ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CIX.

An Act for draining, preserving, and improving certain Lands, lying in the several Parishes of *Spalding* (including the Hamlets of *Cowbit* and *Peakill*), *Weston*, *Moulton*, *Whaplode*, *Holbech*, *Fleet*, *Gedney*, *Sutton Saint Mary*, and *Sutton Saint Nicholas*, otherwise *Lutton*, all in *South Holland*, in the County of *Lincoln*.

[3d *June* 1793.]

Preamble.

WHEREAS the low Lands, lying in the several Parishes of Spalding, (including the Hamlets of Cowbit and Peakill), Weston, Moulton, Whaplode, Holbech, Fleet, Gedney, Sutton Saint Mary, and Sutton Saint Nicholas, otherwise Lutton, all in South Holland, in the County of Lincoln, contain by Estimation Nineteen thousand four hundred Acres, or thereabouts; and are situate and bounded as follows; (that is to say): In Sutton Saint Nicholas, otherwise

otherwise Lutton, an Angle of Land, bounded on the North by the Drove, leading towards Wanton's Clough, from the House in the Tenure of Matthew Trollope, and belonging to the Heirs of the late Thomas Alderton Esquire, deceased, towards Wanton's Clough, on the West by the Division Drove, between Lutton aforesaid, and the Parish of Sutton Saint James, and on the South-east by a Drove called Broadgate: In Sutton Saint Mary, an Angle of Land bounded on the North-west by Broadgate, on the North-east by Loveden's otherwise Wanton's Gate, and on the South-east by the Drove leading from White Cross to Sutton Saint James: In Gedney, all the Land bounded on the North, or North-east, in an irregular Line, in Part by the Drove leading from Two Gout's Clough towards Raven's Clough, (which Drove is called Cockburn Fen Dike, or Outring Bank between the High Land and the Low), and in Part by a Line running from the said Drove to Fleet Boundary, at a certain Place where the Drove runs Southward to Raven's Clough, on the West by the Parish of Fleet, on the South by the South Eau, and on the East in Part by Gedney River, and in Part by Lands in Sutton Saint James and Sutton Saint Edmunds: In Fleet, all the Land bounded on Parts of the South-east, North, North-east, and North-west, in an irregular Line, by the Drove leading from Raven's Clough along Raven's Gate to Doll's Bank, and from thence turning up Bain's Gate to Mill Bank, and along Mill Bank to the Division between Fleet and Holbech, on the West by the Parish of Holbech, on the South by the South Eau, and on the East by the above described Lands in Gedney: In Holbech, all the Land bounded on Parts of the North and North-west, in an irregular Line, by Hurdle Tree Bank, on the West by the Parish of Whaplode, on the South by the South Eau, and on the East by the above described Lands in Fleet: In Whaplode, all the Land bounded on Parts of the North and North-west, in an irregular Line, by a Continuation of the same Hurdle Tree Bank, on the West by the Parish of Moulton, on the South by the South Eau, and on the East by the above-described Lands in Holbech: In Moulton, all the Land bounded on the North and North-west by Broadwater Lane, and from thence on the North by Moulton River, from thence on the North-west by Austin Dike, on the West by the Parish of Weston, on the South by Postland Estate, and on the East by the above described Lands in Whaplode: In Weston, all the Land bounded on the East by the above described Lands in Moulton, on the West by the Low Lands of Spalding, on the North by

Long Lane, which runs from Moulton Meer to Beggar's Bush, at the Turnpike Road which leads from Spalding towards Holbech, and lying between the said Lane and the South Boundary of the Parish of Weston: In Cowbit, all the Land that lies on the East Side of the Welland, including a small District called Turpitts and Bellsmere, at present drained by Water Engines: In Spalding, all the Lands bounded by the Turnpike Road leading from Spalding High Bridge to the South End of the Hamlet of Peakill, by the above described Lands in Weston and Cowbit, the Low Road leading from Spalding Church unto the Turnpike Road towards Holbech, and by the said Turnpike Road: And whereas the Lands above described are much annoyed in the Winter Season with Water, for Want of a proper Drainage and Outfall to Sea, and are thereby rendered, in a great Degree, unprofitable to the Owners thereof; and, although they are capable of being effectually drained and preserved, yet the same cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That George Maxwell of Fletton, in the County of Huntingdon, Edward Hare of Castor, in the County of Northampton, and John Walker of Sutton Saint Mary, in the County of Lincoln, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for draining, preserving, and improving the Low Lands lying in South Holland, in the County of Lincoln, subject to the Directions in this Act contained; and any Two of the said Commissioners are hereby fully authorized and impowered to act, execute, do, and perform all and every, or any Matter or Thing, required and necessary to be done and performed by and in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if all the said Commissioners herein-before appointed were present at, and executed, did and performed the same. Commissioners.

II. And be it further enacted, That when, and as often as any of the Commissioners herein-before named or to be appointed, as herein-after is mentioned, shall die, or refuse or neglect to act or become incapable of acting, then, and in every such Case, the surviving or remaining Commissioner or Commissioners shall, and he and they is In case of Death new Commissioners to be appointed.

and are hereby authorized and required, by Writing under his and their Hand or Hands, within Thirty Days after such Death, Neglect, Refusal, or Incapacity to act, shall happen or be known, to call and appoint a Meeting by Publick Advertisement, to be inserted in The Cambridge Chronicle, and Lincoln, Rutland, and Stamford Mercury, of the Trustees first herein-after nominated and appointed, to be held at the White Hart Inn in Spalding, for the Purpose of electing and chusing another Commissioner or Commissioners not interested in the said intended Drainage, in the Place and Stead of every Commissioner dying, refusing, or neglecting to act, or who shall have become incapable of acting as aforesaid; and the Trustees first herein appointed, or the major Part of them, who shall attend such Meeting, are hereby authorized and required, by Writing under their Hands, to nominate and appoint One or more Commissioner or Commissioners to act in the Stead of him or them so dying, refusing, neglecting to act, or becoming incapable of acting as aforesaid; and such Appointment so signed, shall be entered in the Minutes of the Proceedings of the said Commissioners, and shall be annexed to their Award, herein-after directed to be made; and such new Commissioner or Commissioners shall have the like Powers and Authorities for putting this Act into Execution as the Commissioner or Commissioners he or they shall so succeed was and is invested with by virtue of this Act.

Commissioners to be sworn.

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

Commissioner's Oath.

I *A. B.* do swear, [*or, being of the People called Quakers,* do affirm], that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the several Trusts reposed in me as a Commissioner, by virtue of an Act of Parliament, intituled, *An Act for draining, preserving, and improving certain Lands, lying in the several Parishes of* Spalding, *(including the Hamlets of* Cowbit *and* Peakill), Weston, Moulton, Whaplode, Holbech, Fleet, Gedney, Sutton Saint Mary, *and* Sutton Saint Nicholas, *otherwise* Lutton, *all in* South Holland, *in the County*

County of Lincoln, without Favour or Affection to any Perſon whomſoever.

So help me GOD.

Which ſaid Oath or Affirmation it ſhall be lawful for any One of the ſaid Commiſſioners to adminiſter, and they are hereby ſeverally required to adminiſter the ſame to each other; and the ſaid Oath or Affirmation ſo taken and ſubſcribed by every Commiſſioner, ſhall be annexed to the Award to be made by the ſaid Commiſſioners, and ſhall be enrolled therewith.

To be taken out of Juriſdiction of Sewers.

IV. And whereas great Part of the Waters from the Lands, called Deeping Fen, is at preſent diſcharged under the River Welland, by means of a ſubterraneous Tunnel, into a certain Drain called Lord's Drain, and along the ſaid Drain through great Part of the Lands in South Holland, to the great Prejudice and Annoyance of the ſaid laſt mentioned Lands: Be it therefore further enacted, That for the more effectual Execution of this Act, the ſaid ſubterraneous Tunnel ſhall, from and immediately after the Commencement of this Act, be diſcontinued, and no longer uſed for diſcharging any Part of the Waters of and from Deeping Fen.

To be taken out of the Court of Sewers.

V. And be it further enacted, That as well the ſaid Lord's Drain, as the Main Cut or Drain herein directed to be made, and the Sluices, Tunnels, and Bridges, thereto ſeverally belonging, and all Lands and Grounds which ſhall be included in the ſaid Drainage, either by the ſaid Lord's Drain, or by the ſaid Main Cut or Drain, and the ſeveral Owners and Occupiers of the ſame, in reſpect thereof, and all Works already made, or to be made by virtue of this Act, for the Purpoſe of Drainage, or the Improvement of the ſaid Lands and Grounds; and alſo ſo much of the Banks called South Eau Bank and Queen's Bank, as are the Barrier Banks of the Lands herein directed to be drained, and all Bridges, Banks, Sewers, Drains, Watercourſes, Cloughs, Engines, and other Works, Matters, and Things whatſoever, within the ſaid Lands and Grounds, or belonging thereto, ſhall, on Notice to be given under the Hands of the ſaid Commiſſioners, and to be affixed on the ſeveral Church Doors of Spalding, Cowbit, Weſton, Moulton, Whaplode, Holbech, Fleet, Gedney, Sutton Saint Mary, and Sutton Saint Nicholas, otherwiſe Lutton, be ſubject only to the Controul, Direction, Survey, Order, and Juriſdiction of the Commiſſioners and Truſtees, reſpectively, herein appointed, or hereafter to be appointed by virtue of this Act, and not to the Controul, Direction, Survey, Order,

or Jurisdiction of any Bodies Corporate or Politick, Commission of Sewers, or any other Person or Persons whomsoever; any Law or Statute relating to Sewers, or any former Law or Statute to the contrary notwithstanding.

How the Waters of *Deeping Fen*, &c. shall be discharged.

VI. And be it further enacted, That all the Waters of Deeping Fen, and all other Waters on the West Side of the River Welland, (except the Waters of certain Lands bounded by Hawthorn Bank, the River Welland, and the Westload, as herein-after more particularly described, in case such Lands shall be permitted to have the Benefit of this Act on Petition and Agreement, as herein-after provided for), shall, from and after the passing of this Act, be discharged, either along the Course of the River Welland, or through proper Drains on the West Side of the same River.

On Payment of 1500*l.* the Tunnels under the River *Well* and the *Lord's Drain* may be destroyed.

