and Sums of Money, which ſhall be raiſed, collected, received, and paid, for the Purpoſes of the General Drainage; and ſuch Accounts ſhall be entered in proper Books, to be provided and kept for that Purpoſe; and Copies of all ſuch Accounts ſhall be delivered to the ſaid Commiſſioners, or any Five or more of them, at their General Meeting on the Firſt Tueſday in July in every Year, or oftener, if thereunto required by the ſaid Commiſſioners, or any Five or more of them; and ſo much and ſuch Parts of the ſaid Accounts as ſhall be approved of, by the major Part of the Commiſſioners preſent at ſuch Meetings, ſhall be ſigned and allowed by them; and Duplicates of the Accounts ſo allowed ſhall be fairly entered in Two Books, One to be kept by the General Commiſſioners, or their Treaſurer, and the other by the Clerk to the ſaid Commiſſioners; and the ſaid Books ſhall be produced at every Meeting of the ſaid Commiſſioners; and all Perſons chargeable with the Taxes to be levied by virtue of this Act ſhall be at Liberty at all Times to inſpect ſuch Books of Accounts, paying One Shilling for every In-

ſpection, and at their own Charge to take Copies of any Part thereof.

Money in Treaſurers Hands, not wanted for the Works, may be placed out on Securities.

And be it further enacted, That in caſe it ſhall at any Time appear, on paſſing the Accounts of the Treaſurer or Treaſurers, that any Part of the Money in his Hands will not at any Time from thenceforth for the Space of Six Months be wanted or neceſſary to be iſſued or applied for the Purpoſes of the general Drainage, then, and in ſuch Caſe, and from time to time, and as often as it ſhall ſo happen, it ſhall and may be lawful to and for ſuch Treaſurer or Treaſurers, by and with the Direction of the ſaid General Commiſſioners, or any Five or more of them, to place out ſuch Sum and Sums of Money reſpectively, on Government or real Security, at Intereſt, in the Name of ſuch Treaſurer or Treaſurers for the time being; and which principal Money ſo to be placed out, and the Intereſt attending the ſame, ſhall be iſſued, paid, applied, and diſpoſed of, under the Direction of the ſaid General Commiſſioners, or any Five or more of them, for the Purpoſes of this Act.

No Order of General Commiſſioners to be reverſed, unleſs 11 Commiſſioners be preſent, and 7 conſent.

Provided always, and be it further enacted, That no Order which ſhall be made by the ſaid Commiſſioners for the general Works of Drainage, or any Five or more of them, by virtue of this Act, at any of their Meetings, ſhall be altered, reverſed, annulled, or made void at any ſubſequent Meeting, unleſs Eleven or more of the Commiſſioners be preſent at ſuch Meeting, and Seven or more of them be conſenting thereto; nor unleſs Fourteen Days Notice in Writing be affixed on ſome publick and conſpicuous Place in the City of Lincoln, the Town of New Sleaford, the Borough of Boſton, the Town of Spilsby, Horncaſtle, and Tatterſhall, in which ſaid Notice it ſhall be expreſſed what Order and Orders are intended to be reverſed or altered.

Commiſſioners for Navigation.

And whereas the reſtoring and maintaining the Navigation of the River Witham, from the High Bridge in the City of Lincoln, through the Borough of Boſton to the Sea, will be of great Benefit and Advantage to the Inhabitants of that Part of the Country, tend to promote Trade and Commerce, and be of publick Utility; be it therefore further enacted, That the Mayor of the City of Lincoln, for the time being, and Four other Perſons, who ſhall be elected by the Mayor, Sheriffs, Citizens, and Commonalty of the ſaid City, within Two Months after the paſſing of this Act, the Mayor of the Borough of Boſton for the time being, and Four other Perſons, who

who ſhall be elected by the Mayor, Aldermen, and Common Council of the ſaid Borough, within Two Months after the paſſing of this Act, and Ten other Perſons, who ſhall be elected by the ſaid General Commiſſioners for Drainage, or any Seven or more of them, at their Firſt General Meeting, ſhall be and are hereby appointed Commiſſioners for reſtoring and maintaining the Navigation upon the River Witham, from the High Bridge in the City of Lincoln, through the Borough of Boſton, to the Sea, under the Rules and Directions herein after-mentioned, provided, appointed, and preſcribed; which Commiſſioners, ſo to be elected, ſhall continue until the Second Tueſday in April, One thouſand ſeven hundred and ſixty three, and ſhall then and thenceforth, Once in every Three Years, be elected in Manner aforeſaid; and that, on the Vacancy of any ſuch Commiſſioner by Death or Refuſal to act, another Commiſſioner ſhall be elected in like Manner, in the Room of the Commiſſioner ſo dying or refuſing to act, within Three Months after ſuch Death or Refuſal.

Election of Drainage Commiſſioners, to be declared under Seal of Corporation.

Provided always, That at the Time the ſaid Mayor, Sheriffs, Citizens, and Commonalty of the City of Lincoln, ſhall elect the ſaid Four Perſons to be Commiſſioners for the Navigation, they ſhall declare, under their Common Seal, which Two of them ſhall alſo be Commiſſioners for the General Drainage; and that the ſaid Mayor, Aldermen, and Common Council of the Borough of Boſton, ſhall alſo, at the Time of their electing the ſaid Four Perſons to be Commiſſioners for the Navigation, declare, under their Common Seal, which Two of them ſhall alſo be Commiſſioners for the General Drainage.

Commiſſioners Firſt Meeting;

And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet at the Town Hall of the Borough of Boſton, on the Third Wedneſday in Auguſt, One thouſand ſeven hundred and ſixty two, and proceed to the Execution of this Act, ſo far as relates to the ſaid Navigation; and ſhall alſo meet on the Firſt Tueſday in July yearly, at ſuch Place within the City of Lincoln, the Town of New Sleaford, or Borough of Boſton, as the ſaid General Commiſſioners for Drainage, or any Five or more of them, ſhall appoint for their annual Meeting: And the ſaid Commiſſioners for Navigation, or any Five or more of them, ſhall and may, from time to time, adjourn themſelves to ſuch Time and Place as they ſhall think moſt convenient for the Purpoſes of this Act: And if it ſhall happen that there ſhall not

they may adjourn.

In Default of a ſufficient Number to act, Notice to be given of another Meeting.

not appear at any ſuch Meeting a ſufficient Number of Commiſſioners to act, or to adjourn to any other Time or Place, then the Clerk to the ſaid Commiſſioners ſhall adjourn the ſaid Meeting to, and appoint the ſaid Commiſſioners to meet at, the Place where the laſt Meeting was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held; and ſhall cauſe Notice thereof to be affixed on ſome publick and conſpicuous Place in the City of Lincoln, the Town of New Sleaford, and Borough of Boſton, at leaſt Ten Days before ſuch Meeting: And that the ſaid Commiſſioners at all their Meetings ſhall defray their own Charges and Expences; provided always, that Three Commiſſioners ſhall be ſufficient for the Purpoſe of Adjournment.