VII. And be it further enacted, That the said Commissioners shall pay, or cause to be paid, unto the Treasurer for the Time being of the Adventurers or Undertakers of the Drainage of the Lands called Deeping Fen, the Sum of One thousand five hundred Pounds, as and for a full Compensation to the said Adventurers or Undertakers, for their Right and Interest in the said subterraneous Tunnel, and in the said Drain called Lord's Drain, and the several Bridges over the same, and the Sluices and other Works thereto belonging; and the said Treasurer is hereby required to receive the said Sum of One thousand five hundred Pounds in full Compensation as aforesaid, and to give a Receipt for the said Sum, and on Payment or lawful Tender thereof, it shall be lawful for the said Commissioners or Trustees for this Drainage, at any Time to order such subterraneous Tunnel to be stopped, taken up, or destroyed, by their respective Officers herein directed to be severally appointed, and such Officers respectively are hereby required to stop, take up, or destroy the same.

Commissioners may alter the *Lord's Drain*.

VIII. And be it further enacted, That in case it shall appear to the said Commissioners, during the Execution of this Act, that the Outfall of the said Lord's Drain may be materially improved by altering or changing the Course thereof, it shall and may be lawful for the said Commissioners, and they are hereby impowered and required to make such Alteration in the said Lord's Drain, and the Sluices thereof, and such Cuts through the Lands adjoining or contiguous thereto, as to them shall seem fit and expedient; and also to make, or cause to be made, such Communications between the said Lord's Drain and the Main Cut or Drain herein directed to be

made, and to make or erect, or cause to be made and erected, all such Sluices, Dams, Headings, and other Works, for the more effectual Drainage of the said Lands in South Holland, as to the said Commissioners shall, from Time to Time, appear to be necessary.

Commissioners may examine Evidence on Oath.

IX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and impowered to call for and hear Evidence, and to administer an Oath (or, being One of the People called Quakers, a solemn Affirmation) to such Person or Persons as they shall think proper to examine as Evidence or Evidences, for better enabling them, the said Commissioners, to execute the several Trusts reposed in them by this Act.

Commissioners to give Notice of their Meetings.

X. And be it further enacted, That the said Commissioners shall cause Notice to be given in the said several Parish Churches of Spalding, Cowbit, Weston, Moulton, Whaplode, Holbech, Fleet, Gedney, Sutton Saint Mary, and Sutton Saint Nicholas, otherwise Lutton aforesaid, on some Sunday immediately before or after Divine Service, or otherwise in Writing upon the Doors of the said Churches respectively, and also in the said Cambridge Chronicle, and Lincoln, Rutland, and Stamford Mercury, of the Time and Place of their First, and of every other Meeting (Meetings by Adjournment excepted), for the Execution of this Act, and also of every Meeting to be held for the Election of any new Commissioner or Commissioners, as before mentioned, at least Fourteen Days before any such respective Meetings shall be held; and that it shall be lawful for the said Commissioners to adjourn themselves from Time to Time, as they shall see Occasion, for the further Execution of this Act; and that if at any Meeting appointed to be holden by the said Commissioners it shall happen that no more than One of the said Commissioners shall be present, such Commissioner may adjourn such appointed Meeting to such Time and Place as he shall think most convenient, not exceeding Seven Days from the Time of making such Adjournment, in which Case, he is hereby required to give Notice, or cause Notice to be given in Writing to the absent Commissioners, of the Time and Place to which he shall make such Adjournment.

Allowance to Commissioners.

XI. And be it further enacted, That each of the said Commissioners shall be paid the Sum of Two Guineas, and no more, for every Day's Attendance of such Commissioner; and that at all Meetings to be held in pursuance of this Act, the said Commissioners and the Proprietors, and their Attornies, Solicitors, or Agents, shall respectively

tively pay the Expences which they respectively shall incur by means of attending such Meetings: Provided always, That no Commissioner shall be intitled to charge or receive any Thing for his Attendance in the Execution of this Act, on such Days as he shall attend as Commissioner to execute any other Act of Parliament.

Proprietors to give an Account of Lands.

XII. And, in order the better to enable the said Commissioners to procure the Survey and Map herein-after mentioned to be taken and made, be it enacted, That it shall be lawful for the said Commissioners, and they are hereby required to cause Ten Days previous Notice, under their Hands, to be affixed on the Church Door of each of the said Parish Churches of Spalding, Cowbit, Weston, Moulton, Whaplode, Holbech, Fleet, Gedney, Sutton Saint Mary, and Sutton Saint Nicholas, otherwise Lutton aforesaid, and also in the Cambridge Chronicle, and Lincoln, Rutland, and Stamford Mercury, thereby requiring the Proprietors, or their Agents or Tenants, to give in and deliver to the said Commissioners at such Time after the Expiration of the said Ten Days, and at such Place as shall be expressed in the said Notice, an Account of their several and respective Lands directed to be surveyed as herein-after mentioned.

Survey to be made.

XIII. And be it further enacted, That the said Commissioners shall cause a true and distinct Survey and Map to be made and taken, by some proper Person or Persons, as well of the Lands so annoyed by the said Lord's Drain, as of the Whole and every Part of the Lands hereby intended to be drained and improved, which Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, of the Lands belonging to each Proprietor shall be therein specified and described, and also the Number of Acres, Roods, and Perches of the several open Commons of Holbech, Whaplode, and Fleet, and such Survey shall be delivered and laid before the said Commissioners, at all or any of their Meetings to be held for the Purposes of this Act, and shall be verified on the Oath or Affirmation of the Person or Persons who shall so make the same, which Oath or Affirmation any One of the said Commissioners is hereby impowered and required to administer.

Lands to be drained, and a Main Cut to be made as here described.

XIV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and impowered, as soon as may be after the passing of this Act, to direct and order the said Lands to be drained in an effectual Manner, and for that Purpose to cause a good and effectual Main Cut or Drain to be made from low Water Mark at Peter's Point, as near as may be, along the

Line

Line herein-after described, unto a certain Place at Wheatmeer Drain, near the Hamlet of Peakill, and of the following Dimensions; to wit,

From Peter's Point, through the inclosed Lands belonging to Samuel Long Esquire, now in the Occupation of Thomas Aveling junior, and lying in Tydd Saint Mary in the said County of Lincoln, and Sutton Saint Mary aforesaid, or One of them, and from thence along the Course of the Drain called Dereham's Drain to the Roman Bank, the said Commissioners shall make, or cause to be made, a Main Cut or Drain not less than Twenty-four Feet wide at the Bottom, with a Batter of not less than Two Feet on each Side for every Foot in Depth, and a Foreland of not less than Fifteen Feet on the Tyd-side, where all the Earth shall be laid in Bank Fashion.

From the Roman Bank, along the Direction of the said Dereham's Drain to Wanton's Clough, the said Commissioners shall make, or cause to be made, a Continuation of the said Main Cut or Drain, to set off with a Bottom of not less than Twenty-four Feet, and to diminish gradually from thence to Wanton's Clough, where the same shall not be less than Twenty Feet wide at bottom, with a Batter of not less than Eighteen Inches on each Side for every Foot in Depth, and Forelands of not less than Ten Feet.

From Wanton's Clough, as far as Broadgate, nearly by the Side of a Drove leading towards a House late the Property of Thomas Alderton Esquire, in Tenure of Matthew Trollope, and from the said Drove along the Direction of Broadgate, and from thence across the inclosed Lands to Gedney River, and along the Direction of Gedney River to Gedney Heading, and across Gedney Drove into Fleet River, the said Commissioners shall make, or cause to be made, a Continuation of the said Main Cut or Drain with a Bottom of not less than Twenty Feet, with a Batter of not less than Fifteen Inches on each Side for every Foot in Depth, and Forelands of not less than Ten Feet.

From Fleet River nearly along the Direction of the Drove leading to Holbech River, the said Commissioners shall make, or cause to be made, a Continuation of the said Main Cut or Drain, with a Bottom of not less than Eighteen Feet, with a Batter of not less than Fifteen Inches on each Side for every Foot in Depth, and Forelands of not less than Ten Feet.

From Holbech River, nearly along the Direction of the Drove leading to Whaplode River, the said Commissioners

missioners shall make, or cause to be made, a Continuation of the said Main Cut or Drain, with a Bottom of not less than Sixteen Feet, with a Batter of not less than Fifteen Inches on each Side for every Foot in Depth, and Forelands of not less than Ten Feet.

From Whaplode River, nearly along the Direction of the Drove leading to Moulton River, the said Commissioners shall make, or cause to be made, a Continuation of the said Main Cut or Drain, with a Bottom of not less than Fourteen Feet, with a Batter of not less than Fifteen Inches on each Side for every Foot in Depth, and Forelands of not less than Ten Feet.

From Moulton River, nearly along the Direction of the Drove leading to the West End of West Fen Bank, the said Commissioners shall make, or cause to be made a Continuation of the said Main Cut or Drain, with a Bottom of not less than Twelve Feet, with a Batter of not less than Fifteen Inches on each Side for every Foot in Depth, and Forelands of not less than Ten Feet.

From the West End of West Fen Bank to Wheatmeer Drain, nearly in the Direction of the Drove leading to Cowbit Bank, the said Commissioners shall make, or cause to be made, a Continuation of the said Main Cut or Drain, with a Bottom of not less than Ten Feet, with a Batter of not less than Fifteen Inches on each Side for every Foot in Depth, and Forelands of not less than Ten Feet.

And also, that the said Commissioners shall, and they are hereby empowered and directed to repair, or cause to be repaired, those Parts of the Welland Banks where the said subterraneous Tunnel shall be taken up as aforesaid, in a good and effectual Manner, and to erect and build, or cause to be erected and built, a Sea Sluice of Three Arches of Stone, the middle Arch not to be less than Ten Feet in the Clear, and the Two Side Arches not less than Eight Feet each in the Clear, with pointing Doors to Sea and Land, in or near the Line of the present Sea Bank, at or near Peter's Point aforesaid; and that the said Commissioners shall, in like Manner, erect and build, or cause to be erected and built, certain Bridges in the following Places, and of the Dimensions hereinafter mentioned, to wit: A Bridge of Bricks over Dereham's Drain, where the same crosses the Wisbech Turnpike Road, with a Water Way of Twenty-four Feet

at the least; also another Bridge of Bricks over the said Dereham's Drain, where the said Drain crosses the Road leading from Long Sutton to Tydd Saint Mary, with a Water Way of Twenty-two Feet at the least; also another Bridge of Bricks over Gedney Drove, with a Water Way of Twenty Feet at the least; also Common Cart Bridges of Timber, with proper Water Ways at all such several and respective Places as they shall think proper; and also to erect or alter such other Bridges as the said Commissioners shall deem necessary to be erected or altered for the Convenience of the Publick, and of the Proprietors of the said Low Lands, their Tenants, and Occupiers thereof; and to make such Contracts, and appoint such Officers for superintending the Execution of the said Works, as they, the said Commissioners, shall in their Discretion think fit and expedient.