Commiſſioners of Navigation to contract with Workmen;

And be it further enacted, That in order for the carrying on and effecting the ſaid intended Navigation, the ſaid Commiſſioners, or any Five or more of them, ſhall and may and they are hereby authorized and impowered to employ or contract with any Perſon or Perſons, who ſhall be willing to undertake or engage to make the ſaid River Witham navigable and paſſable for Boats and other Veſſels within the Limits aforeſaid, or to do and execute any particular Work or Works to be appointed by the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, upon ſuch Terms and Conditions as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper and reaſonable; and alſo that it ſhall and may be lawful to and for ſuch Perſon and Perſons, ſo contracting, undertaking, and employed, and his or their Agents, Workmen, Servants, and Labourers, with the Approbation of the ſaid Commiſſioners, or any Five or more of them, and they are hereby impowered from time to time, to open, cleanſe, ſcour, depthen, or enlarge, the ſaid River Witham up to Lincoln High Bridge aforeſaid, new Cuts, or new River or Rivers, herein before deſcribed and intended to be made for the Purpoſes of Drainage, and to make ſuch new Cuts, Trenches, or Paſſages for Water, in, upon, or through the Lands or Grounds adjoining or near to the ſaid River, and within the Limits aforeſaid, as they ſhall think proper, for the Navigation of Boats and other Veſſels, and for the more convenient, eaſy, and better effecting the ſaid Purpoſes of this Act; and alſo to cut and make uſe of the Soil of any Perſon or Perſons, Bodies Politick or Corporate whatſoever, within the Boundaries mentioned in this Act, as Occaſion ſhall require; and alſo to

to order Works upon the River, or Side Rivers, &c.

to make new Cuts, &c.

to cut and make uſe of Soil, &c.

to dig up, cut, remove, and take away all Trees, Roots of Trees, Beds of Gravel or Sand, and any other Impediments whatſoever, which may hinder or obſtruct the ſaid intended Navigation; and alſo to build, erect, ſet up, make, ſupport, and maintain, over or in the ſaid River, Cuts, Trenches, and Paſſages, or upon the Lands adjoining or near to the ſame, or any of them, ſuch and ſo many Bridges, Sluices, Locks, Wears, Pens for Water, Staunches, Dams, Wharfs, Warehouſes, Quays, Landing-places, Weigh-beams, Cranes, and other Works, at ſuch Places, and in ſuch Manner, as the ſaid Commiſſioners, or any Five or more of them, ſhall think neceſſary and convenient, and from time to time to alter and repair the ſame, and to make, widen, or enlarge any Ways, Paſſages, or other Conveniences, for the conveying of Goods, Commodities, and all other Things, to and from the ſaid River, as far as the ſaid High Bridge in the City of Lincoln, and the navigable Cuts, Trenches, or Paſſages thereof, below Cincil Dike, and for the conveying of all Manner of Materials for erecting and making the ſaid Works, and for altering or repairing the ſame, and to place, lay, work, and manufacture the ſaid Materials, on the Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall be making, erecting, altering, or repairing, or are intended to be made, erected, altered, or repaired; and alſo to amend, heighten, or alter any Bridges upon ſuch River, Cuts, Trenches, or Paſſages, as may hinder the Navigation or Paſſage thereon, within the Limits aforeſaid; and alſo to dig, take, and carry away Loam, Clay, Gravel, Stone, or any other Materials, for carrying on, perfecting, altering, or repairing the ſaid Works, in or from the Grounds of any Perſon or Perſons adjoining or lying near to the ſaid River, Cuts, Trenches, or Paſſages (not being an Houſe, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe) and alſo to make, ſet out, and appoint Towing-paths, Banks, and Ways convenient for towing, haling, or drawing, with Men or Horſes, Boats and other Veſſels paſſing upon the ſaid River, or the Cuts, Trenches, or Paſſages thereof, and to erect Bridges over the Side Rivers, Brooks, Streams, and Watercourſes, ſo as not to obſtruct the Navigation thereof; and alſo to erect Winches, or other Engines, for the more convenient towing, haling, or drawing on ſuch Paths, Banks, and Ways; and to do and perform all other Matters and Things, within the Limits aforeſaid, which they the ſaid Commiſſioners, or any Five or more of them, ſhall judge ne-

to remove Impediments;

to erect Bridges, Locks, &c.

to dig and carry away Gravel, &c.

to ſet out Haling-ways;

cessary or convenient, for carrying on, restoring, compleating, and maintaining the said Navigation, according to the Tenor and true Meaning of this Act; and that the said Commissioners of the said Navigation, or any Five or more of them, shall and may, and they are hereby authorized and impowered to cause a Lock to be made and built by the Side of or near the said Sea Sluice, to be erected for the Works of Drainage, with Two Pair of Doors or Gates pointing to the Landward, for the Purpose of the said Navigation, and One Pair of Doors without Shuttles pointing to Seaward, in order to stop the Flux of the Tide at all Times.

Lock to be made by the Side of the Sea Sluice.

Provided always, That the Works that shall be set up and made for the Use and Purpose of the said Navigation shall not be constructed or made so as in any wise to prejudice, obstruct, prevent, or defeat the Works for the general Drainage of the low Lands and Fens intended and directed to be drained and improved by virtue and in pursuance of this Act.

Works of Navigation not to prejudice the Works of Drainage.

And be it further enacted, That if any Master, Owner, or Person, having the Charge of any Boat, Barge, Lighter, or other Vessel, shall by any violent Means force or break open the Gates or Doors of the said Lock to be erected near the said Sluice, when the Water is higher on the Sea Side than on the Land Side thereof, or shall forcibly and violently break or force open the Gates or Doors of any other Lock to be erected in the said River for the Purpose of the said Navigation, every Person so offending, and being thereof lawfully convicted before any One or more Justice or Justices of the Peace acting within the Division of the said County of Lincoln, wherein the Offence shall be committed, upon the Oath of One or more Witness or Witnesses, shall, for every such Offence, forfeit and pay such Sum of Money, not exceeding Five Pounds, and not less than Twenty Shillings, as such Justice or Justices respectively shall order or appoint, to be recovered and levied by Distress and Sale of the Goods and Chattles of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices; rendering the Overplus (if any) after the said Penalty, and the Charges and Expences of such Distress and Sale are deducted, unto the said Offender or Offenders; and for want of sufficient Distress, it shall and may be lawful to and for the said Justice or Justices to commit such Offender or Offenders to the House of Correction, there to remain for any Time not exceeding Six Months, not less than One Month, at the Discretion of such Justice or Justices.