Commissioners, &c. may enter upon Lands.

XV. And be it further enacted, That the said Commissioners, their Officers, and Workmen, and also the said Trustees herein-after appointed, and their Superintendant and Workmen, shall, from and immediately after the passing of this Act, and at all future Times, have full Power and Authority to enter upon all or any of the Lands and Grounds in South Holland aforesaid, for the Purpose of making the Drains, Sluices, Bridges, and Works; and also the Survey and Assessment herein directed to be made, without the lawful Hindrance or Interruption of any Person or Persons whomsoever.

For raising the Money to be paid to the Adventurers.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorised and required to assess and tax the said Sum of One thousand five hundred Pounds herein-before directed to be paid to the Treasurer of the said Adventurers; and also to assess and tax such Expences as shall be occasioned by the Improvement of the said Lord's Drain, upon such of the Lands in South Holland aforesaid, as in the Opinion of the said Commissioners shall be benefited by dispossessing the said Adventurers or Undertakers of their Right and Interest in the said Lord's Drain, and by such Improvement in the said Lord's Drain as before mentioned, according to the Degree of Benefit which in the Opinion of the said Commissioners shall accrue to the respective Lands so assessed and taxed; and the said Money so assessed and taxed shall be received, and in Default thereof recovered in the same Manner, and by the like Ways and Means as the Tax or Assessment for the Drainage herein provided for is directed to be received and recovered; and the Tenants of the Lands and Grounds so to be benefited as aforesaid, in the Opinion of the

said Commissioners, shall be liable to the same Increase of Rent in case of Leases or Agreements for more than One Year, as the Tenants of the Lands and Grounds comprized in the said Drainage are herein made liable to, and that such of the said Proprietors whose Lands shall be so benefited as aforesaid, being Tenants for Life or otherwise, standing in the same Predicament with such Persons as are herein empowered to borrow Money, shall, together with the said Commissioners or Trustees respectively, have the like Power of raising and borrowing Money to defray such Tax or Assessment, and by the same Ways and Means, and subject to the like Powers, Conditions, and Restrictions as are herein-after mentioned, in respect to the Lands and Grounds comprized within the said Drainage.

Expences of this Act and Drainage how to be raised.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorised and required, from Time to Time, to assess and tax all and every the said Low Lands hereby directed to be drained, (except such Lands as may be exempted by the said Commissioners, as herein-after mentioned), with a gradual Acre Tax, to be apportioned by the said Commissioners, according to the Degree of Benefit which in the Opinion of the said Commissioners shall evidently accrue to the respective Lands so last directed to be assessed and taxed: Provided always, that the last mentioned Tax shall not exceed the Sum of Forty Shillings an Acre, upon any Part of the said Lands; and that the whole Money so last directed to be assessed and taxed, shall be raised by Three equal Payments, and not in less Time than Three Years from the passing of this Act: Provided always, That in laying the last mentioned Tax on such of the said Lands as are annoyed by the Waters from Deeping Fen as aforesaid, the said Commissioners shall have due Regard to the Tax herein directed to be laid by them for raising the said Sum of One thousand five hundred Pounds as before mentioned, so that no more than Forty Shillings an Acre may be charged in the Whole, on any Part of the said Lands, in case the same Lands should be afterwards taken into the said Main Cut or Drain by the said Commissioners, as herein-after provided for.

How to be applied.

XVIII. And be it further enacted, That the Money so last directed to be assessed and taxed, shall be applied by the said Commissioners, in the first Place, in reimbursing the Subscribers who have advanced Money for the procuring this Act, and then in defraying the Expences of obtaining and passing this Act, and of the Reports of

the Engineers employed previous thereto, and of carrying on the Works of the said Drainage, and all other Expences to be incurred in the Execution thereof.

Commissioners to determine what Lands shall be exempt from Tax.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to adjudge and determine, whether any Lands comprised within the Limits and Boundaries aforesaid ought to be wholly exempt from paying to the said Drainage, and upon such their Adjudication and Determination, such Lands shall not be subject thereto; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Commissioners may borrow Money.

XX. And, as well for the Payment of the said One thousand five hundred Pounds, as for the more speedy executing the said Works, and defraying the Expences before provided for, until such Assessments or Taxes can be collected, it shall be lawful for the said Commissioners, and they are hereby authorised and impowered, as often as Occasion shall require, to take up and borrow at Interest, upon the Credit of this Act, such Sum or Sums of Money as they shall deem requisite and necessary, and that the Sum or Sums of Money that shall be so borrowed, together with the Interest that shall be agreed to be paid for the Loan thereof, shall be paid as soon as conveniently may be out of the Monies that shall be raised by virtue of this Act, and in the mean Time, and until such Payment shall be so made, that the Taxes which shall be assessed and imposed shall be, and the same are hereby declared to be subject to the Payment thereof, to the Person or Persons who shall advance the same, together with Interest.

Commissioners to appoint Officers, &c.

XXI. And be it further enacted, That the said Commissioners shall be, and they are hereby empowered from Time to Time, by Writing under their Hands, to appoint such Collector or Collectors of the Assessments or Taxes, and also such Treasurer or Treasurers as they shall think fit to employ in the Execution of this Act, such Collector or Collectors, Treasurer or Treasurers, giving Security to the Satisfaction of the said Commissioners, for duly accounting for all such Money as shall come into their several Hands; and such Collector or Collectors shall, at such Time or Times as he or they shall be required by the said Commissioners, by Writing under their Hands, pay, or cause to be paid, into the Hands of the said Commissioners, or 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 Commissioners may also, by Writing under their Hands, appoint a Clerk or Clerks,

who are to give Security.

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 or named in or by virtue of this Act, shall be paid out of the Monies to be raised by virtue of this Act, except the said Treasurers, such Salaries or Allowances as the said Commissioners shall think reasonable, and the said Treasurers, Collectors, Clerks, Surveyors, and other Officers, shall be, from Time to Time, removeable at the Will and Pleasure of the said Commissioners.

and to have Salaries.

Commissioners may call for Money.

XXII. And be it further enacted, That the said Commissioners under this Act may, from Time to Time, when and as Occasion shall require, either before or after the said intended Work, so directed to be done by the said Commissioners, shall be made and completed, and at any Time after the passing of this Act, by Writing under their Hands and Seals, call upon the respective Owners and Proprietors of inclosed Lands which shall be benefited by the said Drainage, for such Sum or Sums of Money, subject to the Rates and Restrictions as herein-before mentioned, for the Purpose of carrying on the said intended Works so directed to be done by them as aforesaid, in Proportion to the Extent or Value of the respective Estates of such Owners and Proprietors, of and in the said inclosed Lands so intended to be drained as aforesaid; and in case any such Owner or Owners, Proprietor or Proprietors, shall neglect or refuse to pay his, her, or their Share or Proportion respectively, of the said Money so called for by the said Commissioners, within the Time to be appointed by such Commissioners, the same Time not being less than Thirty Days, then, and in such Case, it shall be lawful for the said Commissioners, and they are hereby authorized and required to borrow, and take up at Interest, such Sum or Sums of Money, after the Rates and Restrictions before mentioned, to pay and defray such Share or Proportion of the Person or Persons so neglecting or refusing, and the Charges and Expences attending the borrowing the said Money, and the preparing and executing the Deeds for securing the same, and by Indenture or Indentures, under their Hands and Seals, from Time to Time, to grant, mortgage, lease, or demise, for such Share and Proportion of the Taxes, Rates, or Assessments, the said inclosed Lands belonging to the Person or Persons so neglecting or refusing, or such Part or Parts thereof as they shall think proper, unto any Person or Persons who shall be willing to advance and lend the Money so to be borrowed, either in Fee or for any Term or Number of Years, for securing the Repayment of the

said Money, with such Rate of Interest as they shall think proper to agree for, and in the said Indenture or Indentures, there shall be inserted a proper Proviso for Redemption of the said mortgaged Premises, and the Receipt and Receipts of the said Commissioners shall be a good and sufficient Discharge to the Person or Persons who shall lend any Sum or Sums of Money on such Security or Securities.

Powers for Husbands, Guardians, &c. to borrow Money.

XXIII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies, or Persons acting as Guardians, Trustees, Committees, or Attornies, of the Owners of any Lands intended to be improved and drained by virtue of this Act, being under Coverture, Minors, Lunaticks, or beyond the Seas, or otherwise incapable to act for themselves, or for any of the said Owners or Proprietors, being Tenants in Tail, or for Life only, Tenants in Tail after Possibility of Issue extinct, Tenants in Dower, and for every of them respectively for the Time being, by Indenture under their respective Hands and Seals; and also, under the Hands and Seals of the said Commissioners, from Time to Time, to charge the inclosed Lands, or the Part, Share, or Proportion, of and in the said inclosed Lands so to be improved and drained, belonging to such Owners or Proprietors respectively, and that either before or after such Drainage, with any Sum or Sums of Money which shall be advanced pursuant to any Calls made by the said Commissioners as aforesaid, or which shall be directed to be paid by their Award, and for which the said Commissioners shall not have made any Mortgage or Security, as aforesaid, for defraying the Proportion of such Owners and Proprietors respectively, of the Expences of applying for, and obtaining or passing this Act, and for making the said Survey and the Charges and Expences of the said Commissioners under this Act, and of improving and draining the said Lands, and all other necessary Costs, Charges, and Expences already accrued, or hereafter to accrue, in, about, and concerning the Premises, and for securing the Repayment of such Sum and Sums of Money with Interest, to grant, mortgage, lease, or demise, or otherwise subject the said Lands, or Part, Share, or Proportion therein belonging, to such Owners or Proprietors respectively, of and in the said Lands so intended to be drained as aforesaid, unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, either in Fee, or for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or De-

miſe be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatisfied; and ſo as every ſuch Grant, Mortgage, Leaſe, or Demiſe do alſo contain a Proviſo, that the Perſon or Perſons intitled in Remainder, or Reverſion, to any ſuch reſpective Lands or Grounds, ſhall not be liable, upon his or their becoming poſſeſſed thereof, to the Payment of any further or larger Arrear of Intereſt than for One whole Year preceding the Time that his or her Title to ſuch Poſſeſſion ſhall have commenced; and every ſuch Grant, Charge, Mortgage, Leaſe, or Demiſe, as aforeſaid, ſhall be good, valid, and effectual in the Law, for the Purpoſes hereby intended, notwithſtanding the Want of Title in the ſaid Husbands, Guardians, Truſtees, Committees, or Attornies, or Tenants in Tail, or for Life, or other Perſons making the ſame; and notwithſtanding any Settlement, Will, Truſt, Uſe, Reverſion, Limitation, or other Incumbrance of or concerning the ſame Lands, or any Part or Parts thereof, then in being, or capable of taking Effect, to the contrary.