Penalty of breaking open Gates of Locks, 5*l.*

Provided

Provided always, and be it further enacted, That no Lock, Sluice, Wear, or other Works, shall at any Time hereafter be made or erected in the said River Witham, or any new Cut to be made as aforesaid, so as to pen up the Water in the said River or Cut higher than within Two Feet of the natural Level or Soil of the lowest Lands lying on each Side of the said River or Cut, above any Lock, or in any Place between one Lock and another; and if any such Works shall at any Time or Times be made contrary to the Tenor and Intention of this Act, it shall and may be lawful to and for the General Commissioners for the Drainage, or any Five or more of them, and they are hereby authorized, impowered, and required, upon Complaint to them thereof made, to cause the said Works to be abated, taken away, and removed.

No Lock, &c. to be higher than within 2 Feet of the natural Soil of the lowest Lands adjoining.

And be it further enacted, That the said Commissioners for the Navigation may, and they are hereby authorized and impowered, to cause and direct the Soil or Bed of the River Witham, from Boston to Lincoln High Bridge, to be dug, cut, and levelled, for the Purpose of the said Navigation, so as the same River may be navigable and passable in all Seasons for Barges, Boats, and Vessels; and that the said Commissioners for the Navigation shall and may, and they are hereby authorized and impowered, to purchase and inclose a Piece of Ground near or adjoining to every Lock, Sluice, Wear, or other Works, which shall be made for the Purpose of the said Navigation, and to build, or cause to be built, a House upon every such Piece of Ground where the said Commissioners, or any Five or more of them, shall think necessary, and to remove or alter the same as Occasion shall require; and that the said Commissioners, or any Five or more of them, shall and may nominate, order, and appoint, proper Persons constantly to dwell and reside in and attend at each of the said Houses, with Power and Authority, and they are hereby required to open the Gates or Doors of such Locks and Sluices, whenever the Surface of the Water in the said River shall rise higher than within Two Feet of the natural Level or Soil of the lowest Lands lying on each Side the River, above any of the said Locks or Sluices, or in any Place between one Lock and another, and so to continue the same till the Waters shall be abated; and in case any of the said Sluice-keepers shall at any Time neglect or refuse to let off the Waters as herein directed, the General Commissioners for the Drainage, or any Five or more of them, shall and may, and they are hereby impowered, at any publick Meeting, upon due Proof made thereof, to remove the Person so offending from his Office,

Commissioners to purchase Ground to build Houses for Lock-keepers.

fice, and the Commiſſioners for Navigation, or any Five or more of them, ſhall and may appoint another Perſon in his Place and Stead.

Tolls veſted in the Commiſſioners;

And, for defraying the neceſſary Expences of the ſaid Navigation, and of repairing and maintaining the ſaid Locks and other Works to be made and erected as aforeſaid, and keeping them fit and uſeful for the ſaid Navigation, be it further enacted, That at ſuch Place and Places adjoining to the ſaid River as the ſaid Commiſſioners for the Navigation, or any Five or more of them, ſhall, by any Inſtrument in Writing under their Hands and Seals, direct and appoint, there ſhall be paid to the Collector or Collectors, to be nominated and appointed as herein after is directed, by all and every Perſon and Perſons who ſhall carry or convey any Goods, Wares, Merchandizes, or Commodities whatſoever, up or down the ſaid River, by Tonage or otherwiſe, ſuch Sum and Sums of Money as the ſaid Commiſſioners, or any Five or more of them, ſhall, from time to time, think proper to order and appoint, not exceeding in the Whole the Sum of One Shilling and Six Pence a Ton; which reſpective Sum and Sums of Money, ſo ordered and appointed to be paid as aforeſaid, ſhall and may be demanded and taken in the Name of or as a Toll or Duty; and the Monies ſo to be raiſed are hereby veſted in the ſaid Commiſſioners, and ſhall be applied and diſpoſed of in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall, from time to time, order and direct for the ſeveral Uſes, Intents, and Purpoſes of the ſaid Navigation; and in caſe of Neglect or Denial of Payment, on Demand, of the ſeveral Tolls or Duties ordered and appointed to be paid as aforeſaid, the Collector or Collectors, to be appointed as herein after is directed, is and are hereby authorized and required to ſeize and detain any of the ſaid Goods, Wares, Merchandizes, and Commodities, or the Boats, Barges, Lighters, or Veſſels, carrying or conveying the ſame, and for which the ſaid Tolls or Duties ought to be paid as aforeſaid; and in caſe the ſame ſhall not be paid within the Space of Five Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Collector or Collectors to ſell the ſaid Goods, Wares, Merchandizes, and Commodities, or the Boats, Barges, Lighters, or Veſſels, carrying or conveying the ſame, rendering the Overplus (if any) to the Owners, after the ſaid Tolls or Duties, together with the reaſonable Charges of ſeizing, detaining, and ſelling, the ſaid Goods, Wares, Merchandizes, and Commodities, or the Boats, Barges, Lighters,

may be levied by Diſtreſs.

Diſtreſs may be ſold after 5 Days.

Lighters, or Vessels, carrying or conveying the same, shall be satisfied and paid.

Tolls to be taken at *Lodowick's* Drain.

Provided always, and be it enacted, That it shall and may be lawful to and for the said Commissioners for the Navigation, or any Five or more of them, to order and cause a Chain or Boom to be laid and fixed across Lodowick's Drain, at any Place between Lodowick's Gowt and Gill-Syke, and to demand and take such Duties and Tonnage for all Goods, Wares, and Merchandizes, carried and conveyed on board any Boat, Barge, or Vessel, through Lodowick's Drain, as the said Commissioners, or any Five or more of them, shall think proper, so as the same do not exceed Six Pence a Ton, and so as such Chain or Boom be not continued or used for the Purpose aforesaid, after the new Cut before mentioned shall have been made navigable from Lodowick's Gowt, aforesaid, as far as Chappel Hill.

Inhabitants of the 11 Towns of *Holland Fen* exempted from Toll.

Provided also, That no Toll or Duty shall be demanded or taken at the said Chain or Boom for the passing of any Boat, Barge, or Vessel, laden with any Goods, Wares, Merchandizes, or Commodities, belonging to, or the Property of, or consigned to, any of the Inhabitants of the Eleven Towns of Holland Fen, which shall pass through Lodowick's Drain only.

Free Navigation.

And it is hereby further enacted, That the Navigation to be formed by virtue of this Act upon the River Witham, or any adjoining Lands from the Sea through Boston, to the High Bridge at Lincoln, shall be publick, open, and free to all His Majesty's liege Subjects, to pass, repass, travel, and go, with Boats, Barges, and other Vessels, subject only to such Duties, Tolls, Restrictions, and Regulations, as are herein provided, declared, and expressed, concerning the same.

Commissioners may borrow Money on the Tolls.

And be it further enacted, That the said Commissioners for the Navigation, or any Seven or more of them, shall have such and the same Powers to raise Money for defraying and paying the Charges of the said Navigation, as well by mortgaging the said Duties and Tolls, as by granting Annuities chargeable upon, and payable out of, the same, but by, with, and under, such and the same Rules, Orders, Directions, and Restrictions, as are herein before directed, provided, and declared, for, about, and concerning the raising Money for the general Works of Drainage of the said low Lands and Fens by virtue of this Act, and for the assigning the Securities thereof.

Tolls may be lessened.

And be it further enacted, That when and as the Money advanced and lent for the Purpose of the said intended Navigation, on the Credit of the said Tolls and Duties,

or a competent Part thereof, shall be paid off and discharged, then the said Commissioners for the Navigation shall and may, and they are hereby authorized and impowered, by and with the Consent of the Mortgagees and Annuitants, to lower or reduce the said Tolls and Duties; and they are hereby authorized and impowered to raise and increase the same, from time to time, as Occasion shall require, and as to them, or any Seven or more of them, shall seem requisite and necessary for the Purposes of this Act, so as the same do not exceed the Tolls or Duties herein before granted.

Commissioners impowered to purchase Lands, &c.

And be it further enacted, That the said General Commissioners for the Drainage, or any Five or more of them, or the said Commissioners for the said respective Districts, or any Five or more of them, or the said Commissioners for the Navigation, or any Five or more of them respectively, shall have full Power and Authority to agree with the Proprietors of, and Persons interested in, any Lands, Tenements, or Hereditaments, which the said respective Commissioners, or any Five or more of them, shall judge necessary to be cut, digged, pulled down, or otherwise made use of, for the Purposes of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damage they may sustain; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premisses: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idcots, Femes-covert, or other Person or Persons, and to and for all Femes-covert, who are or shall be seised or interested in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey, unto the said respective Commissioners, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, any Lands, Tenements, or Hereditaments, for the Purposes aforesaid, or to agree with the said respective Commissioners, or any Five or more of them, for any Recompence to be made for the Damage which may

Bodies Politick, &c. may contract for the Sale of such Lands.

be

be done to any ſuch Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales, Conveyances, and Agreements, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever; any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, and all Perſons whomſoever, are hereby indemnified for what they or any of them ſhall do in purſuance of this Act: But if it ſhall happen that any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons intereſted or concerned as aforeſaid, ſhall, for the Space of Forty Days after Notice in Writing to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at his, her, or their reſpective Place or Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Tenements, or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid reſpective Commiſſioners, or any Five or more of them, or, by reaſon of Abſence, ſhall be prevented from treating; then, and in every ſuch Caſe, the ſaid reſpective Commiſſioners, or any Five or more of them, are hereby impowered, from time to time, to iſſue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County or Place wherein the Matter in Queſtion ſhall lie; or if ſuch Sheriff ſhall be immediately intereſted in ſuch Matter, then to One of the Coroners of ſuch County or Place, commanding ſuch Sheriff or Coroner to impanel, ſummon, and return a Jury; and the ſaid Sheriff or Coroner is hereby required accordingly to impanel, ſummon, and return Twenty four Men, qualified according to the Laws of this Realm, to be returned, for Trials of Iſſues joined in His Majeſty's Courts at Weſtminſter, to appear before the ſaid reſpective Commiſſioners, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, in order that out of them a Jury of Twelve may be ſworn, to enquire touching the Matters in Queſtion: And in caſe a ſufficient Number of Jurymen ſhall not appear, at ſuch Time and Place, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men, that can ſpeedily be procured, to attend that Service, being qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid reſpective Commiſſioners,

Where Perſons ſhall refuſe or neglect to treat,

Commiſſioners to iſſue their Warrants to the Sheriff to impanel a Jury.

Jurors may be challenged.

Witnesses to be summoned and examined upon Oath.

missioners, or any Five or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said respective Commissioners, or any Five or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy; which Jury (upon their Oaths, to be administered by the said respective Commissioners, or any Two or more of them; which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said respective Commissioners, or any Two or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain, the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested in the Premisses; and the said respective Commissioners, or any Five or more of them, shall give Judgement for such Purchase-monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said respective Commissioners, or any Five or more of them, shall be binding and conclusive, to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever.

Jury to assess the Damages.

Verdict of the Jury to be binding.

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

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

Fine not to exceed 5*l.*

And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and alſo all Verdicts and Judgements, which ſhall be made and given in relation to any ſuch Lands, Tenements, and Hereditaments, as aforeſaid (ſuch Verdicts and Judgements being ſigned by Five or more of the ſaid reſpective Commiſſioners who ſhall be preſent at the taking of ſuch Inqueſt) ſhall be delivered to the Clerk of the Peace for the Parts or Place wherein ſuch Lands, Tenements, or Hereditaments, are ſituate, and ſhall be filed with the Rolls of ſuch Parts or Place; and the ſame, or a true Copy thereof, ſhall be admitted as Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, and take Copies thereof, upon paying for every ſuch Inſpection the Sum of One Shilling, and for every ſuch Copy, not exceeding Two hundred Words, the Sum of Nine Pence, and ſo in Proportion for any greater Number of Words. Agreements, &c. to be filed with the Clerk of the Peace.

And be it further enacted, That upon Payment of ſuch Sum or Sums of Money as ſhall be agreed upon between the ſaid reſpective Commiſſioners, or any Five or more of them, and the Party or Parties intereſted, or of ſuch Sum or Sums of Money as ſhall be aſſeſſed by any ſuch Jury to ſuch Party or Parties, or legal Tender thereof made, or to the principal Officer or Officers of any ſuch Bodies Politick, Corporate, or Collegiate, or if he, ſhe, or they, cannot be found, or ſhall refuſe to accept ſuch Money, upon Payment thereof to ſuch Perſon or Perſons as the ſaid reſpective Commiſſioners, or any Five or more of them, ſhall, by Writing under their Hands, appoint, for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Party or Parties reſpectively, the ſaid reſpective Commiſſioners, and all Perſons employed or authorized by them, or any Five or more of them, ſhall have full Power and Authority to enter upon the Lands, Tenements, or Hereditaments, in reſpect whereof ſuch Monies were ſo agreed for or aſſeſſed, and to make uſe of ſuch Lands, Tenements, and Hereditaments, for the Purpoſes of this Act; and they ſhall be and are hereby indemnified for ſo doing; and all and every Perſon and Perſons, Bodies Politick, Corporate, and Collegiate, whatſoever, ſhall from thenceforth be, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, to or in the ſame. Upon Payment or Tender of the Purchaſe-money. Commiſſioners may make uſe of the Lands.