Tenants on Leaſe to pay additional Rent.

XXIV. And be it further enacted, That in all Caſes where any of the Lands or Grounds, which ſhall be ſo aſſeſſed, tared, or charged, are held upon Leaſe or Agreement for any Term longer than One Year, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered and required to encreaſe the Annual Rent reſerved by ſuch Leaſe or Agreement, in Proportion to the Benefit which the ſaid Lands or Grounds, comprized in the ſaid Leaſe or Agreement, ſhall, in the Opinion of the ſaid Commiſſioners, receive by the ſaid Drainage; and the additional Rent to be aſſixed by the ſaid Commiſſioners on the ſaid Lands and Grounds ſhall be recoverable by the reſpective Landlords thereof, in ſuch Manner, and by ſuch Ways and Means, as the Original Rent reſerved by the ſaid Leaſe or Agreement is by Law recoverable.

Commiſſioners may purchaſe Lands.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to agree with the Proprietors of, and Perſons intereſted in, any Lands, Tenements, or Hereditaments which the ſaid Commiſſioners ſhall judge neceſſary to be cut, digged, taken 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

what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies 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, Idiots, 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 Rights, 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 Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments, for the Purposes aforesaid, or to agree with the said Commissioners under this Act, for any Recompence or Compensation to be made for the Damage which may be done to any such Lands, Tenements, and Hereditaments, by the Execution of any of the Powers of this Act, and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in 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 lawfully 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 given 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 Commissioners, or by reason of Absence shall be prevented from treating, then, and in every such Case, the said Commissioners are hereby empowered, from Time to Time, to issue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of Lincoln, or if such Sheriff shall be immediately interested in such Matter, then

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

On Persons refusing or neglecting to treat,

a Jury to be summoned.

to One of the Coroners of the said County, commanding such Sheriff or Coroner to impanel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return Twenty-four Men resident within South Holland aforesaid, and qualified according to the Laws of this Realm to be returned for Trials of Issues, joined in His Majesty's Courts at Westminster, to appear before the said Commissioners, at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve may be sworn to enquire touching the Matters in Question: And in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said Commissioners 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 Commissioners under this Act 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, which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners 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 or Losses that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportion the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises, and the said Commissioners shall give Judgement for such Purchase Monies or Recompence, so as aforesaid to be assessed by such Juries, which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, shall be binding and conclusive to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever.

Jurors may be challenged.

The Damages on Recompence, to be settled by a Jury.

Verdict of the Jury, &c. to be final.

Penalty on Sheriff's Neglect.

XXVI. Provided always, and be it enacted, That if any such Sheriff or his Deputy, or Coroner, shall make Default in the Premises, every such Person shall, for every such

Offence, forfeit the Sum of One hundred Pounds; and if any Person so summoned 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 attempt to avoid or neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing refuse to be sworn or examined, or to give Evidence, or being of the People called Quakers shall refuse to affirm, or to be examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay such Sum as the said Commissioners shall appoint, not exceeding the Sum of Five Pounds for any One Offence.

Agreements to be filed with the Clerk of the Peace.

XXVII. And be it further enacted, That all Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgements which shall be made and given in relation to any of the Matters aforesaid so left to a Jury, such Verdicts and Judgements being signed by the Commissioners, who shall be present at the taking of the Inquest, shall be delivered to the Clerk of the Peace for the Parts of Holland, 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 at the Rate of Two-pence for every Sheet of Seventy-two Words.

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

XXVIII. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on the Behalf of the said Commissioners, before the summoning of any such Jury, for or in respect of any of the Matters aforesaid, that then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of taking such Inquest, shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more, or for a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then, and in every such Case, such Expences shall be paid by the Owners of, or Persons interested in, the Lands, Tenements, or Hereditaments and Premises, upon or in respect of which such Jury shall have been summoned.

To inclose Part of Commons to pay Tax.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners to inclose, or cause to be inclosed, such Quantity or Number of Acres of Land out of the Commons, in the several and respective Parishes of Whaplode, Holbech, and Fleet aforesaid, charged with any of the said Rates or Taxes, as they shall think sufficient to defray the Charge and Expence of the Tax laid upon the said respective Commons by the said Commissioners, by virtue of this Act, and also the Charge of making such Inclosures respectively; and the said Commissioners are hereby authorized and impowered, by Indenture or Indentures under their Hands and Seals, from Time to Time, as they find most convenient, to grant, mortgage, lease, and demise unto any Person or Persons, all or any Part of the Lands and Grounds so respectively to be inclosed, in Fee, or for any Term or Number of Years, for securing the Repayment of such principal Sum or Sums of Money, with Interest, as the said Commissioners shall find necessary, from Time to Time, to borrow on Mortgage thereof, and also the Charges attending the borrowing the said Money, and the preparing and executing the Deeds for securing the same, and the inclosing and fencing the said Lands and Grounds respectively, and such several and respective Charges and Expences shall be specified in the respective Securities, and be made a Part of the Considerations and principal Monies thereby to be secured; and such Indentures shall contain a Proviso for making the same void, on Payment of the Sum or Sums of Money to be respectively borrowed thereon, according to the Terms of this Act provided for Repayment thereof; and immediately after the Execution of the said several and respective Securities by the said Commissioners, it shall be lawful for the Person or Persons who shall lend the said Money or Monies, his, her, or their respective Heirs, Executors, Administrators, and Assigns, to take Possession of the said Lands and Grounds comprised in their respective Securities, and to occupy the same at such respective Rents as shall be fixed by the said Commissioners, or otherwise to let or set the same for One Year, and so on from Year to Year, for the best and most improved Rent that can be had; but in either Case, the Occupier thereof, or of any Part or Parcel thereof, shall be restricted from ploughing or converting the said Lands to Tillage, or mowing the same for Hay; and the said Person or Persons so lending Monies on Securities of the same Lands, or any Part thereof, shall have the usual

Powers

Powers belonging to Landlords to recover the Rents and Profits of the said Lands, and shall have Power, out of the Rents and Profits thereof, to retain and keep down the Interest of the said principal Monies so to be borrowed on Securities thereof as aforesaid, until such principal Money or Monies shall be paid off and discharged, and shall pay the Surplus (if any) of the said Rent half-yearly, on Old Michaelmas Day and Old Lady Day, in each Year, to the said Superintendant herein directed to be appointed, who is hereby authorized and required, in case the same is not paid at the Times aforesaid, or within One Calendar Month after either of the said Days, to sue in his own Name by Action at Law for the same; and when he shall have received the said Surplus, to apply the same, from Time to Time, in or towards Exoneration of the Annual Rate or Tax, herein directed to be assessed on such inclosed Lands or Grounds, as belong to Persons having Right of Common in the several and respective Parishes of Whaplode, Holbech, and Fleet aforesaid, and all and every such last mentioned Lands and Grounds in the said several and respective Parishes of Whaplode, Holbech, and Fleet aforesaid, are hereby discharged of so much of the said Annual Rate or Tax, as the said Surplus of the said Rent shall from Time to Time amount to, and as shall be paid to the said Superintendant; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Commissioners Receipt sufficient Discharge to Mortgagees.

XXX. Provided always, and it is hereby declared, That the Receipt of the said Commissioners for the said Mortgage Monies advanced to them on the Credit of this Act, shall be a sufficient Discharge to the Mortgagee or Mortgagees thereof, and he or they shall not be bound to see to the Application thereof, or any Part thereof.

Lands inclosed from Commons to revert to Commoners, on Payment of Money borrowed.

XXXI. Provided also, and be it further enacted, That in case the Persons interested in the said several Commons in the said several and respective Parishes of Whaplode, Holbech, and Fleet, shall, by Means of any Act of Parliament for inclosing the same, or by any other Means, enable themselves to pay off the said Money so borrowed as aforesaid by the Commissioners, the Person or Persons who shall lend the said Money or Monies under the Authority of this Act, his, her, or their respective Heirs, Executors, Administrators, and Assigns, shall, upon Six Calendar Months Notice in Writing, to be left at his, her, or their usual Place or Places of Abode, signed by some Person or Persons to be nominated by the Commoners, or Persons interested in the said several Commons, in the several and respective Parishes of Whaplode, Holbech,

Holbech, and Fleet aforesaid, at a Meeting or Meetings of the said Commoners or Persons interested, to be held in the several Parish Churches of Whaplode, Holbech, and Fleet aforesaid, on Notice thereof, to be given on some Sunday immediately after Divine Service, at least Fourteen Days previous to such Meeting or Meetings, or by the Majority of such of them as shall be then and there present, be obliged to receive such principal Monies as he, she, or they shall have advanced on the Credit of this Act, and all Arrears of Interest then due, and also any Costs which he, she, or they may have been put unto, and the said Commonable Lands and Grounds so inclosed shall, immediately on such Payment or Payments being made, revert to the Use of the said Proprietors so interested in the said Commons, in the several and respective Parishes of Whaplode, Holbech, and Fleet aforesaid, in the same Manner as they respectively would have been intitled thereto if this Act had not been made; and the said Person or Persons so to be nominated to give such Notice or Notices as aforesaid, shall, at the same Time he or they give the aforesaid Notice or Notices to the Mortgagee or Mortgagees as above directed, or within Fourteen Days after, give a like Notice or Notices in Writing (to be served as the above Notice is directed to be served) to all and every the Tenant or Tenants, Occupier or Occupiers of the said several Commons, Lands or Grounds so inclosed as aforesaid, to quit the same at the End of the then current Year of his or their Term, and he and they is and are hereby directed to quit the same at the Expiration of the said Year, and the said Superintendant shall thenceforth receive the Rents and Profits thereof until the Expiration of the Year for which the same shall be so let as aforesaid, and at the End of the said Year the said Lands and Grounds so inclosed shall again become Part of the said several Commons; and when the said Superintendant shall have received the said Rents to the Expiration of the Time for which the same shall be let as aforesaid, he shall (after deducting the said Arrears of Interest and Costs) apply the same in or towards Exoneration of the Share or Proportion of the Rate or Tax herein-before directed to be assessed on the said several Commons of Whaplode, Holbech, and Fleet aforesaid.