And be it further enacted, That in all Caſes where any Verdict ſhall be given for a greater Sum or Recompence than Expences of the Jury how to be paid.

shall have been offered by, or on the Behalf of, the said respective Commissioners, or any Five or more of them, before the summoning of any such Jury, for or in respect of any such Lands, Tenements, Hereditaments, or Damages as aforesaid, that then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of taking such Inquest, shall be paid by the said respective Commissioners, or any Five or more of them, out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more or a less Sum than shall have been so previously offered by, or on the Behalf of, the said respective Commissioners, or any Five or more of them, then and in every such Case, such Expences shall be paid by the Owners of, or Persons interested in, the Lands, Tenements, or Hereditaments, in Question.

Commissioners to appoint Officers, &c.

And be it further enacted, That the said General Commissioners for the Drainage, or any Five or more of them, or the said Commissioners for the said respective Districts, or any Five or more of them, or the said Commissioners for the Navigation, or any Five or more of them respectively, shall be, and they are hereby impowered, from time to time, by Writing under their Hands and Seals, to appoint such Collector or Collectors of the said Tares and Tolls, and also such Treasurer or Treasurers, as they shall think fit to employ in the Execution of this Act; such Treasurer or Treasurers, and Collector or Collectors, giving Security to the Satisfaction of the said respective Commissioners, or any Five or more of them, who shall administer an Oath to every such Collector for the faithful Execution of his Office (which Oath any Two of the said respective Commissioners are hereby impowered to administer) and such Collector or Collectors shall, at such Times as he or they shall be required by the said respective Commissioners, or any Five or more of them, by Writing under their Hands, pay or cause to be paid into the Hands of the said Treasurer or Treasurers, all and every the Sum and Sums of Money which such Collector or Collectors shall have received by virtue of this Act; and the said respective Commissioners, or any Five or more of them, may also, by Writing under their Hands and Seals, appoint a Clerk or Clerks, Surveyor or Surveyors, and such other Officers as they shall think fit to employ in the Execution of this Act; and all the Officers so to be appointed shall be paid, out of the Monies to be raised by virtue of this Act, such Salaries or Allowances as the said respective Commissioners, or any Five or more of them, shall

and to allow them Salaries.

think

think reasonable; and shall be from time to time removeable at the Will and Pleasure of the said respective Commissioners, or any Five or more of them.

Treasurers to enter Receipts and Payments in a Book,

And be it further enacted, That the said respective Treasurer or Treasurers shall fairly enter into One or more Book or Books to be kept for that Purpose, an Account of all Monies by him or them received and disbursed, specifying the Times when, and the Persons from and to whom, such Monies were respectively received and disbursed, and for what Purposes; which Book or Books, or a true Copy thereof, signed by the said Treasurer or Treasurers, together with the Vouchers for such Disbursements, and also all Books and Papers in his or their Custody relating to the Execution of this Act, shall be delivered to the said respective Commissioners, or any Five or more of them, Once at least in every Year, and from time to time, as often as the said respective Commissioners, or any Five or more of them, shall require the same; and the said Treasurer or Treasurers shall also verify the said Account or Accounts upon Oath, if thereunto required by the said respective Commissioners, or any Five or more of them; and the said respective Commissioners, or any Five or more of them, are hereby authorized to discharge such Treasurer or Treasurers of all such Monies as he or they shall have truly accounted for; and the said respective Commissioners, or any Five or more of them, shall also, at such Time or Times as they shall think proper, summon before them, and, if they think fit, examine upon Oath (which Oath, as also the Oath or Oaths to the said Treasurer or Treasurers, the said respective Commissioners, or any Two or more of them, are hereby impowered to administer) all or any such Collectors, Clerks, Surveyors, and Persons employed in, or intrusted with, the Receipt or Expenditure of any of the Monies to be raised by virtue of this Act; and which Collectors, Clerks, Surveyors, and Persons employed in or intrusted as aforesaid, shall render to the said respective Commissioners, or any Five or more of them, from time to time, as often as they shall be thereunto required by the said respective Commissioners, or any Five or more of them, a true and perfect Account in Writing of all Monies so by them respectively received and paid, with the Vouchers for such Payments; and also all Books and Papers in their Custody relating to the Execution of this Act; and in case any such Treasurer, Collector, Clerk, or other Officer or Person, shall be found in Arrear, or refuse to account for or to pay the Money remaining in his Hands, according

and to account upon Oath.

to

to the Directions of the said respective Commissioners, or any Five or more of them, or if any such Officer or Person shall not deliver such Books or Papers in his Custody as aforesaid, in every such Case it shall be lawful for the said respective Commissioners, or any Five or more of them, by Warrant or Warrants under their Hands and Seals, to commit every such Officer and Person to the Common Gaol of the County or Place where such Officer or Person shall reside; there to remain without Bail or Mainprize, until he shall have made a true Account and Payment, and delivered such Books and Papers as aforesaid, or compounded with or satisfied the said respective Commissioners, or any Five or more of them; which Composition the said respective Commissioners, or any Five or more of them, are hereby impowered to make.

Reports to be made of Loading by Navigation.

And, for the more easy collecting the said Tolls, be it further enacted, That every Person having the Charge of any Boat or Vessel passing on the said River, Cuts, or Trenches, shall give a true Report or an Account in Writing, signed by himself, unto such Person or Persons as shall, from time to time, be appointed by the said Commissioners for the Navigation, or any Five or more of them, to receive the same, or to the Collector or Collectors of such Tolls, and at such Place or Places as shall be appointed by the said Commissioners, or any Five or more of them, of the Weight of the Goods, Wares, Merchandizes, and Commodities, which shall be in or belong to such Boat or Vessel; and also of the Weight of such Goods, Wares, Merchandizes, and Commodities, as shall have been discharged or taken out of such Boat or Vessel, before the Arrival thereof at the Place where such Account or Report is to be given; and in Failure of giving such Account or Report, or in case a false Account or Report shall be given, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds, over and above the Payment of such Tolls; and if any Difference shall arise between any Collector of the said Tolls, and the Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, Merchandizes, or Commodities, or Persons acting in his Behalf, concerning the Weight of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, Merchandizes, and Commodities; and in case the same shall appear to be of a greater Weight than such Person declared the same to be, in every such Case such Person shall

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ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, or gauging; all which ſaid Coſts and Charges, upon Refuſal of Payment thereof, on Demand, ſhall and may be recovered as the ſaid Coſts are appointed to be recovered; but if ſuch Goods, Wares, Merchandizes, or Commodities, ſhall appear to be of no greater Weight than ſuch Perſon declared the ſame to be, then ſuch Collector ſhall pay ſuch Coſts and Charges, and ſhall alſo pay to ſuch Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandizes, and Commodities, One Shilling for every Hour that ſuch Boat or Veſſel ſhall be ſo detained; and in Default of immediate Payment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Collector, by Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace for the Parts or Place where ſuch Boat or Veſſel was detained, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattles; and the ſaid Commiſſioners, or any Five or more of them, may, if they think fit, out of the Money to be raiſed by virtue of this Act, reimburſe the ſaid Collectors the Monies ſo paid by or levied upon them, for the Detention of any ſuch Boat or Veſſel. 150

Commiſſioners may ſet up Gates, &c. over the Ditches and Fences in the Towing-paths.

And be it further enacted, That the ſaid Commiſſioners for the Navigation, or any Five or more of them, ſhall cauſe to be made, ſet up, and, from time to time, maintained and kept in Repair, convenient Gates, Bridges, Paſſages, and Stiles, in and over all the Ditches and Fences in the Towing-paths to be uſed for the Purpoſes of this Act, where the ſame ſhall reſpectively be neceſſary; and alſo ſuch Bridges over the new Cuts, Trenches, and Paſſages, as ſhall be proper for the Uſe of the Occupiers of the Lands, Tenements, and Hereditaments thereunto adjoining; and alſo that if the ſaid Commiſſioners, or any Five or more of them, ſhall think proper to cauſe the ſaid River to be deepened in any Part or Parts, ſo as to render any uſual and Common Fords or Highways impaſſable or dangerous, in every ſuch Caſe the ſaid Commiſſioners, or any Five or more of them, ſhall firſt cauſe a ſufficient Bridge or Bridges to be erected, or ſuch other Conveniencies as the ſaid Commiſſioners, or any Five or more of them, ſhall judge proper, where ſuch Fords or Highways now are, or as near thereto as conveniently may be; and ſhall from time to time maintain and keep the ſaid Bridges or Conveniencies in Repair, for the Accommodation of all Perſons having Occaſion to paſs over the ſame.

And, for the better preventing of Damages or Mischiefs that may be done or committed by any rude or disorderly Persons towing, navigating, or managing any Boat, Barge, Lighter, or other Vessel, within the Limits of the said Navigation, and to the end that the Owners and Masters thereof may be more careful therein; be it further enacted, That the Master or Owner of every Boat, Barge, Lighter, or other Vessel, which shall pass up or down the said River, or the said Branches thereof, shall be, and is hereby made answerable for, and shall make good any Damage, Spoil, or Mischief that shall be done by his, her, or their Boat, Barge, Lighter, or other Vessel, or by any Boatmen, Bargemen, or Watermen, or by any of the Crew thereof, belonging to or employed in or about the same respectively, or by his, her, or their Servants or Horses, unto any of the Bridges, Locks, Staunches, Dams, Sluices, or other Works that now are or shall be erected, maintained, or kept in Repair, in, upon, or near the said River, or any of the said Branches thereof, or any new Cuts of the said River, or the said Branches thereof, to be made by Authority of this Act; or by loading or unloading any Boat, Barge, Lighter, or other Vessel; and also for any Trespass or Damage that shall or may be done to the Owners or Possessors of any Buildings or Erections upon or near the said River, or any of the said Branches thereof, that now are, or that hereafter shall be, erected and set up; or to any Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining to the same, or any of them, other than is provided for and authorized by this Act: And if any such Damage, Spoil, or Mischief shall be done to any of the said Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks, or other Works, or by loading or unloading such Boats, Barges, Lighters, or other Vessels, the same shall be inquired into and determined by any Two Justices of the Peace for the Parts or Place where such Damage shall be done, who is hereby authorized and required, upon Complaint or Information made before them, to summon such Boat-master, Barge-master, or Owner, to appear before them; and, upon his, her, or their Appearance, or making Default to appear (Proof being made upon Oath before such Justices, that the Party neglecting to appear was personally served with such Summons, or that the same was left for him, her, or them, at his, her, or their usual Place of Abode) such Justices shall proceed to examine into the Truth of the said Complaint or Information, and, upon Conviction of the Party complained of, or

Boat-masters, &c. answerable for Damages done by their Crew to Bridges, &c. and for Trespasses.

Damages to be determined by 2 Justices.

Proof

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Proof upon the Oath of One or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Boat-master, Barge-master, or Owner, as a Recompence for the said Damage, Spoil, or Mischief so done as aforesaid, as the said Justices shall think proper, not exceeding treble the Amount or Value of such Damage, Spoil, or Mischief; and in case of Non-payment of such Sum of Money so awarded and ordered, for the Space of Five Days, the said Justices are hereby authorized and required to levy the same by Distress and Sale of the Boats, Barges, Lighters, Vessels, or other Goods and Chattles of such Boat-master, Barge-master, or Owner, by Warrant under the Hands and Seals of such Justices, rendering to the Owner the Overplus (if any be) after the said Sum, together with the reasonable Charges of such Information and Conviction, Distress and Sale, hath been first satisfied and paid.

Boatmen obstructing the Passage of Boats, &c. subject to a Penalty;

And be it further enacted, That if any Boatman, Bargeman, Lighterman, Waterman, or other Person, having the Care or Management of any Boat, Barge, Lighter, or other Vessel, or navigating or working the same, shall lay such Boat, Barge, Lighter, or other Vessel, so as to obstruct the Passage of other Boats, Barges, Lighters, or other Vessels, or shall hinder the opening or shutting of any of the said Locks or Sluices, and shall not, upon Request, immediately remove the same, such Person or Persons offending as aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be recovered upon Conviction before any Justice of the Peace for the Parts or Place adjoining thereto (not interested otherwise than as a Commissioner) by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, by Distress and Sale of such Boat, Barge, Lighter, or other Vessel, or any of the Goods and Chattles of such Offender or Offenders, by Warrant under the Hand and Seal of such Justice before whom such Offender or Offenders shall be convicted, rendering the Overplus (if any be) after the reasonable Charges first deducted, to such Offender or Offenders; and for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, nor less than One Month, or until such Penalty shall be paid.

to be levied by Distress and Sale;

and, for want of Distress, the Offender to be committed.

And be it further enacted, That if any Boat, Barge, Lighter, or other Vessel, shall happen to be sunk in the

Veſſels ſunk to be weighed up and detained till Satisfaction made.

ſaid River, or in any of the ſaid Branches, Cuts, or Trenches thereof, and that the Owners or Perſon having the Command or Rule thereof, ſhall not, without Loſs of Time, weigh or draw up the ſame again, and haſe the ſame out of the Way of other Boats, Barges, Lighters, or Veſſels, paſſing and repaſſing upon the ſaid Navigation, it ſhall and may be lawful to and for the ſaid Commiſſioners for the Navigation, or any Five or more of them, or their Agents or Servants, to cauſe ſuch Boat, Barge, Lighter, or other Veſſel, to be weighed or drawn up, and to detain and keep ſuch Boat, Barge, Lighter, or other Veſſel, until Payment ſhall be made of all Expences occaſioned thereby; and if Payment be not made in Twenty Days after ſuch Boat, Barge, Lighter, or other Veſſel, ſhall be weighed or drawn up, then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Agents or Servants, to cauſe Sale to be made thereof, for reimburſing the ſaid Expences and other incident Charges; rendering the Overplus (if any be) when demanded, to the Owner or Maſter of ſuch Boat, Barge, Lighter, or other Veſſel.