Power to exchange.

XXXII. And be it further enacted, That for the more convenient Situation and Disposition of the Farms and Lands within the Purview of this Act, it shall be lawful for all or any of the Proprietors, whether Guardians, Husbands, Trustees, Committees, Feoffees of Schools

or Poor Estates, Executors, or Life Tenants, or otherwise seised of or interested in Estates within the Purview of this Act, to exchange all or any of his, her, or their Messuages, Cottages, Tenements, Homesteads, Old Inclosures, or other Lands and Grounds, Rents, Revenues, or other Rights or Interests within the Purview of this Act, for any other Messuages, Cottages, Tenements, Homesteads, Old Inclosures, or other Lands and Grounds, Rents, Hereditaments, Revenues, or other Rights and Interests within the Purview of this Act; and also for Joint Tenants, or Tenants in Common, or any other Person seised of any undivided Shares or Interests in any Messuages, Tenements, Homesteads, Old Inclosures, Rents, Hereditaments, Revenues, Rights or Interests, or having or holding any intermixed Lands, Grounds or Hereditaments with each other, where their several Bounds or Limits are not exactly known to make Partition thereof, so as all and every such Exchange and Exchanges, Partition and Partitions, be made with the Consent and Approbation of the said Commissioners, and so as the Agreement for making the same be certified to them by some Writing, signed by the Parties so exchanging or making Partition, or their Guardians, Agents, or Attornies, and such Agreement, Consent and Approbation be specified and declared in the Award or Instrument to be made and executed by the Commissioners in pursuance of this Act, and every such Exchange or Partition, so made as aforesaid, shall be set out by the said Commissioners, by Metes and Bounds, and shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, notwithstanding any Want of Title in the Parties, or Persons exchanging or making Partition as aforesaid, or any of them: Provided nevertheless, that no such Exchange or Partition shall be made of Glebe Lands, by the Rector or Vicar of any Parish within the Purview of this Act, without the Consent and Approbation of the Lord Bishop of Lincoln, and Patron for the Time being, first had and obtained: And provided also, that the Expence of the said Exchanges and Partitions shall be borne and paid by the several Persons interested therein.

Proviso respecting Crown Lands.

XXXIII. Provided also, and be it further enacted, That no such Exchange or Partition shall be made of Lands or Hereditaments belonging to the Crown, without the Consent and Approbation of the Lords Commissioners of His Majesty's Treasury, and also of the Lessee or Lessees of such Lands or Hereditaments for the Time being.

Commissioners to make interior Drains, and to repair the *South Eau Bank* and *Queen's Bank*.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorised and required to make, or cause to be made, such Stops or Headings, for the Purpose of keeping Water in the several Drains which communicate either with the said Lord's Drain, or with the said Main Cut or Drain, and to set down such Cloughs for conveying Water into the said Lord's Drain, or Main Cut or Drain, as to the said Commissioners shall seem fit and expedient; and also to make, or cause to be made, such interior Cut or Cuts, Drain or Drains, of such Width and Widths, Depth and Depths, as they shall deem necessary to be made in the several Parishes and Hamlets aforesaid for the Purpose of conveying the Waters of South Holland, as well into the said Lord's Drain, as into the said Main Cut or Drain; and to repair, or cause to be repaired, such Parts of the Banks called The South Eau Bank, and the Queen's Bank, as are the South Barrier Banks of the Lands herein directed to be drained; and also that it shall be lawful for the said Commissioners, and for the Trustees herein-after appointed for the Purpose of executing this Act, after the Execution of the said Award, or a Majority of the last mentioned Trustees, or their Successors, who shall be present at any Annual Meeting, to be held by them in pursuance of this Act; and they are hereby severally authorised and required, from Time to Time, and at all Times, to direct their respective Superintendants, or other Officers for the Time being, well and sufficiently to repair, scour out, cleanse, and rode such interior Cut or Cuts, Drain or Drains; and also, from Time to Time, to repair the said South Eau Bank and Queen's Bank, as often as Occasion shall require.

General Assessment for that Purpose to be made.

XXXV. Provided always, and be it further enacted, That the said Commissioners, in making their General Assessment, Tax, or Charge, shall have due Regard to the Expence of the said Stops or Headings, Cloughs, and interior Cuts and Drains, and shall charge the same on the Lands and Grounds to be respectively benefited thereby; and shall also charge the Expence of repairing the said Banks called The South Eau Bank, and the Queen's Bank, upon such of the Lands hereby directed to be drained, as were liable to the Repairs of the same before the passing of this Act.

Commissioners may remove Obstructions.

XXXVI. And be it further enacted, That the respective Officers for the Time being, herein directed to be appointed by the said Commissioners and Trustees respectively, shall have full Power, and they are hereby respectively

ively authorized and empowered to remove, or cause to be removed, all Impediments, Annoyances, and Obstructions whatsoever, from Time to Time, as well in or near the said Lord's Drain, and the said Main Cut or Drain, as the said interior Cuts, Drains, and other Works, or which shall damage or prejudice the same.

Proprietors of other Lands may have Benefit of Drainage on Petition to the Commissioners.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required on the Petition in Writing, signed by the Proprietors of Two Third Parts in Value of certain Lands lying on the West Side of the River Welland, between Hawthorn Bank on the South, and the Westload on the West; and also, of the Lands in any One or more of the several Parishes and Hamlets aforesaid (not included in the Limits and Boundaries of the Lands herein-before described), to take, comprize, and include such Lands within the said Drainage, upon the several and respective Proprietors thereof agreeing to pay such Sum or Sums of Money, and to conform to such Regulations, Gauges, and Restrictions, as the said Commissioners shall adjudge and award just and reasonable, to be paid either in Gross, or Annually, or both, and to be conformed to respectively, and so as such Petition be presented to the said Commissioners at One of their Meetings, to be held in pursuance of this Act, on or before the Twenty-ninth Day of September One thousand seven hundred and ninety-three; and on such Agreement being so made, such Proprietors shall have the Benefit of the said Lord's Drain, and Main Cut or Drain, and other Works so directed to be made as aforesaid, in common with the other Proprietors of Lands, within the Limits and Boundaries of Lands herein-before described, subject to such Regulations, Gauges, and Restrictions aforesaid, and such Sum or Sums of Money as shall be so adjudged and agreed to be paid, shall be received, and in Default of Payment thereof recovered, in the same Manner, and by the like Ways and Means, as the Rates herein-before mentioned are respectively directed to be received and recovered, in respect to the Lands within the Limits and Boundaries aforesaid, and the Tenants of the Lands and Grounds so taken into the said Drainage, on Petition as aforesaid, shall be liable to the same Increase of Rent, in Case of Leases or Agreements for more than One Year, as the Tenants of the Lands and Grounds within the Limits and Boundaries before described, are herein made liable to, and that such of the Proprietors so petitioning and agreeing as aforesaid,

being Tenants for Life, or otherwise, standing in the same Predicament with such Persons as are hereinbefore empowered to borrow Money, shall, together with the said Commissioners or Trustees, respectively, have the like Power of raising and borrowing Money, to defray such Sum or Sums as may be agreed to be paid (except such Annual Tax), and by the same Ways and Means, and subject to the like Powers, Conditions and Restrictions, as are herein-before mentioned; and such Lands and Grounds as may be admitted to the Benefit of Drainage by this Act on Petition as aforesaid, and the Owners thereof, and all Works of Drainage already erected, or to be erected thereon, shall, from and after such Admission, be and continue for ever afterwards subject to the Order, Controul and Jurisdiction of the said Commissioners and Trustees, and their Successors, and shall for ever afterwards be totally exempted from the Authority of the Court of Sewers, as fully as the Lands within the Limits and Boundaries mentioned in this Act, are hereby made subject to the Order, Controul, and Jurisdiction of the said Trustees, and exempted from the Authority of the Court of Sewers as aforesaid.

Commissioners to erect Engines.

XXXVIII. And be it further enacted, That the said Commissioners shall, and they are hereby required, out of the general Assessment or Tax herein directed to be by them assessed and tared, to erect or cause to be erected One or more Water Engine or Water Engines, of such Size and Dimensions as they shall think proper within either of the said Parishes of Sutton Saint Mary, or Tyd Saint Mary, in the said County of Lincoln, for throwing Water out of that Part of the said Main Cut or Drain, which is South of the Old Roman Bank, into that Part of the said Main Cut or Drain which is North of the same Roman Bank, and for that Purpose to make such Cuts in either of the said Parishes of Sutton Saint Mary, or Tyd Saint Mary, as to the said Commissioners shall seem fit and expedient: Provided always, That the Water Wheels of none of the said Water Engines shall throw against a greater Head than Eight Feet of Water in the said Main Cut or Drain, the same to be gauged from the Bottom of that Part of the said Main Cut or Drain, which is North of and immediately contiguous to the said Roman Bank, and that the said Commissioners shall erect, or cause to be erected, Pointing Doors in the said Main Cut or Drain, for the Purpose of preventing the Water to be thrown by the said Engines, from reflowing into that Part of the said

Main

Main Cut or Drain which is South of the said Roman Bank.