Maſters to have their Names ſet on the Outſide of the Boat, &c.

And, to the end that the Owners, Maſters, or Perſons having the Rule of any Veſſel navigating within the Limits of the ſaid Navigation, may be better known, be it further enacted, That every Owner, Maſter or Perſon having the Rule or Command of any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid River, or the ſaid Branches thereof, ſhall cauſe his, her, or their Name, at full Length, to be placed and ſet, in large Capital Letters, Four Inches long, and broad in proportion, on the upper Part of the Bow, on both Sides of

and on the Bow, &c.

every Boat, Barge, Lighter, or other Veſſel, and painted white, ſo that the ſame ſhall, from time to time, and at all Times, be plain and legible; And in caſe any ſuch

For want of which,

Owner, Maſter, or Perſon having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid River, or any of the ſaid Branches thereof, ſhall not, at all Times, have his, her, or their Names ſo ſet or placed as aforeſaid; or in caſe ſuch Owner, Maſter, or Perſon having the Command or Rule of any

or opening Gates, &c. to let Water run waſte,

Boat, Barge, Lighter, or other Veſſel, paſſing on the ſaid River, or any of the ſaid Branches thereof, into or through any of the Sluices or Locks upon the ſaid River, or any of the ſaid Branches thereof, ſhall wilfully ſet or leave open any of the Gates, Doors, or Slakers belonging to the ſaid Sluices or Locks, whereby the Water of the ſaid River, or any of the ſaid Branches thereof, ſhall run

rum waste, to the Hindrance or Detriment of the said Navigation, then, and in all and every of the said Cases, every such Owner, Master, or Person, so neglecting or offending, on Conviction before any Justice of the Peace for the Parts or Place adjoining thereto, by the Oath or Oaths of One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be levied by Distress and Sale of such Offender's Goods and Chattles, by Warrant under the Hand and Seal of such Justice; and for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard Labour, for any Time not exceeding Three Months, nor less than Seven Days, or until such Penalty shall be paid.

subject to a Penalty;

to be recovered by Distress and Sale;

for want of Distress, Offender to be committed.

And be it further enacted, That all Persons, who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, upon account of any Offence committed against this Act, may appeal to the Justices of the Peace for the Parts or Place where or adjoining to which such Offence shall have been committed, at their next General or Quarter Session to be held for the said Parts or Place respectively; the Person or Persons so appealing first entering into Recognizance, with Two sufficient Sureties, to prosecute such Appeal with Effect; and to pay the Costs which shall be ascertained by the said Justices in their said General or Quarter Session, in case such Order or Judgement shall be affirmed: And the Justices, in their said General or Quarter Session, are hereby authorized and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just; which Order shall be final and conclusive to all Parties; and shall not be removed or removeable, by any Writ of Certiorari or otherwise, into any of his Majesty's Courts of Record at Westminster, or elsewhere.

Persons aggrieved may appeal to the Quarter Sessions, &c.

Order of Sessions not removeable by *Certiorari*.

And be it further enacted, That no Order or other Proceeding, to be made or had by or before any Justice or Justices of the Peace, by virtue of the Powers by this Act granted, shall be quashed or vacated for want of Form only.

nor vacated for want of Form.

And be it further enacted, That the respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, the Application whereof is not herein before particularly directed, shall be paid into the Hands of the Treasurer or Treasurers of the Monies to be raised by

Application of the Fines.

the Rates or Tolls respectively by virtue of this Act; and shall be applied and disposed of for the Use of the said Drainage or Navigation respectively, as the Case shall happen, and to and for no other Use or Purpose whatsoever.

Destroying Works made Felony.

And, for preventing the breaking down or damaging any of the Works which shall be erected or made in pursuance of this Act, be it enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, damage, or destroy any Banks, or other Works to be erected or made for the Purposes of the said Drainage or Navigation, such Person or Persons shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in case of Felony; and the Court, by and before whom such Person or Persons shall be tried, shall have full Power and Authority to transport such Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Commissioners may make Bye-laws.

And be it further enacted, That the said Commissioners for the Navigation, or any Five or more of them, at any of their Meetings, shall from time to time have full Power and Authority to make Bye-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well-governing of the Bargemen, Watermen, and Boatmen, who shall convey or carry any Goods, Wares, or Merchandizes on any Part of the said River, or the said Branches thereof, and to impose and inflict such reasonable Fines, Forfeitures, or Punishments, upon the Breakers of such Bye-laws, Orders, or Constitutions, as the said Commissioners, or any Five or more of them, shall think fit; such Fines, Forfeitures, or Punishments, to be levied or inflicted by such Ways and Means as the said Commissioners, or any Five or more of them, shall direct; which said Bye-laws, Orders, and Constitutions, being put into Writing, under the Hands and Seals of the said Commissioners, or any Five or more of them, shall be binding to, and be observed by, all Parties; and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred; but any Person or Persons thinking himself, herself, or themselves aggrieved, by any Order or Judgement made or given by or in pursuance of any such Bye-law, Order, or Constitution, may, within Three Months after such Order or Judgement shall be made or given, complain to the Ju-

Persons aggrieved thereby may appeal to the Quarter Sessions.

stices of the Peace, at their General or Quarter Session to be held in and for the Parts or Place where the Cause of Complaint shall arise, who shall, in a summary Way, either hear and determine the said Complaint, at such General or Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for the said Parts or Place respectively; and if they see Cause, may mitigate or alter such Forfeiture or Punishment; and may order any Money to be returned, which shall have been levied in pursuance of such Bye-law, Order, or Constitution, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Justice of the Peace shall act or vote in the Hearing or Determining of any such Complaint, whose Hand and Seal as a Commissioner shall appear to have been set to the said Bye-law, Order, or Constitution, which occasioned such Complaint.

No Justice who signed the Bye-law to act or vote in the determining such Complaint.

And be it further enacted, That all Bye-laws, Orders, Constitutions, and Proceedings of the said respective Commissioners in the Execution of this Act, shall be entered in a Book or Books to be kept for that Purpose; and such Bye-laws, Orders, Constitutions, and Proceedings, when entered, shall be signed by the said respective Commissioners, or any Three or more of them, and the Clerk or Clerks attending the said respective Commissioners, is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and the said Bye-laws, Orders, Constitutions, and Proceedings, so signed and attested, shall be deemed and taken to be original Bye-laws, Orders, Constitutions, and Proceedings, and shall and may be produced and read in Evidence, in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any thing done in pursuance of this Act; and which Book or Books shall and may be seen and perused, at all reasonable Times, and Copies thereof, or any Part thereof, may be taken by any Person or Persons whomsoever, paying to the said Clerk or Clerks Three Pence for every One hundred Words.