XXXIX. And be it further enacted, That the said Commissioners shall and may, and they are hereby empowered, out of the Assessment or Tax herein directed to be by them assessed and tared on such of the Lands in South Holland as will be benefited by dispossessing the said Adventurers or Undertakers of their Right and Interest in the said Lord's Drain, to erect, or cause to be erected, One or more Water Engine or Water Engines, of such Size and Dimensions as they shall think proper for throwing Water out of that Part of the said Lord's Drain which is South of the Old Roman Bank, into that Part of the said Lord's Drain which is North of the same Roman Bank, and for that Purpose to make such Cut or Cuts adjoining to the said Lord's Drain, as to the said Commissioners shall seem fit and expedient: Provided always, That the Water Wheels of none of the last mentioned Water Engines shall throw against a greater Head than will raise the Surface of the Water in the said Lord's Drain to the same horizontal Level as is herein provided for, in respect to the said Water Engines to be erected at or near the said Main Cut or Drain as before mentioned, and that the said Commissioners shall erect, or cause to be erected, pointing Doors in the said Lord's Drain, for the Purpose of preventing the Water to be thrown by the last mentioned Engines from reflowing into that Part of the said Lord's Drain which is South of the said Roman Bank. Commissioners may erect Engines for throwing Water out of Part of the *Lord's Drain*.

XL. And be it further enacted, That the said Commissioners shall cause a Gauge to be affixed on the above mentioned pointing Doors, to denote the Height against which the said Water Engines may at all Times throw Water, and that it shall be lawful for any One of the said Trustees, and he is hereby empowered to order all or any of the said Water Engines to be stopped or set down, whenever the Surface of the Water in either of the said Drains shall be higher than the said respective Gauges, and in case the said Superintendant, or the Person or Persons employed to look after the said Water Engines, shall neglect or refuse to obey the Order of the said Trustee, or shall work the said Engines so as to raise the Water higher than the said Gauge, such Superintendant, or Person or Persons so refusing, shall forfeit and pay the Sum of Ten Pounds for every such Offence, and all and every Justices and Justice of the Peace for the said Parts of Holland are and is hereby required to take Cognizance of the Premises, and to make such Commissioners to cause a Gauge to be affixed on the pointing Doors.

Order as to them shall seem fit and expedient for forcing a Compliance with this Act.

Compensation, &c.

XLI. And be it further enacted, That the said Commissioners shall, out of the general Assessment or Tax herein directed to be laid by them, pay unto the Proprietors of Estates in the District of Land called Turpitts and Bellsmere, or their Tenants, such Sum or Sums of Money as shall, in the Opinion of the said Commissioners, be a reasonable Satisfaction to the said Proprietors, or their Tenants, for their several Rights and Interests in the Works of Drainage already erected on the said District of Land called Turpitts and Bellsmere.

Commissioners Award.

XLII. And be it further enacted, That the said Commissioners, as soon as conveniently may be after they have completed the said Main Cut or Drain, and other Works directed by them to be made and done by this Act, and the Assessment, Tax, or Charge herein directed to be made, form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express and specify the Quantity in Statute Measure, of Acres, Roods, and Perches, of the Lands and Grounds benefited by dispossessing the said Adventurers of their Right and Interest in the said Lord's Drain, and also of the Lands and Grounds included, either in the Drainage by the said Lord's Drain, or by the said Main Cut or Drain, and the Quantity of Land belonging to each Proprietor therein, and the Names of the several and respective Tenants thereof, with a Description of the Situation and the Abuttals and Boundaries of the same, and the Quantity of Acres, Roods, and Perches in each of the said respective Parishes of Whaplode, Holbech, and Fleet aforesaid, being Commonable Lands, and also the Arrangement and Taxation of the Land so intended to be drained as aforesaid, and the Quota to be paid and borne by the several and respective Proprietors, and also the Quota to be borne by the respective Commons in the said several Parishes of Whaplode, Holbech, and Fleet, and they, the said Commissioners, are hereby required to set down and express in their said Award, an Account of the Bridges, Drains, and other Works belonging to the said Lord's Drain, and also of the Engines, Bridges, Drains, and other Works which shall be built, made, and executed by the Commissioners in pursuance of this Act, together with an Account of all and singular other the Banks, Drains, Sluices, Cloughs, Bridges, Tunnels, and other Works, which, by the said Act, shall be deemed to be vested in, and to be under the Controul, Authority,

Authority, and Jurisdiction of the said Trustees, and Two Parts of the said Award or Instrument in Writing shall be signed and sealed by the said Commissioners, to each of which shall be annexed a Survey and Admeasurement of the Lands so directed to be made as aforesaid, and One Part of the said Award or Instrument, so to be engrossed or written, signed and sealed as aforesaid, shall, within the Space of Six Calendar Months next after such signing and sealing, as aforesaid, be enrolled with the Clerk of the Peace for the Parts of Holland, in the said County of Lincoln, and a Copy of the Enrollment, attested by the said Clerk of the Peace, or his sufficient Deputy, shall, from Time to Time, be admitted in all Courts whatsoever as legal Evidence, which Copy the said Clerk of the Peace, or his Deputy, is hereby required to make and deliver to any Person or Persons whomsoever desiring the same, he, she, or they paying for such Copy after the Rate of Two-pence per Sheet, (reckoning Seventy-two Words to each Sheet), and every Person shall have Liberty to inspect and peruse the Enrollment of the said Award, paying for every such Inspection or Perusal One Shilling and no more; and that the same Award, and all Matters done by the said Commissioners in pursuance of this Act, shall be binding and conclusive unto and upon all Parties interested therein, and after the Enrollment of the said Award one Part thereof shall be delivered by the said Commissioners to the said Trustees, at any of their Meetings to be held in pursuance of this Act, and the other Part thereof shall be lodged in the Town Chest belonging to the Parish of Holbech aforesaid.

Trustees appointed until the Execution of the Award.

XLIII. And be it further enacted, That until the Execution of the said Award of the Commissioners, the most Noble Webb Duke of Somerset, the Right Honourable John Earl of Buckinghamshire, the Right Honourable Frederick Lord Boston, the Right Honourable Sampson Lord Eardley in the Kingdom of Ireland, and every Lord or Lady of a Manor, Impropriator, Rector, or Vicar for the Time being, within the Boundary of the Lands hereby directed to be drained, whether the same are included in the Lands herein particularly described, or are taken into the said Drainage on Petition, as herein provided for; also every Lord or Lady of a Manor, Impropriator, Rector, or Vicar for the Time being, in such other Parishes through which the Main Cut or Drain, or any Part thereof, shall be made, the Senior Bursar of Saint John's College in the University of Cambridge, Sir John Trollope Baronet, Sir Joseph Banks Baronet, Oglethorpe Wainman M. D. Joshua Scrope, Bartholomew

mew Claypon, Thomas Seawell, Henry Boulton, Fairfax Johnſon, Theophilus Buckworth, William Tatam, Samuel Greaves, and John Kelk, Eſquires, and their ſeveral and reſpective Succeſſors and legal real Repreſentatives for the Time being, ſhall be, and they are hereby appointed Truſtees for the ſaid Drainage, and all Works relating to the ſaid Drainage are hereby veſted in them, as Truſtees for the Purpoſes of this Act: Provided always, That the Truſtees appointed as above ſhall have Power to nominate and appoint reſpective Agents, under their ſeveral Hands, to act for them in the ſeveral Matters and Things herein impowered or required to be done by the ſaid Truſtees.

Commiſſioners to account with Truſtees.

XLIV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to keep an Account in Writing of all Monies which they ſhall receive, or ſhall borrow, or aſſeſs on the reſpective Proprietors, for the Purpoſe of carrying into Execution this Act, or lay out in or about the ſaid intended Works, and of all and every other Expenditure relating thereto, and ſhall at all and every of the Meetings of the ſaid Commiſſioners to be held in purſuance of this Act, permit the ſaid Truſtees herein-before appointed, or any Five or more of them, to inſpect ſuch Accounts with the Vouchers for any Money therein charged to have been paid by the ſaid Commiſſioners; and the ſaid Truſtees, or any Five or more of them, are hereby authorized and impowered from Time to Time, to ſettle and ſign ſuch Accounts with the ſaid Commiſſioners, and to receive of the ſaid Commiſſioners ſuch Sums of Money as may remain in the Hands of the ſaid Commiſſioners, or their Treaſurer or Treaſurers, after the Execution of the ſaid Works ſhall be completed by the ſaid Commiſſioners, and to give Diſcharges for all ſuch Sums of Money.

Truſtees after the Execution of the Award.

XLV. And be it further enacted, That after the Execution of the ſaid Works by the ſaid Commiſſioners, and of the ſaid Award by the ſaid Commiſſioners, the Power of the ſaid Commiſſioners, and of the Truſtees herein-before appointed, ſhall ceaſe, and be for ever extinguiſhed; and that thenceforth, as well every Lord or Lady of a Manor, Rector, Impropriator, or Vicar for the Time being, within the Boundary of the Lands hereby directed to be drained, whether the ſame are included in the Lands herein particularly deſcribed, or are taken into the ſaid Drainage on Petition, as herein provided for, as every Lord or Lady of a Manor, Rector, or Vicar as aforeſaid for the Time being, in ſuch other Pariſhes through which the Main Cut or Drain, or any Part thereof, ſhall be made; and the Senior Burſar of Saint John's College for

the Time being, and every Proprietor of One hundred Acres or more of Land charged by the said Commissioners towards the Works of the said Drainage, and also every Lessee under the Crown of One hundred Acres or more of Land so charged, shall be, and they are hereby severally appointed Trustees for the future Care and Management of the said Drainage, as herein-after provided for: Provided always, That it shall be lawful for every Lord or Lady of a Manor, Rector, or Vicar for the Time being, and also for the said Bursar, and for every Owner of Three hundred Acres of Land, so charged by the said Commissioners as aforesaid, by Writing under his or her Hand, from Time to Time, and for such Time as he or she shall think fit, to appoint an Agent or Deputy to act in his or her Absence, as a Trustee for the said Drainage, such Agent or Deputy not being a Trustee in his own Right.

Appointment of Superintendant.