Orders of the Commissioners to be entered in a Book, and signed, &c.

and to be admitted as Evidence.

And be it further enacted, That such of the Commissioners, appointed or to be appointed in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Commissioner or Commissioners; provided

Commissioners may act as Justices.

ed such Justice or Justices is or are not interested in the Matter in Question, other than as a Commissioner or Commissioners.

No Commissioners to act holding a Place of Profit.

And be it further enacted, That if any Person appointed or to be appointed a Commissioner in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Monies to be raised by virtue of this Act, such Person, from and after his accepting such Place of Profit, and during the Time of his holding and enjoying the same, shall be incapable of acting as a Commissioner under this Act.

Lock-keeper not to sell Spirituous Liquors.

And be it further enacted, That no Person who shall be appointed to keep any Lock or Sluice which shall be made or erected by virtue of this Act, shall sell any Ale, Wine, Brandy, or other Spirituous Liquors, during the Time of his executing such Office.

Commissioners not to act but at a Meeting held in pursuance of this Act.

And be it further enacted, That no Commissioner named or appointed, or which shall be named or appointed, in or by virtue of this Act, shall act, or be impowered to do any Act, in the Execution of the Powers hereby given to them, or any of them; except it be at the respective Meetings to be held in pursuance of this Act.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by, any Commissioner or Commissioners for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning or in Execution of any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp-duty whatsoever.

Persons aggrieved by any Irregularity in distraining.

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the

Person

Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case. to recover for the special Damage only.

And be it further enacted, That the Charges and Expences attending the obtaining and passing of this Act, and other the necessary Expences relating thereunto, shall be paid and defrayed by the General Commissioners for Drainage, or any Five or more of them, out of the first Monies which shall be by them raised by virtue of this Act, for the general Works of Drainage; and that the Commissioners for the Navigation, or any Five or more of them, shall, out of the first Monies to be by them raised by virtue of this Act for the Purposes of the said Navigation, pay or cause to be paid to the said General Commissioners for the Drainage, One Third Part of the said Charges and Expences paid by the said General Commissioners for the Drainage, as the Share or Proportion of the said Commissioners for the Navigation. Expences of this Act how to be paid.

Provided always, and be it further enacted, That Lodowick's Gowt, or other Works already made or to be made or erected by virtue of this Act, either for the Purpose of Drainage or Navigation, or any Lands, Gowts, Sewers, Drains, Watercourses, or other Matter or Thing whatsoever, within the Boundaries of the Low Lands and Fens particularly described by this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or any Law or Statute relating to Sewers; any thing in any former Law or Statute to the contrary thereof notwithstanding; save and except such Lands which are now liable to contribute to the Repair of Redstone Gowt, and the Drain called New Hammond Beck leading thereto; which in respect to those Repairs only shall still remain under the Jurisdiction of the Commissioners of Sewers, but exempt in every other. Works of Drainage or Navigation not subject to Commissioners of Sewers, except, &c.

And be it further enacted, That so much of an Act, passed in the Twenty second and Twenty third Years of the Reign of his Majesty King Charles the Second, intituled, An Act for Improving the Navigation between the Town of *Boston* and the River *Trent*, as relates to the improving the said Navigation between Lincoln High Bridge, through Boston, to the Sea, shall, from and after the passing of this Act, be, and the same is hereby repealed. Part of Act 22 & 23 *Car.* II. repealed.

Provided always, and be it further enacted, That no Toll or Duty shall be demanded or taken for any Pleasure Boat for passing through all or any of the Locks to be made or erected in or upon the said River, or upon the Branches thereof, provided there be no Goods or Merchandize No Toll to be paid for Pleasure Boats.

chandize carried thereth, or for any Boat, Barge, Lighter, or other Vessel, laden with any Materials for carrying on the Works of Drainage; and that the Lord or Lords of the respective Manors, or any other Person whomsoever, shall have full Liberty to fish, fowl, and exercise all other Rights and Royalties on the said River, or any other Rivers running into the same, or any of the Branches thereof, which they have usually exercised and enjoyed, and to which they are now legally intitled; any thing herein contained to the contrary notwithstanding; so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free Use of the said Navigation.

Reservation of Rights.

If Drainage and Navigation not compleated in 14 Years, Mayor, &c. of *Lincoln* to undertake it, from *Canwick Ings* to the *High Bridge* in *Lincoln*.

Provided always, and be it enacted by the Authority aforesaid, That in case the Commissioners appointed by and under this Act do not, within Fourteen Years after the passing the same into a Law, make perfect, and compleat the Drainage of the low Lands, from the East End of Canwick Ings to the Western Boundaries of the said Drainage towards Lincoln, and also a Navigation from the East End of the said Ings to the High Bridge in the City of Lincoln, according to the true Intent and Meaning of this Act; that then, and in such Case, it shall and may be lawful for the Mayor, Sheriffs, Citizens, and Commonalty of the City of Lincoln, to enter upon, undertake, make perfect, and compleat, the said Works for Drainage and Navigation, within Seven Years after, from the East End of Canwick Ings to the Places aforesaid, under the same Rules, Orders, and Restrictions, to which the Commissioners, in and by this Act appointed, are subject; and they are hereby invested with the like Powers and Authorities in that Behalf, but liable to the Controul of any Five or more of the said Commissioners of Drainage, acting under the Powers of this Act, in case they should exceed the Powers to them hereby granted; and that it shall and may be lawful for them to take and receive a Toll, not exceeding Three Pence per Ton for all Vessels passing and repassing, and also the Tax charged upon the Lands on both Sides the River within the aforesaid Limits, according to that Proportion of Tax which shall be laid, from time to time, by the General Commissioners of Drainage, on the First and Third District; and in case the said Mayor, Sheriffs, Citizens, and Commonalty of the City of Lincoln, do not make perfect and compleat the said Works, within Seven Years from the Expiration of the aforesaid Fourteen Years, the same shall revert to the Commissioners under this Act; any thing contained in this Act to the contrary notwithstanding:

standing: And in case any Dispute shall arise, whether the Drainage and Navigation within the aforesaid Limits are compleat at the End of either of the above recited Terms of Fourteen or Seven Years, it shall and may be lawful for the Justices of Peace for the Division of Kesteven, in the County of Lincoln, upon Application to them made, to hear and determine the same at their General Quarter Session; and such Determination shall be final and conclusive to all Parties whatsoever.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons, for any Thing done, or to be done, in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions, herein before given or granted, every such Action, Suit, or Information, shall be commenced and brought within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of Lincoln, or in the County of the City of Lincoln, wherein the Fact shall be committed, and not elsewhere; and the Person or Persons so sued or prosecuted, shall or may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance, and by the Authority, of this Act; And if it shall appear to have been so done, or if any Action, Suit, or Information, shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.