XLVI. And be it further enacted, That the said Trustees last appointed, or their Successors, or such of them as shall think proper to meet, or such of their Agents as shall have been appointed in Writing in that Behalf, shall annually meet on the Second Monday after the Fourth Day of May, in every Year, at the Chequer Inn in Holbech aforesaid, or such other Place as the said Trustees shall think proper; and the Majority of the said Trustees, or of such Agents as aforesaid, at such Annual Meeting, shall then and there, by Writing under their Hands, appoint some fit and proper Person to be Superintendant of the said Cut or Drain, and other Works, with such Salary as they shall think proper, which Salary shall be mentioned in such Appointment; and after the said Lord's Drain, Main Cut or Drain, Engines, Cloughs, Sluices, Bridges, and other Works herein-before provided for, shall be perfected by Order of the said Commissioners, and they shall have made their Award as herein-before directed, the said Drain called Lord's Drain, and the said Main Cut or Drain; also all the Engines, Sluices, Bridges, Banks, Headings, and other Works, together with all Interior Drains, Sluices, Cloughs, Tunnels, and Works of Drainage of the Low Lands, lying within the Limits and Boundaries aforesaid, or within any other Angle or Angles of Land which shall be taken into the said Drainage on Petition, as herein provided for, shall be, and the same are hereby for ever vested in the said last mentioned Trustees for the Time being, as a Corporation in perpetual Succession, in Trust for the Purposes of this Act; and as well the said

After Execution of the Award, Drains and other Works vested in Trustees.

Main Cut or Drain directed to be made as aforesaid, as the said Lord's Drain, and the said Engines, Sluices, Bridges, Banks, Headings, and other Works, and also the said Interior Drains, Sluices, Cloughs, Tunnels, and Works of Drainage, so vested as aforesaid, shall from Time to Time be under the Inspection and Care of, and as often as necessary shall be amended, repaired, and kept in good Condition by the said Superintendant for the Time being, and the said Lands and Grounds before described, and all and any other Lands and Grounds that shall be included in the said Drainage on Petition, as herein provided for, shall be chargeable by a Majority of the said Trustees, including such Agents as aforesaid, who shall be present at their Annual Meeting, from Time to Time, with such equal Tax or Rate as they shall think proper, not exceeding the Sum of One Shilling per Acre, in any One Year, for every Acre of the said Land, comprized or to be comprized within the said Drainage and Improvement, including the Lands draining by the Lord's Drain, which said Tax or Rate shall be payable to the said Superintendant, on or before the First Day of June in every Year, and shall be applied by the said Superintendant in retaining to himself the said Salary, and in the Maintenance, repairing, and supporting of the said Lord's Drain, and the said Main Cut or Drain therein directed to be made, and the Forelands thereof; and also, such interior Drains, Engines, Cloughs, Sluices, Bridges, and other Works, as shall be mentioned in the said Award, or shall from Time to Time (except in Cases of Emergency, in which the said Superintendant is hereby authorised to use his own Discretion) be ordered and directed to be done by a Majority of the said Trustees, who shall be present at any of their Annual Meetings to be held in pursuance of this Act, and the Surplus (if any) shall be paid over by him, upon his going out of Office, to his Successor.

Annual Tax One Shilling *per* Acre.

Officers to give Security.

XLVII. And be it further enacted, That no Person shall be capable of acting in the Capacity of Superintendant of the said Works, until he shall have given Security to the said Trustees, or to any Five or more of them, with sufficient Sureties, for the Payment of such Sum of Money as to the said Trustees appointing the said Superintendant shall seem fit and reasonable, the same to be conditioned for the due Performance of the said Office of Superintendant; and also for duly accounting for and applying all Sums of Money which shall come to his Hands by virtue of such Office; and that in

case

case any such Superintendant shall be continued for more than One Year, the said Security shall be renewed, or a fresh one shall be taken, (except in case the said Superintendant shall be continued for more than One Year at a Time, by reason of the Nonattendance of the said Trustees to elect a new Superintendant, in which Case the Person or Persons who shall be Surety or Sureties for the said Superintendant on his Appointment, shall continue liable according to the Tenor of the Condition of their Bond or Security), until a Meeting shall be had to discharge the said Superintendant, or until he shall be otherwise discharged at his own Desire, in Manner aftermentioned.

Trustees to appoint Clerk and other Officers.

XLVIII. And be it further enacted, That the Trustees so last appointed, or their Successors, or the major Part of such of them as shall be present at any Annual Meeting, shall have the like Power and Authority as is herein-before given to the said Commissioners to appoint a Treasurer or Treasurers, Clerk or Clerks, or any other Officer or Officers, with such Salary or Salaries, except to the said Treasurer, as they shall think proper, taking such Security from the said Treasurer as is herein-before directed to be taken by the said Commissioners of the Treasurer to be by them appointed.

Trustees to settle the Officers Accounts,

XLIX. And be it further enacted, That the said Trustees, including such Agents as aforesaid, or the major Part of such of them as shall by themselves or their Agents attend the said Annual Meeting, shall settle the Accounts of the said Treasurer and Superintendant to be by them from Time to Time appointed; and any Twelve or more of the said Trustees shall be, and they are hereby empowered, at any Time, to remove the said Treasurer or Superintendant at their Pleasure, and to settle and allow their several Accounts at the Time of their said Removal, and to appoint others in their Places and Steads, in case from Negligence or Misconduct it shall become necessary in the Opinion of such Twelve of the said Trustees, or in case the said Treasurer or Superintendant shall happen to die; and the said Trustees, or any One or more of them, are and is hereby authorized and empowered to administer such Oath or Oaths, Affirmation or Affirmations, to the said Treasurer and Superintendant touching the said Accounts, when he shall attend to pass the same, in order to the verifying thereof, as the said Trustees, or any One or more of them, shall think proper; and the Surety or Sureties herein-before directed to be taken shall not be discharged from Responsibility

who may remove them.

sibility until the said Treasurer and Superintendant shall have been duly discharged from their respective Offices, and have passed their several Accounts.

What shall be done in case Trustees do not meet to appoint Superintendant.

L. And be it further enacted, That in case it shall happen that the said Trustees shall neglect to meet, by themselves or their Agents, for the Purpose of electing a new Superintendant by virtue of this Act, then, and in such Case, the Superintendant who shall have been elected and appointed at the next preceding Meeting, shall continue in his Office of Superintendant until the next annual Day of Meeting appointed by this Act for electing a Superintendant, under the same Salary as in his Appointment mentioned: Provided always, that in case the said Superintendant for the Time being shall be desirous of being discharged from his said Office, it shall be lawful for him to give Notice in Writing to the said Trustees, or any Ten or more of them, by leaving the same at their usual Places of Abode Three Months at least before the Time of quitting his said Office; and the said Superintendant for the Time being shall, at the End of the said Three Months, be from thenceforth discharged; but the Surety shall not be discharged from Responsibility until his Accounts shall be settled, and signed by Ten of the said Trustees.

Annual Tax how to be levied.

LI. And be it further enacted, That in case any Occupier or Occupiers of Land to be annually rated and taxed by the Trustees herein appointed, shall refuse or neglect to pay the Rate or Tax charged upon him, her, or them respectively, within Forty Days next after the respective Times of Payment as aforesaid, (publick Notice thereof being given as aforesaid), it shall be lawful for the said Superintendant, Collector or Collectors for the Time being, or any other Person or Persons by virtue of any Warrant or Precept under the Hands and Seals of any Two of the said Trustees, (which Warrant or Precept such Trustees, or any Two of them, are hereby empowered and required to grant as Occasion shall require), to levy the Sum so rated or taxed by Distress and Sale of the Goods and Chattels of such Person or Persons making Default as aforesaid, wherever the same shall be found; and also, of any Goods and Chattels that shall be found upon the said Lands and Premises so charged with any such Sum or Sums of Money, and the Goods and Chattels so distrained shall be kept for Five Days, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers, leaving Notice in Writing of the Cause of such Distress and Sale, at his, her, or their

Dwelling House, or on some conspicuous Part of the said Lands and Grounds; and if the said respective Occupier or Occupiers do not pay the several Sums of Money so assessed or rated within the Space of Five Days, that then the said Goods and Chattels so distrained shall be appraised by Two or more of the Inhabitants of the Parish, Township, or Place where the same shall be taken, or by other sufficient Persons, in order to be sold by the said Superintendant, Collector or Collectors, who is and are hereby authorized to sell the same for Payment of the said Money so assessed and rated, and the Overplus arising by such Sale (if any be), after deducting the said respective Sums so rated or assessed, and the Charges of taking, keeping, appraising, and selling the said Goods and Chattels, shall be returned to such respective Occupiers on Demand; and the several and respective Tenants of the said Lands and Grounds so directed to be drained and improved as aforesaid, which shall be rated or assessed by virtue of this Act, are hereby required and authorized to pay such several Sums of Money as shall be so rated and assessed upon such Lands and Grounds respectively, and to deduct the same out of his, her, and their Rent; and every Tenant or Tenants who shall make such Payments, shall be acquitted and discharged of so much Money as the said Assessment or Rate shall amount unto, as if the same had been actually paid unto the Person or Persons to whom his, her, or their Rent was due or payable: Provided always, That in case any Tenant shall hold any Lands so to be annually taxed, by virtue of, or under any Lease or Agreement for more than One Year, then such Annual Tax shall be paid by the Tenants of the said Lands, without any Power of setting the same off against the Landlord; any Thing herein contained to the contrary thereof notwithstanding.

Tenants to pay Taxes, and deduct the same out of their Rent.

LII. Provided always, and it is hereby enacted and declared, That no Lessee or Tenant of any Lands or Grounds chargeable with the said Rate or Tax, who shall hold the same by virtue of any Lease for which a Fine or Foregift has been paid, or by any other beneficial Lease whatsoever, shall be intitled to deduct the said Rate or Tax out of the Rent reserved and made payable by any such Lease to his or her Landlord or Landlords, but the said Rate or Tax shall be charged upon, borne and paid by the Lessee or Tenant so holding such Lands or Grounds under any such last mentioned Lease; any Thing hereinbefore contained to the contrary thereof notwithstanding.

Except under beneficial Leases.

Method of recovering the Assessment of Land untenanted.

LIII. Provided also, and be it further enacted, That in case any of the said Lands and Grounds, lying in the several Towns and Hamlets aforesaid, shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found whereon to levy the said Annual Taxes or Assessments, then the Lands and Grounds charged with such Annual Taxes and Assessments shall remain a Security for Payment thereof, and after Default of Payment for Forty Days, the said Superintendant is hereby authorized and impowered to let the said Lands and Premises, from Year to Year, at the best Rent that can be got for the same, and to take the Rents and Profits thereof, until the said Annual Taxes and Assessments, and all Arrears thereof, and all Expences occasioned by the Nonpayment thereof, shall be fully satisfied and paid, and the Residue (if any) shall be paid into the Hands of the Treasurer or Clerk of the said Trustees, and shall be by him paid to the Owner or Owners of such Lands, or his, her, or their Agent or Agents, when demanded.

The first Meeting of the Trustees.

LIV. And be it further enacted by the Authority aforesaid, That, from and after the Execution of the Award of the said Commissioners, the said Trustees last appointed shall meet together at the Chequer Inn, in Holbech aforesaid, on the Second Monday after the Fourth Day of May then next following, and proceed to the further Execution of this Act, and shall and may adjourn themselves from Time to Time, and meet at the same, or any other Place, as often as the said Trustees, or the Majority of them present, shall think proper; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear Five Trustees to act and to adjourn to another Day, or in case the Trustees shall omit or neglect to adjourn themselves, that then, or in either of the said Cases, their Clerk or Clerks shall, by Notice in Writing to be affixed on the Church Doors of the several Parishes within the Purview of this Act, at least Ten Days before the next Meeting, appoint the Trustees to meet at the same Place where the last Meeting was appointed to be held, on that Day Fortnight after the Day on which such last Meeting was appointed; and the said Trustees, at their Meetings, shall bear and pay their own Expences.

All Orders to be at Meetings.

LV. Provided always, That no Adjournment of the said Trustees shall be made for a longer Time than Two Months, and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings.

Meetings to be held in pursuance of this Act, and not otherwise; and that no such Orders or Determinations shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Twelve Trustees shall be present, nor unless the Person or Persons applying to revoke or alter any such Order, shall give Notice thereof in Writing to the Clerk of the said Trustees, to be by him affixed on the Church Doors of the several Parishes within the Purview of this Act, at least Ten Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees, who are Justices of the Peace, may act as Justices in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees not to hold Places of Profit, but may act as Justices.

LVI. Provided always, and be it further enacted, That Three Trustees shall be sufficient for the Purpose of Adjournment, and if it shall at any Time happen that a sufficient Number of Trustees shall not appear at the Time and Place appointed for any of their Meetings, or that the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Three or more of the said Trustees, at any Time or Times, the Space of Seven Days having first intervened, to appoint the said Trustees to meet at some House in or near the Parishes within the Purview of this Act, upon that Day Fortnight after the Date of such Notice, which said Notice shall be in Writing, and shall be affixed on the several Church Doors of the said Parishes within the Purview of this Act, and the same shall be deemed and taken to be sufficient Notice for any such Meeting.

Method of Adjournment.

LVII. Provided, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent the Owners and Occupiers of Lands and Hereditaments in the said several Parishes of Sutton Saint Mary and Tyd Saint Mary, from Time to Time, and at all Times hereafter, from running their Waters out of the said Parishes into the said Drain called Dereham's Drain, but that such Right shall for ever hereafter be enjoyed, in such Manner as they have heretofore enjoyed, and now do enjoy the same.

Land Owners in *Sutton St. Mary* and *Tyd St. Mary* to run their Waters into *Dereham's Drain*.

LVIII. And

Penalty on destroying the Works.

LVIII. And be it further enacted, That all and every Person or Persons who shall, at any Time or Times hereafter, wilfully or maliciously cut, throw down, burn, or otherwise destroy, any Bank, Mill, Engine, Floodgate or Sluice, which shall at any Time hereafter be made or erected for the draining or improving the said Lands or Grounds, or any Part thereof, or let in Salt Water at either of the said Sluices, and shall thereof be lawfully convicted, shall be guilty of Felony, and liable to be transported as a Felon, for Seven Years.

Penalty on Persons damaging Drains, &c.

LIX. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, wilfully or designedly damage any Drain, Watercourse, Door, Dam, Bridge, or other Work or Works already made or erected, or which shall at any Time hereafter be made or erected, for answering any the Purposes aforesaid, all and every Person and Persons so offending, and being thereof convicted before Two or more Justices of the Peace for the said Parts of Holland Elloe, who are hereby authorized and required to hear and determine the same, on the Oath of One or more credible Witness or Witnesses (or on the Confession of the Party offending), shall forfeit for every such Offence any Sum not exceeding Fifty Pounds, nor less than Five Pounds, (as the said Justices shall order and direct), to be paid to the said Commissioners, or the said Trustees, or any Five or more of them, to be applied for the Purposes of this Act, and to be levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of any Two or more of the said Justices of the Peace before whom such Conviction shall be made, and in Default of such Distress or Payment, the Person or Persons so offending shall, by the said Justices, be committed to the House of Correction of the said Parts of Holland Elloe, there to be kept to hard Labour for such Time as the said Justices shall order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices, by whom such Commitment shall be made.

Application of the Fines.

LX. 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 Superintendant for the Time being, and shall be applied and disposed of in defraying the Works of Drainage aforesaid, and to and for no other Use or Purpose whatsoever.

LXI. And

LXI. And be it further enacted, That the laying down and repairing such Tunnels, as may from Time to Time become necessary for the conveying of fresh Water through the Banks and other Works of this Drainage, and under Controul and Direction of the Court of Sewers, or such other Person as had Cognizance thereof, in the same Manner as before the passing of this Act, the same Controul and Direction being hereby reserved, shall not be construed to be the damaging or destroying any of the Works of this Drainage within the Meaning of this Act; any Thing herein contained to the contrary thereof notwithstanding. A Reservation of Controul to the Court of Sewers.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to impower or authorize the Commissioners or Trustees herein appointed, or any other Person or Persons whomsoever, to lay down any Tunnel through the East Bank of the River Welland, or to use or exercise any Power or Authority over any Tunnel lying through the said Bank, for the Purpose of taking in fresh Water, or anywise to intermeddle with the Navigation on the said River; but that all Power and Authority over such Tunnels and Navigation, shall remain and continue in the Court of Sewers, and in the Adventurers of Deeping Fen, in the same Manner as before the passing of this Act; any Thing herein contained to the contrary thereof in anywise notwithstanding. Another Reservation.

LXIII. 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, by reason of any Penalties or Damages to be levied by virtue of this Act, may appeal to the Justices of the Peace for the Wapentake of Elloe, in the County of Lincoln, at the next General or Quarter Sessions of the Peace to be held for the said Wapentake, after the Cause of such Appeal shall happen, the Person or Persons so appealing first entering into a Recognizance with Two sufficient Sureties, to the Satisfaction of the said Justices, whose Order or Judgement shall be so appealed against, to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said Justices in the said General or Quarter Sessions, in case such Orders and Judgement shall be affirmed; and the said Justices, in their said General or Quarter Sessions, are hereby authorized and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them Persons aggrieved may appeal to the Sessions.

Whose Determination shall be final.

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.

Proceedings not to be quashed for want of Form.

LXIV. 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 of this Act granted, shall be quashed or vacated for Want of Form only.

Limitation of Actions.

LXV. And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be brought and laid in the said County of Lincoln, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and

General Issue.

may plead the General Issue, and, if in Replevin, may justify and avow by virtue of this Act, and give this Act and the Special Matter in Evidence, without specially pleading the same, (other than as aforesaid), at any Trial before limited for bringing the same, and if the same shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Suit, or Suits, or if any Verdict shall pass, or Judgement be given against him, her, or them, upon Demurrer or otherwise, then, and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall re-

Treble Costs.

cover Treble Costs, for which he, she, or they shall have the like Remedy as where Costs are awarded.

Not to recover but for special Damage.

LXVI. 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 or Persons aggrieved by such Irregularity

gularity shall and may recover full Satisfaction for the special Damage, in any Action upon the Case.

As to Mineral Rights.

LXVII. Provided always, and be it further enacted, That nothing herein contained shall prejudice the Rights of the present or any future Lord or Lords, Lady or Ladies of any Manor or Manors, of, in, or to the Seignories, Royalties, Rights, and Services, incident and belonging to the respective Manors within the Parishes and Hamlets aforesaid, or any of them; but that such Lord or Lords, Lady or Ladies respectively, for the Time being, and all Persons claiming or to claim under or in Trust for him, her, or them, or any of them respectively, as Lord or Lords, Lady or Ladies of the said respective Manors, shall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites of Court, and all Profits of Court, Waifs, Strays, Fishings, and all other Royalties and Privileges to the said respective Manors, or to the Lords or Ladies thereof belonging, or in anywise appertaining, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as they, he, or she, or either of them, might have held and enjoyed the same, in case this Act had never been made.

Saving Clause to Commissioners of Sewers over Lands not comprized within the Act.

LXVIII. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, in any Manner howsoever, to destroy, affect, or injure the Rights and Interests of the Mayor, Aldermen, and capital Burgesses of the Town or Borough of Stamford, in the County of Lincoln, or their Successors, Tenants, or Agents, or of the Court of Sewers, or of the Adventurers of Deeping Fen, of, in, and to the said River Welland, or any Part thereof, or the Navigation thereof, or to take from the said Court of Sewers, or from the said Adventurers of Deeping Fen, any Jurisdiction, Right, Power, or Authority that they now have in or over the Lands, Drains, Tunnels, and other Works in South Holland aforesaid, not herein expressly taken out of the said Court of Sewers, or from the said Adventurers, and vested in the said Trustees for this Drainage; but that the same Jurisdiction, Right, Power, and Authority, so not taken out of the said Court of Sewers, or Adventurers, and vested in the said Trustees, shall remain vested in the said Court of Sewers and Adventurers respectively, in the same Manner as before the passing of this Act: Provided always, that the Exercise of such Jurisdiction, Right, Power, and Authority so reserved, shall not interfere with or interrupt the Execution of this Act.

LXIX. And

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

FINIS.

ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

TRICESIMO TERTIO.

At the Parliament begun and holden at *Weſtminſter*, the Twenty-fifth Day of *November Anno Domini* 1790, in the Thirty-firſt Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by ſeveral Prorogations, to the Thirteenth Day of *December* 1792; being the Third Seſſion of the Seventeenth Parliament of *Great Britain*.



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